

MAINE STATE LEGISLATURE

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PUBLIC ACTS

OF THE

STATE OF MAINE,

PASSED BY THE

ELEVENTH LEGISLATURE,

AT ITS SESSION, HELD IN JANUARY, 1831.

—◆—
PUBLISHED AGREEABLY TO THE RESOLVE OF 28TH JUNE, 1820.
—◆—

Portland.

TODD AND HOLDEN.....PRINTERS TO THE STATE.

1831.

creditor, has received the benefit of all the property of which, it shall appear by the disclosure, interrogatories and answers and other evidence adduced before the Justices of the quorum, or Court, before whom, or which, the final examination was had in the case, such creditor was deprived by the dishonest conduct, fraud, collusion or intentional concealment of such debtor, the Court may order such petitioner to be discharged from his imprisonment.

His support in prison, how paid.

SECT. 14. *Be it further enacted*, That the keeper of the prison shall be entitled to receive the same that is allowed by law for the support of other criminals, for the support of each debtor committed to prison by virtue of the provisions of this Act, to be allowed and paid from the treasury of the county where he stands committed, under the direction of the County Commissioners.

This Act takes effect July 1, 1831.

Then other Acts repealed.

Rights, previously acquired, not affected.

SECT. 15. *Be it further enacted*, That this Act shall take effect, and be in force, from and after the first day of July next; from and after which time, all Acts and parts of Acts, inconsistent with the provisions of this Act, be and the same are hereby repealed: *Provided, however*, That this Act shall not be construed so as to deprive any person of any right acquired by virtue of, or under, the law existing at the time when this Act shall take effect, nor to affect any judgment or contract already in force, or which may exist or be in force, at the time last aforesaid.

[Approved by the Governor, March 31, 1831.]

CHAPTER DXXI.

AN ACT to secure to the owners their property in Logs, Masts, Spars, and other Timber.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in Legislature assembled*, That from and after the passage of this Act,

if any person or persons, shall take, carry away or otherwise convert to his or their use, without the consent of the owner, any log or logs suitable to be sawed or cut into boards, clapboards, shingles, joists, or other timber, or any mast or spar, the property of another, whether the owner thereof be known or unknown, lying or being in any river, pond, bay, stream or inlet within this State, he or they so offending shall forfeit and pay for each and every such log, mast, spar or other timber, a fine of twenty dollars, one moiety to the use of the State and the other moiety to the use of the complainant, to be recovered with costs of prosecution, on complaint as for a criminal offence, before any Justice of the Peace, in the County where such offence shall be committed. And if any person or persons shall cut out, alter or destroy any mark or marks, made on any log, mast, spar or other timber without the consent of the owner thereof, with the intent to claim the same, he or they in every such case shall be considered guilty of taking and converting the same to his or their own use for all the purposes of this Act; and shall forfeit and pay the same penalty as is provided in this Act for taking, carrying away or otherwise converting to his or their own use, any log, spar, mast, or other timber. And the owner or owners of such logs, masts, spars, or other timber so taken, carried away, or otherwise converted, by cutting out, altering or destroying, or by fraudulently marking the same, shall have a right of action, and may sue and recover of any such offender or offenders, either before or after conviction, twice the value of such log, mast, spar or other timber, in an action of debt before any Court of competent jurisdiction.

Penalty for taking any log, mast or spar, &c. wherever found, without consent of the owner, 20 dollars.

How recovered, and to whose use.

Penalty for cutting out, altering or destroying marks on logs, masts, &c. \$20.

The owner or owners of such logs, masts, &c. shall have right of action to recover of offender twice the value of such logs, masts, &c.

SECT. 2. *Be it further enacted,* That all logs, masts, spars, or other timber carried by freshets, or otherwise lodged upon any lands adjoining any river, pond, bay, stream or inlet, shall be forfeit-

Logs, masts, &c. carried upon lands by freshet, forfeited to owner of lands, &c.

ter two years, if the land be improved, and after six years if the land be unimproved.

ed to, and become the property of the owner or occupier of the lands so encumbered after the expiration of two years from the time the same may have been lodged upon said lands if improved, or after the expiration of six years, if the same are unimproved: *Provided*, That the owner or occupier of such lands shall within one year after such log, mast, spar, or other timber is lodged upon his lands, advertise in some public newspaper printed in the county, if any such there be, if not, in the paper published by the printer to the State, within six months after the same shall have been lodged as aforesaid, and four weeks successively at the expense of the owner of the timber aforesaid, and in such advertisement state the number of logs, masts, spars and other timber, as near as possible, together with the mark or marks thereon.

Provided, owner of lands within one y^r. advertise notice in some public newspaper in the county; if no such paper, then in paper of printer to the State, within six months and four weeks successively. Advertisement to state the number and marks of the logs &c.

Owner may enter upon lands to take away logs &c. upon payment or tender, of reasonable damages.

Within what time.

If such damages are not paid, or tendered, owner of land may maintain action to recover the same.

Possession of log, mast or other timber, with mark cut out or altered

SECT. 3. *Be it further enacted*, That the owner of any log, mast, spar or other timber lodged on the land of another as heretofore mentioned, may lawfully enter on said land, and remove the timber aforesaid therefrom, at any time within two years from the time the same may have been lodged on said lands if improved, or at any time within six years, if said lands are unimproved, on paying or tendering to the owner or occupiers of said lands a reasonable compensation for the damage the said owner or occupier may have sustained by said logs, masts, spars, or other timber, and as may be occasioned by the removal of the same. But without paying or tendering all such damages, the owner or occupier of said lands may have and maintain an action of the case against such owner of logs, masts, spars, or other timber, and recover reasonable damages in any Court of competent jurisdiction.

SECT. 4. *Be it further enacted*, That the finding of any log, mast, spar, or other timber, in the possession of any person, with the mark cut out or altered, or the said logs cut up or split in-

to bolts for shingles or clapboards, shall be sufficient evidence to subject such person to all the penalties and liabilities heretofore mentioned, unless such person can give reasonable satisfaction to the Court or Jury that he rightfully and lawfully obtained possession of the same.

&c. sufficient evidence to charge person having such possession, unless he shew that he obtained the same lawfully

SECT. 5. *Be it further enacted,* That if any person having erected, or who may hereafter erect any boom or booms, across or partly across the Saco river, or any of the waters connected with said river, shall so construct and place such boom or booms, as thereby to obstruct the free and usual passage of logs, masts, spars, or other timber floating down said river, the owner of said boom or booms, at his own trouble and expense, shall turn out any logs, masts, spars, or other timber, detained by said boom or booms, if so requested by the owner of the timber aforesaid. And if the owner of any boom, shall neglect or refuse to turn out the timber detained as aforesaid after having had two days notice thereof from the owner of said logs, masts, spars or other timber, or by his or their agent, he shall forfeit and pay the amount of damages sustained by the owner of said timber, to be recovered in an action of debt to the use of the person who shall sue therefor, in any Court of competent jurisdiction.

Owner or owners of booms on Saco river to turn out logs, masts or other timber, detained by booms, if requested by owner thereof.

Owner of boom liable to pay damages, if he refuse or neglect to turn out timber after two days notice.

How recovered.

SECT. 6. *Be it further enacted,* That the owner of any logs, masts, spars or other timber, or his agent, shall have liberty at all times in a peaceable manner to enter any mill or any mill brow, boom or raft of logs, or other timber, in search of any logs, or other timber, which he may have lost, and any person who shall prevent such search, shall forfeit and pay for each and every such offence, a penalty not less than twenty dollars, nor more than fifty dollars, to be recovered in an action of debt in any Court of competent jurisdiction, to be sued for in the name and applied to the use and benefit of the person who thus sustains the damage.

Owner of logs &c. or his agent, may enter any mill, mill brow, boom or raft, in search of logs or timber, which he may have lost.

Penalty for preventing such search not less than \$20 nor more than \$50.

How recovered & to whose use.

Logs, &c. put into river, pond or stream, to be floated to market, and inter-mixed with other logs, &c. to be holden by person driving the same.

If owner refuse to pay reasonable compensation for driving, the driver may sell, at public auction, sufficient to pay all charges.

Notice to be given.

Or the driver may recover reasonable compensation in an action of debt.

SECT. 7. *Be it further enacted,* That all logs, or other timber put into any river, pond, or stream, in this State, for the purpose of being floated to market, and so mixed with other timber that they cannot be separated, by persons owning such logs or other timber shall be holden by the persons driving the same for the time being, and if the owner of said logs, or other timber, shall refuse or neglect to pay the person driving the same a reasonable compensation, said driver may retain and sell at public auction so much of said timber as may be necessary to pay himself and the charges thereon, after detaining such logs or other timber fifteen days and posting up notice thereof, in two or more public places in the town or plantation where such owner of said logs, or other timber resides, or said driver may recover a reasonable compensation of the person owning said logs or other timber, in an action of debt, in any Court competent to try the same.

SECT. 8. *Be it further enacted,* That an Act entitled "an Act to secure to owners their property in logs, masts, spars and other timber in certain cases," passed March the sixteenth eighteen hundred and twenty-one, and also the several additional Acts to the same, passed February the eighth eighteen hundred and twenty-two; February the eleventh eighteen hundred and twenty-three; February twenty-second, eighteen hundred and twenty-five; February twelfth eighteen hundred and twenty-seven; March fifth, eighteen hundred and twenty-nine; March fifteenth, eighteen hundred and thirty, be, and hereby are repealed.

[Approved by the Governor, April 1, 1831.]

The several Acts, passed Mar. 16, 1821, Feb. 8, 1822, Feb. 11, 1823, Feb. 22, 1825, Feb. 12, 1827, Mar. 5, 1829, and March 15, 1830 repealed.