

# MAINE STATE LEGISLATURE

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# L A W S

OF THE

## STATE OF MAINE;

TO WHICH ARE PREFIXED

THE

CONSTITUTION OF THE U. STATES

AND OF SAID STATE,

IN TWO VOLUMES,

WITH AN APPENDIX.

.....  
VOL. I.  
.....

Published according to a resolve of the State, passed  
March 8, 1821.

BRUNSWICK.

Printed by J. Griffin, for the State.

.....  
1821.

to injure him, break, bruise, cut, mutilate, injure or destroy, any fruit tree, tree for ornament or shade, or shrub cultivated thereon, for ornament or use, and which shall be standing or growing thereon, such person so offending, shall forfeit and pay to the use of the State, a sum not less than ten dollars, nor more than one hundred dollars, to be recovered by indictment or information, in manner as is provided in the second section of this Act.

how recovered.

Penalty for committing such wrongs on Lord's day or by night.

Limitation of prosecutions.

SEC. 8. *Be it further enacted*, That if any person shall commit any of the trespasses mentioned in this Act, on the Lord's day or in the night time, that is to say, between sun-setting and sunrising, he shall be liable to double the penalties and forfeitures, the same to be prosecuted for, and recovered in manner as before provided; and all prosecutions for breaches of this Act, shall be commenced within one year from the time the offence shall be committed, or the penalties or forfeitures shall have accrued, and not afterwards.

[Approved March 19, 1821.]

#### CHAPTER XXXIV.

An Act to prevent the waste and destruction of Timber and Cord Wood.

Persons seized of freehold estate or remainder or reversion in fee simple or fee tail may apply to Supreme Judicial Court for leave to cut timber and cord wood.

Notice to be ordered.

Court may appoint persons to examine & report.

SEC. 1. *BE it enacted by the Senate and House of Representatives, in Legislature assembled*, That any person seized of a freehold estate, or of a remainder or reversion in fee simple, or fee tail, in a lot or tract of wood land or timber land in this State, whereon the trees shall have come to an age and growth fit to be cut, may prefer a petition to the Supreme Judicial Court, holden in any county, representing the state and condition of such trees, and praying that the same may be felled and sold, and the proceeds thereof invested for the use of the persons interested in such wood land; and the said Court may thereupon order due notice to be given to all persons known to be interested therein, to appear and show cause, if any they have, why the prayer of such petition should not be granted; and after hearing the parties, if any shall appear, may appoint one or more persons to examine said wood land, or timber land, and if

from their report, or other evidence which shall be exhibited to the Court, it shall appear that the trees upon said land are of an age and growth fit to be cut, and likely to deteriorate in value, the said Court may, and they are hereby empowered to license and order, on such terms and conditions as said Court shall require, the whole, or such part of such trees, as they shall think proper, to be felled and sold, and the money arising from the sale thereof to be brought into Court subject to their further order.

And may, if thought proper, grant leave on such terms as they may direct.

SEC. 2. *Be it further enacted,* That the said Court shall and may appoint one or more commissioners, whose duty it shall be to superintend and direct, the felling of said trees, and the sale of the same, and to account to said Court for the proceeds thereof, and also to give bond to the Clerk of said Court, or such other person as the Justices of said Court shall appoint, for the faithful performance of the trust. And the said Court may, and they are hereby further empowered, to cause the net proceeds of said trees after paying all necessary expenses and charges, to be invested in other real estate in this State, or in public stocks, at their discretion, to be holden to the same uses and subject to the same limitations as such wood land or timber land; and the income and profits thereof, to be paid to the person or persons entitled to the income and profits of said wood land or timber land, or to be paid and apportioned to and among the several persons interested in the same estate, in such portions as to the said Court shall appear just and equitable; and also to appoint one or more Trustees to take and hold such estate or stock for the uses aforesaid; and such Trustees to remove and others appoint in their stead, when and so often as the security and good management of the property shall require it: which Trustees shall also give bond, with good and sufficient sureties, to said Clerk or other person, as aforesaid, for the faithful execution and performance of the said trust.

Court to appoint Commissioners to superintend the cutting and selling the trees and account for proceeds to the Court.

Proceeds may be invested in other lands, stocks, &c.

Income to be paid among persons interested.

Court may appoint trustees to take and hold stocks, &c.

Trustees to give bond.

[Approved February 28, 1821.]