

# MAINE STATE LEGISLATURE

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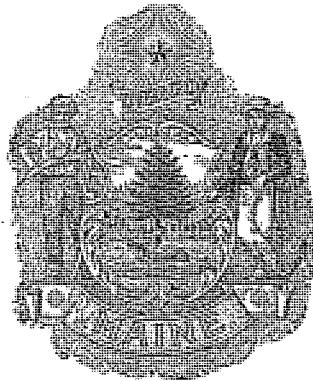
SIXTH REVISION

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REVISED STATUTES

OF THE

STATE OF MAINE

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By the Authority of the Legislature

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## CHAPTER 47.

## Timber upon Rivers, Streams and Adjacent Lands.

**Sec. 1. Penalty for unlawful conversion of timber.** R. S. c. 43, § 1. Whoever 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 is known or unknown, lying in any river, pond, bay, stream or inlet, or on, or near the bank or shore thereof, or cuts out, alters or destroys any mark made thereon, without the consent of the owner, and with intent to claim the same, forfeits for every such log, mast or spar, twenty dollars, to be recovered on complaint; half for the state, and half for the complainant.

2 Me. 131; 3 Me. 203; 16 Me. 68; 64 Me. 442.

**Sec. 2. Such unlawful conversion declared larceny.** R. S. c. 43, § 2. Whoever fraudulently and wilfully takes and converts to his own use, either by himself or by another in his employment, any such log, mast or spar, lying as aforesaid, for the purpose of being driven to a market or place of manufacture, is guilty of larceny and shall be punished accordingly.

See c. 122, §§ 1, 8; 64 Me. 443.

**Sec. 3. Presumptive evidence of guilt; double damages recoverable.** R. S. c. 43, § 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 is presumptive evidence of his guilt; and the burden of proof is then on him; and whoever is guilty of the offense described in either section is also liable to the owner, in an action of debt, for double the value of the log, mast or spar so dealt with.

64 Me. 442.

**Sec. 4. Right of owner to search mill, boom or raft, for lost logs; penalty for obstructing.** R. S. c. 43, § 4. The owner of 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 such lost property; and whoever wilfully prevents or obstructs such search forfeits for each offense not less than twenty, nor more than fifty dollars, to the person by whom or on whose account such entry was claimed, to be recovered in an action of debt.

**Sec. 5. Logs or timber in any boom on Saco river or tributaries, to be released on request, if safe to do so; liability for damages for neglect.** R. S. c. 43, § 5. If any boom on the Saco river, or any of the waters connected therewith, is so placed or constructed, as to prevent the free and usual passage of timber down the river, the owner or occupant 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

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if for two days after request, he neglects or refuses to do so, he is liable to the owner of the timber, in an action on the case, for all damages by him sustained.

**Sec. 6. When logs or timber of different owners are intermixed, how driven, and lien for expenses.** R. S. c. 43, § 6. Any person, whose timber in any waters of the 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 is entitled to a reasonable compensation from the owner, to be recovered after demand therefor on said owner or agent, if known, in an action on the case; he has 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 cannot be ascertained, the property may be libeled according to law, and enough of it disposed of to defray the expenses thereof; the amount to be determined by the court hearing the libel.

46 Me. 365; 71 Me. 39; 78 Me. 274; 88 Me. 415, 423; 93 Me. 525.

**Sec. 7. Logs or timber, lodged on banks, may be forfeited, if advertised.** R. S. c. 43, § 7. Logs or other timber carried by freshets, or otherwise lodged, upon lands adjoining any waters, are forfeited to the owner or occupant thereof, after they have so remained for two years, if such lands, during that time were improved; otherwise after six years; provided, that such owner or occupant, within one year after the same were found so lodged, advertises, as nearly 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 newspaper in the county, if any, otherwise in the state paper.

110 Me. 16.

**Sec. 8. Owner may remove timber, on tender of damages; otherwise, damages for owner.** R. S. c. 43, § 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 occupant thereof, a reasonable compensation for all damages occasioned by the lodging, remaining or removal of said timber, and the expense 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.

31 Me. 24; 57 Me. 276; 62 Me. 44; 76 Me. 386; 110 Me. 16.

**Sec. 9. Penalty for unlawful conversion of railroad sleepers, ship knees or cedar lumber on ponds or streams; double damages.** R. S. c. 43, § 9. Whoever wilfully and fraudulently takes, carries away or otherwise converts to his own use, any railroad sleeper, 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, forfeits ten dollars for each offense, to be recovered and appropriated as in section one; and is liable to the owner in double the

amount thereof in an action of debt; and such owner has all the rights and is subject to all the liabilities provided for the owner of logs, masts and spars, in the six preceding sections.

57 Me. 9.

Note. Maliciously driving nails into logs intended for manufacture, penalty, c. 129, § 13.  
Letting loose rafts or logs, c. 129, § 14.

## CHAPTER 48.

### Standard Weights and Measures, Meridian Lines and Standards of Length.

- Sections 1-7 State Sealer of Weights and Measures.
- Sections 8-27 Local Sealers of Weights and Measures.
- Section 28 Measurers of Salt, Corn and Grain.
- Sections 29-30 Standard Weight and Measure.
- Section 31 Sale of Ice by Weight.
- Sections 32-37 Meridian Lines and Standards of Length.

#### State Sealer of Weights and Measures.

**Sec. 1. State sealer of weights and measures.** 1911, c. 82, § 1. 1913, c. 116, § 1. The commissioner of agriculture shall be the state sealer of weights and measures.

The standard weights and measures furnished by the government of the United States in accordance with the joint resolution of Congress approved June fourteenth, eighteen hundred and thirty-six, and any additions thereto and renewals thereof certified to by the United States bureau of standards, and weights, measures, balances and apparatus added by the state sealer of weights and measures and verified by the United States bureau of standards, shall be the standards of weights and measures throughout this state.

**Sec. 2. Standards adopted by the state.** 1911, c. 82, § 2. 1913, c. 116, § 1. The standards adopted by the state shall be kept at the state house under the supervision of the state sealer and shall not be removed or used except for the adjustment of a set of working standards that are copies of the original standards or for scientific purposes or to be verified by the national bureau of standards. The state sealer shall maintain the state standards in good order and shall submit them at least once in ten years to the national bureau of standards for certification. He shall at least once in five years cause the standards of the several cities and towns to be compared and corrected to conform with the state standards.

**Sec. 3. Shall establish tolerances in this state; other powers and duties.** 1913, c. 116, § 1. The state sealer of weights and measures shall after consultation with, and with the advice of, the national bureau of standards, establish tolerances for use in this state and said tolerances shall be the legal tolerances of the state. He shall have general supervision of the