

MAINE STATE LEGISLATURE

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THE
REVISED STATUTES

OF THE

STATE OF MAINE,

PASSED APRIL 17, 1857;

TO WHICH ARE PREFIXED

THE CONSTITUTIONS

OF THE

UNITED STATES AND OF THE STATE OF MAINE:

WITH AN

APPENDIX.

PUBLISHED BY AUTHORITY OF THE LEGISLATURE.

BANGOR:
WHEELER & LYNDE.

1857.

CHAP. 41. deceit in his official duties, he shall forfeit thirty dollars to the use aforesaid.

Penalties, how recovered.
R. S., c. 66,
§ 27.

SEC. 21. All the pecuniary penalties aforesaid may be recovered by action of debt, indictment, or complaint, and all other forfeitures, by a libel filed according to law by the treasurer of the town interested therein, or by any inhabitant thereof.

LOGS.

Duty of surveyors of logs.
R. S., c. 66,
§ 29.

SEC. 22. Surveyors of logs may inspect, survey, and measure all mill logs floated or brought to market or offered for sale in their respective towns, and divide them into several classes, corresponding to the different quality of boards and other sawed lumber, which may be manufactured from them; and they shall give certificates under their hands of the quantity and quality thereof to the person, at whose request they are surveyed.

CHAPTER 42.

TIMBER UPON RIVERS, STREAMS AND ADJACENT LANDS.

- SEC. 1.** Penalty for the unlawful conversion of logs, masts or spars, and for cutting out, altering or destroying marks, how recovered and appropriated.
2. Such unlawful conversion declared to be larceny and punished accordingly.
3. What shall be presumptive evidence of guilt. Double damages recoverable by the owner.
4. Right of owner to search any mill, boom or raft for lost logs. Penalty for obstructing.
5. Logs in any boom on Saco river to be released on request, if it can safely be done. Liability for all damages for a refusal or neglect to do so.
6. When logs of different owners are intermixed, how they may be driven. Lien thereon for expenses and how ascertained, and secured.
7. When timber, lodged on banks, shall be forfeited, provided the same shall be advertised.
8. Owner may remove the same by tendering damages and expenses, or if same be removed without such tender, land owner may have action therefor.
9. Penalty for unlawful conversion of sleepers, knees or other timber on ponds or streams. Double damages.

Penalty for the unlawful conversion of timber, how recovered, &c.
2 Greenl. 130.
3 Greenl. 202.
16 Maine, 67.
R. S., c. 67, § 1.

SEC. 1. If any person takes, carries away, or otherwise converts 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 or spar the property of another, whether the owner thereof be known or unknown, lying and being in any river, pond, bay, stream or inlet, or on, or near the bank or shore thereof, within this state, or cuts out, alters or destroys any mark made thereon, without the consent of the owner, and with intent to claim the same, he shall forfeit for every such log, mast, or spar, twenty dollars, to be recovered on complaint before any justice of the peace of the county where the offence is committed; one half to the use of the state, and the other half to the use of the complainant.

SEC. 2. Whoever fraudulently and willfully takes and converts to his own use, either by himself or by another in his employment, any such log, mast, or spar, lying or being, as aforesaid, for the purpose of being driven to a market or place of manufacture, shall be deemed guilty of larceny and punished accordingly.

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Such unlawful conversion declared to be larceny, &c.
R. S., c. 67, § 2.

SEC. 3. In prosecutions under sections one and two, if such log, mast, or spar is found in the possession of the accused partly destroyed, partly sawed, or manufactured, or with the marks cut out or altered, not being his property, it shall be presumptive evidence of his guilt; and the burden of proof shall then be on him; and whoever is guilty of the offence described in either section shall also be liable to the owner, in an action of debt, for double the value of the log, mast or spar so dealt with.

What shall be presumptive evidence of guilt.
Double damages recoverable by the owner.
R. S., c. 67, § 4, 5.

SEC. 4. The owner of any such logs, masts or spars, may at any time, by himself or his agent, enter in a peaceable manner upon any mill, mill-brow, boom, or raft of logs or other timber, in search of any logs, masts or spars, which he has lost; and any person who willfully prevents or obstructs such search shall forfeit for each offence not less than twenty, nor more than fifty dollars, to be recovered, in an action of debt to the use of the person by whom or on whose account such entry was claimed.

Right of owner to search mill, &c.
R. S., c. 67, § 6.

SEC. 5. If any boom across or partly across the Saco river, or any of the waters connected therewith, is placed, or constructed, so as to prevent the free and usual passage of timber down the river, the owner or occupier thereof, at his own expense, shall release and turn out the timber so detained, when requested to do so by the owner thereof, if it can be done with safety; and if for two days after request he neglects or refuses to do so, he shall be liable to the owner of the timber, in an action on the case, for all damages by him sustained.

Logs in any boom on Saco river to be released on request, &c. Liability for all damages for neglect to do so.
R. S., c. 67, § 7, 8.

SEC. 6. Any person, whose timber in any of the waters of this state is so intermixed with the logs, masts or spars of another, that it cannot be conveniently separated for the purpose of being floated to the market or place of manufacture, may drive all timber with which his own is so intermixed, toward such market or place, when no special and different provision is made by law for driving it; and shall be entitled to a reasonable compensation from the owner, to be recovered after demand therefor on the said owner or agent, if known, in an action on the case; and he shall have a prior lien thereon until thirty days after it arrives at its place of destination, to enable him to attach it; and if the owner thereof cannot be ascertained, the property may be libeled according to law, and enough disposed of to defray the expenses thereof; the amount to be determined by the court hearing the libel.

When logs of different owners are intermixed, how driven, &c.
9 Greenl. 21.
27 Maine, 475.
R. S., c. 67, § 9.

SEC. 7. All logs or other timber carried by freshets or otherwise lodged upon any lands adjoining any of the waters within this state, shall be forfeited to the owner or occupier of such lands, after the same has so remained two years, if such lands, during that time, were improved; otherwise after six years; provided the owner or occupier of such lands, within one year after

When timber, lodged on banks, shall be forfeited, &c.
R. S., c. 67, § 10.

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the same was found so lodged, advertises as near as practicable the number of pieces of timber, the time when lodged, together with the marks thereon, and the place where found, three weeks successively in some public newspaper in the county, if any, otherwise in the state paper.

Owner may remove by tendering damages, &c. 31 Maine, 9. R. S., c. 67, § 11, 12.

SEC. 8. The owner of said timber may enter on said land and remove it at any time before forfeiture, having previously tendered to the owner or occupier of the land a reasonable compensation for all damages occasioned by the lodging, remaining, or removal of said timber, and the expenses of advertising it; but if the timber is removed by the owner, or otherwise, without such tender, the owner of the land may recover, in an action of trespass, the damages aforesaid.

Penalty for unlawful conversion of railroad sleepers, ship knees or other lumber on ponds or streams. Double damages. 1857, c. 38.

SEC. 9. Whoever willfully and fraudulently takes, carries away, or otherwise converts to his own use, any railroad sleeper, any knee or other ship timber, or cedar for shingles or other purposes, the property of another, whether known or not, without his consent, lying in any river, stream, pond, bay or inlet, or on or near the shore thereof; or cuts out, alters, or destroys any mark thereon, shall forfeit ten dollars for each offence, to be recovered and appropriated as in section one; and shall be liable to the owner in double the amount thereof in an action of debt; and such owner shall have all the rights and be subject to all the liabilities provided for the owner of logs, masts, and spars, in the six preceding sections.

CHAPTER 43.

WEIGHTS AND MEASURES.

- SEC. 1. Standard of weights and measures. State sealer to cause other smaller denominations to be regulated by said standard, and keep standard balances at the state house for regulating weights and measures.
2. Description of beams, weights and measures to be kept by the treasurer of state.
3. Also by county treasurers. Same to be sealed once in ten years by state standards; penalty for neglect, and how recovered.
4. Town seal and standard of beams, weights and measures to be kept by treasurers. Same to be sealed once in ten years, penalty for neglect, and how recovered and appropriated.
5. Appointment of sealers by municipal officers of towns, penalty for neglect and how recovered and appropriated.
6. Penalty for sealer not accepting office and taking oath. Sealer to have custody of standards and seals and be accountable for their preservation and re-delivery.
7. Duty of town sealer, penalty for neglecting the same, and how appropriated.
8. Dearborn or Hills' steelyard, or the Fairbanks' scale may be used, provided they are sealed.
9. All measures, for articles sold by heaped measure, shall be conformable to public standard. Penalty for selling by beams, weights or measures not sealed, and how appropriated.
10. Twenty-five pounds shall be a quarter; four quarters, one hundred; twenty hundreds, one ton; and articles, sold by tale, shall be by decimal hundreds.