

# MAINE STATE LEGISLATURE

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# **PUBLIC ACTS**

OF THE

## **STATE OF MAINE,**

PASSED BY THE

**TWELFTH LEGISLATURE,**

AT ITS SESSION, HELD IN JANUARY, 1832.

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PUBLISHED AGREEABLY TO THE RESOLVE OF JUNE 28, 1820.

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**AUGUSTA:**

I. BERRY & CO., PRINTERS TO THE STATE.

1832.

Plaintiffs in certain cases shall not recover costs &c.

Defendants in certain cases, shall recover.

after appeal from a judgment rendered in his favor by any Justice of the Peace, or by the Judge of the Municipal Court for the town of Portland, and shall not recover a greater sum, at the Court appealed to, such plaintiff shall recover no costs after the appeal, but the defendant shall recover his costs after such appeal.

[Approved by the Governor, February 11, 1832.]

### Chapter 7.

AN ACT to prevent the destruction of Salmon Trout.

Penalty for taking Salmon Trout between the months of Sept. & Jan.

*Be it enacted by the Senate and House of Representatives, in Legislature assembled, That* if any person shall hereafter, between the months of September and January, take or destroy any Salmon Trout in any of the ponds or streams which empty through the mile and half brook, so called, into the Kennebec river in Waterville, he shall forfeit one dollar to be recovered by action of debt to the use of the person who shall sue therefor.

[Approved by the Governor, February 11, 1832.]

### Chapter 8.

AN ACT, in addition to an Act entitled "An Act to secure to the owners their property in logs, masts, spars, and other timber."

Owners of Mill Logs on Androscoggin river, may and shall hold meetings annually—and oftener if necessary.

**SECT. 1.** *Be it enacted by the Senate and House of Representatives, in Legislature assembled, That* the owners of mill logs on the main Androscoggin river, or on any of its tributary branches, or streams, engaged in the business of sawing, or cutting, the same into boards, or other lumber, at Topsham, or Brunswick, shall and may hold meet-

ings annually, either in said Brunswick or Topsham, and as much oftener as may be necessary, for the purpose of adopting such measures as they may deem proper, in order to drive their logs down said river to the mills; at which meetings five of said owners shall be a quorum for transacting business. Five owners shall constitute a quorum. At said meetings there shall be chosen a clerk; a Officers to be chosen. Prudential Committee of not less than three, nor more than five, a majority of whom may act, and a master Driver for one year, and until others are chosen in their stead. Clerk shall be sworn, &c. A moderator shall be chosen for each meeting. The Clerk shall be sworn to the faithful discharge of his duties, and shall keep the record of meetings. Power and duty of the master Driver. The master Driver, under the direction of the Prudential committee, shall have the charge of driving all the logs in said river, or on the banks, shores, intervalles, or islands thereof, for the benefit of all concerned, with power to remove any casual obstructions, break jams, and erect booms, wherever the same may be lawfully done, for the common advantage, if the same be necessary to promote the running and securing of said logs. Owners may make by-laws. And said owners may make by-laws for the management of their affairs, not repugnant to the laws of the State.

SECT. 2. *Be it further enacted,* That said annual meetings shall be holden at the toll-house on the Bridge between Brunswick and Topsham, on the third Monday of March, at ten o'clock in the forenoon, unless said owners shall designate some other place and time. Place fixed for holding annual meetings—time—places. The first meeting shall be called by David Scribner, by advertisement of the time, place and purpose thereof, posted up at said toll-house, and published in some newspaper printed in the County of Cumberland, or Lincoln, three weeks successively before the time of said meeting. First meeting by whom and how called. And all future meetings may be called and notified in like manner by the Clerk, or Prudential committee, on the application of any five of said owners. Future meetings, how notified.

SECT. 3. *Be it further enacted,* That all mill logs in said river, or its tributary waters and streams,

Drift Logs shall be the property of said Committee, &c. to be by them held in trust, &c.

or which may have drifted upon the banks, shores, intervalles, islands or rocks thereof, commonly called prize logs, the ownership of which cannot be ascertained by artificial marks, or otherwise, shall be the property of said committee, their successors and assigns, whether the same have, or have not come into the actual possession of said committee, or of their agents, to be held by said committee in trust, and the avails thereof applied to meet the expense of driving the logs in said river as aforesaid; *Provided* That the sale of said prize logs shall be at public auction, at the usual place of the meetings of said owners, and after notice similar to that required for calling said meetings. The master Driver shall account to said committee whenever thereto required. At each annual meeting said committee shall render an account of the expenditures by them incurred, and moneys received, during their year.

Proviso.

Master Driver shall account to said Committee. Said Committee shall render an account, &c. at each annual meeting.

SECT. 4. *Be it further enacted*, That all the penalties, prescribed in the first section of the Act to which this is additional, for taking, carrying away, and wrongfully converting logs, and for cutting out or destroying marks, or fraudulently putting new marks upon logs, shall extend to similar trespasses committed upon the logs, called prize logs, the property of which was by the third section of this act vested in said committee to be recovered and appropriated in the manner in said section provided; or said committee are hereby authorized, as owners, in their own names, by action of debt, to recover the same, as well as all other forfeitures for the violation of any of the provisions of this act. And they are further authorized, by proper action in their own names, to sue for and recover any sums due from their predecessors, or any master Driver, whether on contract, or for neglect, misconduct or otherwise. And said suits shall not abate by reason of the term of office of said committee having expired, but the sums recovered in said suits shall be applied to the uses and trusts aforesaid. For costs which may be recovered against said committee in

Penalties for trespasses committed.

Authority of said Committee to recover forfeitures, &c.

Suits shall not abate, &c.

said suits they shall indemnify themselves from the avails of the prize logs, sold as above directed. The compensation for their services, as well as of the Clerk and master Driver, having first been ascertained and allowed at a meeting of said owners, shall be paid also from the proceeds of said prize logs.

Committee may indemnify themselves for cost, &c.

SECT. 5. *Be it further enacted,* That whenever the proceeds of said prize logs shall be insufficient to meet all the expenses incurred by said committee in any one year, in executing their trusts, then said committee, having first been sworn to make a just assessment according to their best skill and judgment, and having notified all concerned by advertising in the mode of calling meetings as aforesaid, that they may be heard in the premises, shall assess the deficient sum upon the logs which may have been driven that year, according to the marks thereof, having regard to the number of logs of the respective marks and the difficulty and distance of driving the same. And a list of said assessments shall be delivered to the master Driver for the time being, under the hands of said committee, specifying the marks assessed. And if the sum assessed against any mark as aforesaid be unpaid for the space of thirty days, the master Driver is hereby authorized to seize and retain and sell logs of that mark, sufficient to pay said assessment, with reasonable charges, together with the amount assessed against any other mark of the same owner. *Provided,* That no such seizure

Mode of making assessments for the payment of expenses incurred by said Committee, in executing their trusts.

or sale shall be made, unless authorized by the written order of the committee, nor until a list of the delinquent marks, with the sums assessed thereon, shall have been published in the mode above prescribed for calling meetings. And no assessment in any year is to exceed fifteen hundred dollars.

Proviso.

SECT. 6. *Be it further enacted,* That it shall be the duty of all persons, owning, or having the care of, or who shall have surveyed, logs liable to be assessed as aforesaid, to deliver to said committee, on request by them made, under oath, if required, a true account of said logs with the marks thereof,

Duty of Persons owning, or having the care of, Logs.

specifying the quantity and the time and place of turning them into the river, according to their best knowledge and belief. And every person neglecting this duty shall forfeit and pay for every offence twenty dollars, to be recovered in manner aforesaid.

Forfeiture for neglect of duty.

Seventh section of the Act to which this is additional, how to be construed.

SECT. 7. *Be it further enacted,* That the seventh section of the Act to which this is additional shall not be so construed as to authorize the recovery, by sale of logs, or suit at law, for expenses of driving logs on the main Androscoggin river, in any of the years for which a Prudential committee shall be chosen as aforesaid; unless said logs shall be driven under the direction of the owner thereof, or of said committee.

Powers reserved.

SECT. 8. *Be it further enacted,* That the powers granted by this Act may be enlarged, restricted, or annulled, at the pleasure of the Legislature.

[Approved by the Governor, February 11, 1832.]

### Chapter 9.

AN ACT to encourage the destruction of Bears, Wolves, Wild-cats and Loup-cerviers.

*Be it enacted by the Senate and House of Representatives, in Legislature assembled,* That any person who shall deliver to the Treasurer of any town or plantation in this State, the head of any bear, wolf, wild-cat or loup-cervier, which shall be killed within this State after the passing of this Act, and shall make affidavit before any Justice of the Peace in the County where the same shall have been killed, that the animal, the head of which shall be presented as aforesaid, was killed within this State, and after the passing of this Act, and that the head so presented is the head of a bear, wolf, wild-cat or loup-cervier, as the case may be, and shall present said affidavit with such head to the Treasurer aforesaid, shall be entitled to receive from

Head to be delivered to town Treasurer.

Affidavit to be made.