

MAINE STATE LEGISLATURE

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SEVENTH REVISION

THE
REVISED STATUTES

OF THE
STATE OF MAINE

PASSED AUGUST 5, 1930, AND TAKING
EFFECT NOVEMBER 10, 1930



By the Authority of the Legislature

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CHAPTER 52.

Timber Upon Rivers, Streams, and Adjacent Lands.

Sec. 1. Penalty for unlawful conversion of lumber. R. S. c. 47, § 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 the 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. 47, § 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. 131, §§ 1, 8; *64 Me. 443.

Sec. 3. Presumptive evidence of guilt; double damages recoverable. R. S. c. 47, § 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. 47, § 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 dollars, 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 Saco river or tributaries; special provisions. R. S. c. 47, § 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 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. Logs and timber of different owners intermixed, how driven; lien for expenses; libel. R. S. c. 47, § 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; *116 Me. 107.

Sec. 7. Logs or timber lodged on banks, forfeiture; advertisement. R. S. c. 47, § 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 land owner. R. S. c. 47, § 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; *114 Me. 251.

Sec. 9. Penalty for unlawful conversion of railroad sleepers, ship knees, or cedar lumber on ponds and streams; double damages. R. S. c. 47, § 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.

Maliciously driving nails into logs intended for manufacture, penalty, c. 139, § 13. Letting loose rafts or logs, c. 139, § 14.