

# MAINE STATE LEGISLATURE

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# ACTS AND RESOLVES

OF THE

## FORTY-EIGHTH LEGISLATURE

OF THE

## STATE OF MAINE.

1869.

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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1869.

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## CHAP. 34.

## Chapter 34.

An act to amend and extend the "act to incorporate the Penobscot Lumbering Association and to amend the charter of the Penobscot Boom Corporation," approved April fifth, eighteen hundred fifty-four.

*Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows :*

Charter renewed and extended fifteen years.

SECT. 1. The act creating said Penobscot Lumbering Association, with all its sections and provisions, is hereby renewed and extended for the period of fifteen years with the following alterations; and the charter of the Penobscot Boom Corporation is also extended for the period of fifteen years.

Alterations.

First section of charter repealed.

SECT. 2. So much of the first section of said act as relates to a board of trustees is hereby repealed, and the corporate powers of said association are hereby vested in its members, provided for in section third; and any owner of timber land on the Penobscot river and its branches, may become a member, by leaving with the treasurer sufficient evidence of such ownership; and he shall be entitled to one vote; and the board of directors shall be elected by the members, voting as provided in said third section; and the land members as above specified.

Membership.

Directors, how elected.

Governor and council shall appoint a superintendent of the scale.

Duties of the scaler.

SECT. 3. The governor and council, on the joint nomination of the two boards of directors, or by selection between the two candidates presented by the two boards, shall appoint a superintendent of the scale, to superintend the scaling of the logs at the said boom, or booms, whose duty it shall be to visit said booms as often as he finds necessary, and to scale as far as is practicable a portion of the logs of each mark, and to see that each scaler scales according to this act, and scales in the same manner on each mark of logs, or for each owner, and that the different scalers all scale alike, and that each scaler faithfully and industriously performs his duty; and he shall point out to each scaler any error which he discovers in his scale; and he shall require him to correct it, and he may dismiss from the boom any scaler whom he finds to be incorrect, unreliable, partial, negligent, idle, or otherwise unsuitable for his place. He shall keep a record of all his scalings, and may leave copies thereof with the clerk of the boom when he thinks proper. The superintendent of the scale shall be paid by the two companies equally, and his wages, if not agreed upon, shall be fixed by the surveyor general of lumber at Bangor. Said scaler shall hold his office for one year, and may be appointed by the two boards of directors, if they can agree. The scalers shall not hereafter be required to mark the contents of the logs thereon.

Record of scalings to be kept, &c.

Superintendent's compensation, how paid.

Tenure of office.

Certain sections relating to the safety fund, repealed.

SECT. 4. So much of the nineteenth section of said act as relates to a safety fund, and all of the twentieth, twenty-first, twenty-second, and twenty-third sections, relating to the same, are hereby repealed.

## CHAP. 34.

SECT. 5. The sum of ten cents a thousand, given by section ninth of said act, to the boom corporation, as a compensation for the use of the boom, shores, buildings and other structures, is hereby reduced to, and established, at nine cents a thousand, and the lien to secure the same, given by said section, on all logs in the boom at the time any rent falls due, or which may at any time afterwards come into the boom, is hereby continued and extended and applied to any sum due from said association to said corporation under the lease of the boom, including any sum due for damages for not keeping the boom, its piers, buildings or other structures in good repair, provided that said sum has been ascertained and determined by agreement of the parties, by judgment of court or by referees, or by the county commissioners, as hereinafter provided. But there is to be no lien and no toll on logs which escape from the boom without being rafted.

Compensation for use of boom reduced.

Lien on logs continued.

Exception.

SECT. 6. The county commissioners, when called upon as provided in section twenty-ninth of said act, to determine what repairs the association shall make in order to protect and preserve the interest of the boom corporation, shall also, if requested by said corporation, determine what damages the corporation will be entitled to under the lease, in case said repairs are not made.

Co. commissioners authorized to act in certain cases.

SECT. 7. The association shall every year assess and collect one-half cent for every thousand feet on all logs that come into the boom, and shall deposit the same in the Bangor Savings Bank, or some other bank to be agreed on by the boards of directors of the two companies, as a safety fund, to remain there on interest till the end of the fifteen years and then to be used, first, for the payment of any and all sums due to the Penobscot Boom Corporation from the association for not restoring the boom in good condition, or other cause; and second, to pay any other debt of the association; and any part of said fund not needed for said purposes shall be paid back to those who paid it, or to their heirs or assigns; and the treasurer of the association shall each year, file with the cashier of said bank, a list of the individuals or firms who paid in the money that year, with the amount paid by each opposite his name, which list he shall officially certify to be correct, and said cashier shall preserve the same. The application or distribution of this fund shall be made under the direction of one of the justices of the supreme court to be designated by the chief justice.

Collections for safety fund to be deposited in bank.

How and for what purpose to be used.

Treasurer to file with cashier a list of individuals of whom he receives money.

Distribution, how made.

SECT. 8. No action or suit of the corporation against the association, except for not keeping the boom in good repair and delivering it up in good order, shall be maintained, unless brought within one year from the time the cause accrued, and all suits between the parties to be brought in the county of Penobscot.

Commencement of actions limited.

SECT. 9. This act shall take effect when approved.

Approved February 8, 1869.