

greater number of yards of thread than such spool or package actually contains, such manufacturer or person shall forfeit the sum of five dollars for each spool or package so without a label or falsely labeled, that shall be sold or offered for sale by such manufacturer or person engaged as aforesaid, to be recovered in an action of debt by any person who shall sue for the same; one-half of said penalty to go to the poor of the township where said suit is brought, and one-half to the person suing for the same.

Penalty for selling or offering for sale without label.

3. That if any person or persons, selling or dealing in sewing thread at wholesale or retail, shall knowingly sell or offer for sale any sewing thread on spools or in packages, upon which no label, as aforesaid, is affixed, or with intent to deceive, shall sell, or offer for sale, any sewing thread on spools or in packages, on which a label is affixed specifying that such spool or package contains a greater number of yards than such spool or package actually contains, such seller or dealer, so offending, shall forfeit the sum of five dollars for each spool or package so sold or offered for sale without such label, or falsely labeled as aforesaid, to be recovered in an action of debt by any person who may sue for the same; one-half of said penalty to go to the poor of the township where such action is brought, and one-half to the person suing for the same.

Act to apply only to cotton thread.

4. That the provisions of the foregoing act shall not apply to other than cotton thread.

## Timber.

1. Penalty in a civil suit for cutting, &c., trees, saplings, &c.

2. Limitation of action.

3. Compensation to persons taking up drift lumber.

4. Persons taking up such lumber to secure same and advertise.

5. Claim for such lumber to be under oath.

6. Person presenting claim and paying compensation to have possession of lumber.

7. Provision of act extended to all rails, &c., adrift.

### An act to prevent the unlawful waste and destruction of timber in this state.

R. S. 599.

Passed February 28, 1820.

Penalty in a civil suit for cutting, felling, &c., saplings, &c.

1. That if any person or persons whatsoever, shall, at any time hereafter, cut, fell, work up, carry away, box, bore, or destroy any tree, sapling or pole, standing or lying on any land within this state, to which such person or persons hath not or have not any right and title, without leave first had and obtained of the owner or owners of the said land for that purpose, every such person or persons so offending, shall forfeit and pay for each tree, sapling, or pole so cut, felled, worked up, carried away, boxed, bored, or destroyed as aforesaid, the sum of eight dollars; one-half to the owner or owners of the land, and the other half to the person or persons who shall sue for and prosecute the same to effect, at any time within eighteen months from the cutting, felling, working up, carrying away, boxing, boring, or destroying of any such tree, sapling, or pole; and that whenever any person or persons, within this state, shall be sued or prosecuted before any justice of the peace within the same, it shall and may be lawful for such justice of the peace to proceed, whenever the penalty demanded shall not exceed one hundred dollars, notwithstanding any claim the defendant or defendants may offer to make to the land whereon and from which the said tree, sapling, or pole may be cut, felled, worked up, boxed, bored, destroyed, or carried away, and to issue execution for the same, with costs of suit, unless the defendant or defendants shall immediately enter into bond to the plaintiff or plaintiffs, with one or more sufficient sureties or surety, being freeholders, in double the sum so demanded, with a sufficiency for costs of suit, conditioned for his or their appearance at the next court where the same may be cognizable, in an action of trespass, and to pay damages found against him, her or them,

Authority of the justice.

with costs of suit, any law, usage, or custom to the contrary notwithstanding. (a)

[Secs. 2, 3, 4 and 5 repealed. See CRIMES, Secs. 103 to 106.]

2. SEC. 6. That all offenses against this act shall be prosecuted within eighteen months from the time they were committed, and not afterwards.

Limitation of action to eighteen months.

An act to secure to owners lumber found adrift in the river  
Delaware.

Approved March 17, 1855.

P. L. 1855, p. 322.

3. SEC. 1. That all persons taking up drift lumber in any of the rivers running through or bordering on this state, and securing the same, and who shall, in all things, comply with the regulations hereinafter contained, shall be entitled to demand and have of the owners of the same, as a full compensation for their expense and labor, the following sums, that is to say: for single logs, twelve and a half cents; for sections of rafts, containing not less than ten, nor more than twenty, ten cents for each log; for sections containing over twenty, and less than one hundred, six and a quarter cents for each log; and for a whole raft, the sum of five dollars; and for boards, as follows, viz.: for all parts of rafts containing five thousand feet, and less than ten thousand feet, twenty-five cents for each and every thousand feet; and for all parts of rafts over ten thousand feet, and less than twenty thousand, twenty cents for each and every thousand feet; and for full rafts, the sum of five dollars.

Compensation to persons taking up drift lumber.

4. SEC. 2. That it shall be the duty of each and every person taking up such drift lumber or boards, to secure the same in some convenient place within twenty yards of the margin of the river in which the same may be found, there to remain for the space of six days; and if, within the said period, the same shall not be claimed by the owner thereof, then if the said boards or lumber shall be of the value of five dollars or over, to advertise the same, by advertisements, giving a true description thereof, and notice where the same is located, to be inserted for the period of six weeks, at least once a week, in a newspaper circulating in the neighborhood; and in case the owner of the said boards or lumber shall not lay claim thereto during the said six weeks, then the person or persons so having saved and secured the same, may sell and dispose thereof, either at public or private sale, at a fair and reasonable price; and the proceeds of such sale or sales shall remain in the hands of the said seller for the period of one year after each sale, subject to the claim of the said owner of the said boards or lumber so sold, after deducting the compensation above mentioned, given by the first section of this act, for saving and securing the same, and the expense of such advertisements and sale, and upon due proof of property in said boards and lumber being first made; and if no owner of said property shall appear to claim said proceeds of said sale or sales, or having appeared, shall fail to make due proof of property in manner aforesaid, then and in such case the said proceeds of sale shall be and become the property of the person or persons having preserved and sold the boards or lumber aforesaid; and if the said boards or lumber shall be under the value of five dollars, if the same shall not be claimed by the owner thereof within the period of ninety days from the time at which they shall have been taken up and secured as aforesaid, then it shall be lawful for the person or persons having taken up and secured the same to appropriate them to his or their own use, without making any advertisement or sale thereof.

Person taking up such lumber to secure and advertise the same.

Sale.

Proceeds of sale.

(a) Debt is the proper form of action for the recovery of penalties under this act. *Cato v. Gill*, Coxe 11. *Crane v. —*, Coxe 53. *Dallas v. Hendry*, Pen. \*973. *Thompson v. Burdall*, 1 South. \*170. *Miller v. Stoy*, 2 South. \*476. The demand should state the number of trees and the other requisites in the act. And the judgment should designate the penalties. *Walker v. Pierson*, Pen. \*454. A state of demand need not set out the cutting of each tree specially, nor specify the kinds of trees. It may claim, in a body, the amount of all the penalties demanded for the whole number of trees cut. *Clark v. Collins*, 3 Gr. 473. It is necessary to set out each separate, distinct offense. In penal actions, it is not sufficient for the plaintiff in general terms, to charge the defendant with the commission of ten or any other number of offenses, but he must set them out with

certainty. *Hill v. Herbert*, Pen. \*924. A state of demand must state place, time and circumstances required in the act. *Doughty v. Anderson*, Pen. \*428. *Hill v. Carter*, 1 Har. 87. The name of the town where the land lies should be set out, and the land itself described. *Matthews v. Pemberton*, Pen. \*428. It must state that the defendant had neither right nor permission to cut the tree. *Miller v. Stoy*, 2 South. \*476 (e). What act of the legislature has been violated, must be averred. *Miller v. Stoy*, 2 South. \*476 (f). In action *quæ tam*, &c., for cutting timber, brought in the court for the trial of small causes, the defendant may, on plea of the general issue, give in evidence his possession as owner of the land on which the timber was cut. *Hill v. Carter*, 1 Har. 87.

Persons claiming same to make claim under oath.

5. SEC. 3. That any person or persons claiming to be the owner or owners of any drift lumber or boards found in any of the rivers aforesaid, or his or their agent, shall, at the time of making claim thereto, if thereunto required by the person having taken up and secured the same, verify said claim by his oath or affirmation, to be taken before any officer of this state, now qualified by law to administer oaths and affirmations; and any person making a false claim to such lumber or boards under his oath or affirmation, shall be deemed guilty of the crime of perjury, and, on conviction thereof, shall be subject to all the forfeitures and punishment with which such crime is punishable in this state.

[Sec. 4 repealed. See CRIMES, Sec. 107.]

Persons presenting claim and paying compensation to have possession of lumber.

6. SEC. 5. That any person or persons, his, her or their agent, upon presenting to the person having taken up any drift lumber or boards, as aforesaid, a written claim thereto, verified by oath or affirmation in manner aforesaid, and paying the compensation for having saved the same, provided by the first section of this act, together with the expenses of having advertised the same, shall be entitled to the immediate possession thereof, and, as against the person or persons having taken up such lumber or boards, such claim, verified as aforesaid, shall be, in all courts of this state, conclusive evidence of title; *provided*, that nothing in this section contained shall be so construed as in any wise to affect the title to the said lumber or boards, as between such claimant and any other claimant of the same.

#### Supplement.

Approved March 20, 1857.

P. L. 1857, p. 365.

Provision of act extended to all rails, posts, boats, &c., adrift.

7. SEC. 1. That the provisions of the act to which this is a supplement, shall be extended to all rails, posts and other valuable lumber, boats, scows, skiffs, barges or other craft which may be found adrift, or lodged on the land of any person or persons; *provided*, that the compensation for securing any boats, skiffs, scows, barges or other craft, shall be one dollar for each boat, scow, skiff, barge or other craft.

#### Titles.

1. Bill in chancery may be maintained to settle title to lands.
2. Ticket issued with subpoena to state object of suit.
3. No decree for costs against defendant suffering decree *pro confesso* against him.
4. Answer of defendant claiming any estate, what to specify.
5. On application of either party, an issue at law may be directed.
6. Final decree to settle rights of all parties.
7. Issue concerning title to lands may be tried in county other than that in which lands are situate.
8. Claimants of lands may bring suit in chancery to prove their title.
9. Proceedings by attorney-general to quiet title to lands under waters of this state.

An act to compel the determination of claims to real estate in certain cases, and to quiet the title to the same.

P. L. 1870, p. 20.

Bill in chancery may be maintained to settle title to lands.

Approved March 2, 1870.

1. That when any person is in peaceable possession of lands in this state, claiming to own the same, and his title thereto or to any part thereof is denied or disputed, or any other person claims, or is claimed to own the same or any part thereof, or any interest therein, or to hold any lien or incumbrance thereon, and no suit shall be pending to enforce or test the validity of such title, claim or incumbrance, it shall be lawful for such person so in possession to bring and maintain a suit in chancery to settle the title of said lands, and to clear up all doubts and disputes concerning the same; the bill of complaint in such suit shall describe the lands with certainty, and shall name the person who claims, or is claimed or reputed to have such title or interest in, or incumbrance on said lands, and shall