

MAINE STATE LEGISLATURE

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L A W S

OF THE

S T A T E O F M A I N E ;

TO WHICH ARE PREFIXED

THE

C O N S T I T U T I O N O F T H E U . S T A T E S

AND OF SAID STATE,

IN TWO VOLUMES,

W I T H A N A P P E N D I X .

.....
VOL. II.
.....

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

ERRATA:

**The following leaf is
inserted because one or more pages
in this chapter have errors
noticed and corrected here.**

VOLUME THE SECOND.

<i>Page.</i>		<i>Page.</i>	
463	Line 7 of page, dele the word <i>whole</i>	663	S. 2 L. 6 of S. dele <i>of</i>
464	Sec. 8 L. 12 of Sec. for <i>towns</i> read <i>town</i>	666	5 2 after the word <i>Governor</i> insert, and <i>Council</i>
484	27 6 at the end of the line insert the word <i>that</i>	666	5 last for <i>his</i> read <i>the</i>
492	43 11 after the word <i>owing</i> insert to	667	L. 3 of the page, dele <i>who</i>
496	47 25 for <i>duty</i> read <i>body</i>	668	S. 10 L. 1 of S. for <i>where</i> read <i>when</i>
500	54 3 at the end of the line dele <i>the</i>	669	L. 3 of p. for <i>effect</i> read <i>affect</i>
506	7 6 after the word or dele to	670	S. 5 L. 7 of S. for <i>the</i> read <i>such</i>
515	L. 28 of p. for <i>highway</i> read <i>highways</i>	671	L. 2 of p. for <i>in</i> read <i>on</i>
517	S. 16 L. 11 of S. after the word <i>be</i> insert <i>the</i>	672	S. 9 L. 3 of S. for <i>make</i> read <i>mark</i>
518	18 9 for <i>of</i> read <i>or</i>	672	11 2 for <i>and</i> read <i>or</i>
520	23 11 before the word <i>proprietors</i> insert <i>the</i>	674	11 8 before the word <i>each</i> insert <i>for</i>
523	L. 6 of p. after the word <i>person</i> insert <i>of</i>	674	2 7 before the word <i>drying</i> insert <i>the</i>
523	last for <i>cannot</i> read <i>can</i>	676	L. 5 of p. for <i>not</i> read <i>none</i>
526	9 for <i>laws</i> read <i>law</i>	677	4 for <i>quality</i> read <i>quantity</i>
533	16 for <i>assessments</i> read <i>assessment</i>	681	Sec. 4 last line of Sec. after the word <i>owner</i> insert <i>or owners</i>
534	13 for <i>appears</i> read <i>appear</i>	682	Sec. 5 L. 2 of Sec. dele <i>away</i>
535	4 at the end of the line insert <i>of</i>	684	2 3 for <i>galo</i> read <i>golo</i>
535	3 from bottom of p. for <i>causes</i> read <i>cause</i>	686	4 2 for <i>on</i> read <i>or</i>
537	S. 12 L. 2 of S. for <i>in</i> read <i>of</i>	687	3 6 before the word <i>stamped</i> insert <i>not</i>
539	L. 11 of p. between the words <i>the</i> and <i>day</i> should be a '—'	688	L. 24 of p. before the word <i>arms</i> at the beginning of the line insert <i>the</i>
539	15 for <i>where</i> read <i>wherein</i>	694	L. 15 of p. after the word <i>shall</i> insert <i>also</i>
543	S. 18 L. 13 of S. dele <i>the</i> before the word <i>said</i>	694	16 after the word <i>of</i> insert <i>the</i>
545	21 7 for <i>and</i> read <i>or</i>	695	12 for <i>usage</i> read <i>usages</i>
546	1 6 for <i>this</i> read <i>thus</i>	716	8 for <i>fixed</i> read <i>affixed</i>
547	2 7 for <i>this</i> read <i>thus</i>	723	6 from bottom of p. dele <i>in</i>
547	2 11 for <i>in capacity</i> read <i>incapacity</i>	734	Sec. 51 L. 4 of Sec. before the word <i>auditing</i> insert <i>the</i>
553	L. 2 of p. at the end of the line insert <i>such</i>	742	L. 4 of p. after the word <i>orders</i> insert <i>to be</i>
556	S. 1 L. 18 of p. for <i>master</i> read <i>masters</i>	744	L. 3 from bottom of p. before the word <i>refuse</i> insert <i>shall</i>
557	L. 16 of p. for <i>in</i> read <i>of</i>	745	Sec. 1 L. 6 of Sec. before the word <i>good</i> insert <i>six</i>
560	S. 7 L. 4 of S. for <i>Court of Sessions</i> read <i>Courts of Sessions</i>	746	2 15 before the word <i>advice</i> dele <i>the</i>
566	1 7 for <i>every</i> read <i>any</i>	751	5 11 for <i>owners</i> read <i>owner</i>
570	9 5 after the word <i>them</i> insert <i>as</i>	751	5 15 for <i>taking</i> read <i>taken</i>
572	12 5 after the word <i>fine</i> insert <i>of</i>	751	5 25 for <i>owners</i> read <i>owner</i>
573	1 3 for <i>and</i> read <i>or</i>	753	8 23 for <i>spurs</i> read <i>spar</i>
576	L. 18 of p. for <i>pounds</i> read <i>ounces</i>	754	10 3 after the word <i>or</i> insert <i>any</i>
576	last line of the page dele <i>and</i>	758	L. 2 of p. for <i>sales</i> read <i>sale</i>
591	S. 5 L. 2 of S. before the word <i>action</i> insert <i>an</i>	759	24 for <i>minor</i> read <i>minors</i>
592	3 3 for <i>time</i> read <i>times</i>	761	19 for <i>another</i> read <i>any other</i>
601	L. 11 of p. at the end of the line insert <i>drawn</i>	761	last dele <i>other</i>
	After p. 604 read p. '605' instead of '506'	762	22 before the word <i>fish</i> insert <i>any</i>
604	S. 12 L. 2 of S. after the word <i>passing</i> insert <i>on</i>	766	6 after the word <i>notice</i> insert <i>is</i>
606	for Sec. 14 read Sec. 16	766	Sec. 5 L. 6 of Sec. for <i>damages</i> read <i>damage</i>
608	S. 22 L. 5 of S. for <i>monies</i> read <i>money</i>	769	4 14 dele <i>to the</i>
610	3 18 dele <i>any</i>	772	first word of the p. for <i>damage</i> read <i>damages</i>
614	4 4 for <i>funnel</i> read <i>fund</i>	774	Sec. 2 L. 7 of Sec. for <i>and</i> read <i>or</i>
617	L. 5 of the page dele <i>a</i>	774	2 14 for <i>any</i> read <i>every</i>
617	S. 1 L. 6 of S. for <i>purpose</i> read <i>purposes</i>	775	1 3 for <i>paasing</i> read <i>passing</i>
621	1 9 for <i>such</i> read <i>said</i>	777	L. 17 of p. for <i>these</i> read <i>their</i>
622	3 16 for <i>or</i> read <i>on</i>	780	14 for <i>ninth</i> read <i>twenty ninth</i>
624	2 12 after the word <i>returns</i> insert <i>as</i>	780	35 for <i>sixteenth</i> read <i>seventeenth</i>
626	3 6 before the word <i>Cashier</i> insert <i>the</i>	788	25 for <i>eight</i> read <i>eighth</i>
631	4 3 before the end of the S. for <i>course</i> read <i>course</i>	790	28 after the word <i>Act</i> insert <i>providing</i>
634	16 5 of S. for <i>inspected</i> read <i>uninspected</i>	791	13 after the word <i>for</i> dele <i>the</i>
635	17 last for <i>and</i> read <i>or</i>	791	14 after the word <i>idle</i> dele <i>and</i>
638	L. 9 of p. for <i>and</i> read <i>or</i>	793	5 for <i>galo</i> read <i>golo</i>
642	7 dele <i>who</i>	793	27 after the word <i>Act</i> dele <i>for</i>
643	S. 4 L. 6 of S. dele <i>are</i> after <i>and</i>	797	4 at the end of the line for <i>eight</i> read <i>eighth</i>
650	4 14 before the word <i>also</i> insert <i>as</i>	808	34 for <i>from</i> read <i>upon</i>
656	12 3 for <i>on</i> read <i>or</i>		
658	in the title, after the word <i>Act</i> insert <i>for</i>		

certify or make known to such Selectmen, or Court empowered to grant such license, that such person, so applying, shall have within the year then last past, given credit to any under graduate of either of said colleges contrary to the provisions in the first section of this Act.

SEC. 3. *Be it further enacted,* That if any person shall give credit to any under graduate of any of the colleges within this State, contrary to the provisions of this Act, the corporations of the said colleges respectively, or the Treasurers of the same, may have and maintain, in any Court within this State proper to try the same, an action on the case in the corporate name of the said colleges respectively, or in the name of the Treasurers thereof respectively, against the person or persons so giving credit, and shall have and recover a sum equal to the amount so unlawfully trusted or credited, whether the amount, so credited to any such under graduate, shall have been paid or not: and the amount so recovered shall go and enure, the one half thereof to the benefit of the said colleges, respectively, and the other to the benefit of the poor of the town in which such credit may have been given.

Penalty for violation of this act, and mode of recovery.

[Approved February 28, 1821.]

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CHAPTER CLXVIII.

An Act to secure to owners their property in Logs, Masts, Spars and other Timber in certain cases.

SEC. 1. *BE it enacted by the Senate and House of Representatives, in Legislature assembled,* That if any person shall take, carry away or otherwise convert 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, spar, or other timber, the property of another, whether the owner thereof be known or unknown, lying or being in any river, pond, bay, stream or inlet, or on the bank or shore of any river, pond, bay, stream or inlet within this State; or if any person shall cut out, alter or destroy any mark or marks of any owner or owners, made on any such log, mast, spar, or other timber, whether the

Penalty for taking logs, &c. without owner's consent in any river, pond, &c. in this State—

for cutting out marks on logs, &c.

owner thereof be known or unknown; the person so offending shall forfeit and pay to the use of the State, a fine not less than twenty five dollars, nor more than fifty dollars, for each and every such log, mast, spar or other piece of timber so taken, carried away or converted: or upon which the mark or marks so made, shall have been cut out, altered or destroyed as aforesaid; to be recovered by indictment before any Court of competent jurisdiction, with costs of prosecution; or any person committing either of the offences aforesaid shall forfeit and pay the sum of twenty five dollars for every log, mast, spar or other piece of timber, so by him taken, carried away or converted, or on which such mark or marks shall have been cut out, altered or destroyed, when the owner or owners thereof shall be unknown, to the use of the person who shall sue therefor; or the sum of fifty dollars for every such log, mast, spar, or other piece of timber, when the owner or owners thereof shall be known; to the use of such owner or owners; to be recovered in an action of debt in any Court of competent jurisdiction.

to be recovered by action of debt.

Logs, &c. floated and lodged upon land of others, to be forfeited to owner of lands after certain time.

SEC. 2. *Be it further enacted*, That all logs, masts, spars, or other pieces of timber, carried by freshets, or otherwise lodged upon any lands adjoining said rivers, ponds, bays streams or inlets, shall be forfeited to, and become the property of the owner or occupier of the lands so incumbered, after the expiration of two years, from the time the same may have been carried or lodged upon said lands, if improved, or after the expiration of four years, if the same are unimproved.

Owner of such logs may, within time limited, enter on lands and remove the timber, paying compensation.

SEC. 3. *Be it further enacted*, That the owner or owners of such logs or other timber, mentioned in the second section of this Act, may lawfully enter on said land and remove said timber therefrom, at any time within two years from the time the same may have lodged as aforesaid, on said lands, if improved; or at any time within four years as aforesaid, if unimproved, on paying or tendering to the owner or occupier of the said lands, so incumbered with logs or other timber, a reasonable compensation for the damages which said owner or occupier may have sustain-

ed by said logs, and as may be occasioned by the removal of the same.

SEC. 4. *Be it further enacted*, That whenever the owner or owners of such timber, mentioned in the second and third sections of this Act, shall remove the same from any of said lands, or have caused the same to be removed therefrom without having paid or tendered the compensation for damages, as in the third section of this Act is prescribed; the owner or occupier of such land may commence, and is hereby authorized to have and maintain an action of the case against the owner or owners of said timber, or against the person or persons removing the same, to recover compensation for the damages aforesaid: *Provided*, That said action be commenced within one year from the time said timber is removed from said land.

If owner of such logs, &c. remove the same, without paying compensation, liable to damages.

Limitation of action for damages.

SEC. 5. *Be it further enacted*, That whenever any logs, masts, spars or other timber, shall be taken up and secured for the owner, below the great boom (so called) in Saco river, between Biddeford and Saco, the person or persons so taking up and securing said logs, masts, spars or timber, shall be entitled to one sixth part of said logs, masts, spars or timber, if taken up above the lower falls on said river and below said boom; or if taken up and secured below said lowest falls on Saco river, one third part of all logs, masts, spars or other timber so taken up and secured for the owners of the same: and if taken up and secured for the owners at the bridges called Spring's bridges between Biddeford and Saco, below the great boom, so called, and above the lower falls in Saco, the proprietor or proprietors of said bridges, so taking up, and securing said logs, masts, spars or other timber, shall therefor be entitled to one fourth part of all such logs, masts, spars or other timber so taken up and secured: *Provided*, The person or persons so taking up and securing the same, shall, in all such cases advertise said logs, masts, spars or timber, describing the same and the marks (if any there be) on the same, within seven days after so taking up and securing them, by posting up such advertisement in one or more of the public inns, in Saco and Biddeford; and if no such advertisement shall be posted up as aforesaid, the owners of such logs, masts, spars or timber, may take

Compensation for taking up and securing logs, &c. between Saco and Biddeford in divers places above Saco falls.

Person taking up and securing logs, &c. to give notice, and manner of notifying.

If no notice be given, owner of logs, &c.

may take them without paying any compensation, &c. If no owner appear and demand, &c. within three months after notice advertised, the timber, &c. to become property of the person securing it. Penalty for disposing of such logs, timber, &c. within three months,

to be recovered by action of debt.

Passage way to be left open to the slip.

Possession of logs, &c. with marks cut out, to be evidence against person possessing, unless, &c.

Penalty for stopping logs, &c. in Saco, Androscoggin, Kennebec, Great and Little Ossipee rivers.

the whole, without paying any sum for taking up and securing the same; and if no owner shall appear to take a part of said logs, masts, spars or timber, and demand his part thereof, within three months from the day it is advertised as aforesaid, then the whole of said logs, masts, spars or other timber shall become the property of the person who shall take up and secure the same as aforesaid; and any person or persons, using, selling, or any other way disposing of said logs, masts, spars or other timber, or any part thereof, within the term of three months from the time of taking up and advertising the same in manner aforesaid, unless he purchases the same of the lawful owner, shall be liable to pay the owner thereof treble the value of such logs, masts, spars or piece of timber, with costs of suit, on being convicted thereof; to be recovered by action of debt, in any Court of competent jurisdiction: *Provided*, That a passage way shall be kept open by the owners of said bridge to the slip, which is made on the east side of Saco river, for the running of boards and other timber so that the proprietors of the said slip may possess all the advantages which they have heretofore enjoyed by said slip.

SEC. 6. *Be it further enacted*, That when any person shall be prosecuted for the breach of this Act for any logs, masts, spars or timber being found in his possession with the marks cut out, or altered, as aforesaid, it shall be considered as evidence against the person possessing the same, as being guilty of a breach of this Act; unless such person shall give reasonable satisfaction to the Court or Jury which tries the cause, that neither he himself, nor any other person by his order, or for or under him did so alter or deface the marks on the same.

SEC. 7. *Be it further enacted*, That if any proprietors or owners of any boom or booms in or across Saco river, the great Androscoggin, Kennebec river, below Merry Meeting Bay, so called, Great Ossipee and Little Ossipee rivers aforesaid, shall unnecessarily detain or suffer to remain therein, any logs, masts, spars or other timber, which ought to be turned through the same, they shall forfeit and pay to the owner or owners of such logs, masts, spars, or other pieces of timber, unnecessarily detained or suffered to remain there-

in, the sum of two dollars for each log, mast, spar or other piece of timber, so detained, to be recovered in the manner provided in the fifth section of this Act: *Provided however,* Such detention aforesaid shall not exceed six days.

mode of recovery.

SEC. 8. *Be it further enacted,* That all logs, masts, spars, and other timber, the marks on which have been so defaced as not to be known, (commonly called prize logs) shall be turned from and through the several booms in Saco river, until they arrive at the Saco boom; the proprietors of which boom shall carefully raft the same by themselves, and on the first Monday of August in each year shall sell the same at public auction to the highest bidder, first giving notice of such sale, by posting up advertisements thereof in some public place in the towns of Saco, Biddeford, Buxton, and Hollis, twenty days at least before the day of sale; and the proceeds of such sale, after deducting the expense of securing and selling the same, shall be appropriated to the clearing and removing obstructions, to the passage of logs and other timber, as aforesaid, down Saco river, and be immediately paid to such committee or committees, agent or agents, as shall by said Saco boom proprietors be legally appointed for that purpose; otherwise to the Selectmen of the towns of Saco, Biddeford, Buxton, and Hollis, in proportion to their population for the use of the poor of said towns; and any person or persons not the owners thereof, who shall take, carry away, sell or mark anew any such prize logs, masts, spars or any piece of timber, contrary to the foregoing provision, shall forfeit and pay for each and every such offence the sum of twenty five dollars to be recovered by an action of debt, in any Court proper to try the same, with legal costs, by the proprietors of Saco boom; to be appropriated in the way and manner and for the purpose before mentioned in this Section.

Prize logs in Saco river, how to be disposed of by proprietors of booms, &c.

SEC. 9. *Be it further enacted,* That if the proprietors aforesaid, or any of them who by this Act are authorized and directed to take care of and secure such prize logs and other timber aforesaid, as shall from time to time be taken up and secured at Saco boom aforesaid, for the purpose aforesaid, their agents or servants, shall knowingly suffer the same to be taken away or disposed of, contrary to the intent of this

Penalty for proprietors of such booms, &c. disposing of such logs, contrary to this act.

Act, for each and every such offence shall pay a fine not less than twenty five dollars nor more than fifty dollars, for each log, mast, spar or other piece of timber so taken away; to be recovered in an action of debt in any Court proper to try the same, with legal cost by any person who shall prosecute and sue for the same.

Mode of recovery.

Owners of logs, &c. may enter mills in search of logs suspected to be there.

Penalty for preventing such search.

When logs are intermixed in the river, expense of driving to be paid by owners.

If not paid within 30 days, what proceedings to be had to obtain payment.

SEC. 10. *Be it further enacted*, That the owner or owners of any logs or other timber, or their agents, shall have liberty at all times in a peaceable manner, to enter any mill or mill brow, boom or raft of logs, or other timber, in search of any logs or other timber, which they may suspect to be there; and any person or persons who shall prevent such search, shall forfeit and pay for each and every such offence, a fine not less than twenty five dollars nor more than one hundred dollars to be recovered by action of debt in any Court proper to try the same, in the name of the person who thus sustains the damage, and to be for his use.

SEC. 11. *Be it further enacted*, That all logs, masts, spars, or other timber put into any river, pond, or stream in this State, for the purpose of being floated to market, and mixed with other logs, masts, spars, or other timber, and in such manner as they cannot be separated; such logs, masts, spars, or other timber, shall be holden, by their marks, to pay the person or persons who shall drive the same, a reasonable sum for so driving, unless the owners thereof shall appear and pay to those persons who drove any logs, masts, spars, or other timber within thirty days after such service is performed: and at the expiration of said thirty days the person or persons, performing said service shall have full power to sell at public vendue so many of said logs, masts spars or other timber as shall pay the full expense for driving the same, after giving fifteen days notice by posting up advertisements in two or more public places in the town where the owner or owners reside. And if any surplus shall remain over and above what shall compensate such person for his trouble and expenses, the same shall be returned to the owners thereof.

[Approved March 16, 1821.]