

# **MAINE STATE LEGISLATURE**

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# FORTY-EIGHTH LEGISLATURE.

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SENATE.

No. 3.

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## STATE OF MAINE.

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IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND SIXTY-NINE.

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AN ACT to amend and to 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.

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

SECTION 1. The act creating said Penobscot Lumbering Association, with all its sections and provisions, is hereby removed 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.

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 So much of the first section of said act as relates to a board of trustees is hereby repealed, and the corporate powers of said association are hereby vested in its members, provided for in section third ;

5 and any owner of timber land on the Penobscot river  
6 and its branches, may become a member, by leaving  
7 with the treasurer sufficient evidence of such owner-  
8 ship ; and he shall be entitled to one vote : and the  
9 board of directors shall be elected by the members,  
10 voting as provided in said third section ; and the land  
11 members as above specified.

SECT. 3. The governor and council on the joint  
2 nomination of the two boards of directors, or by selec-  
3 tion between the two candidates, presented by the  
4 two boards, shall appoint a superintendent of the  
5 scale, to superintend the scaling of the logs at the said  
6 boom—or booms, whose duty it shall be to visit said  
7 booms as often as he finds necessary, and to scale as  
8 far as is practicable a portion of the logs of each mark  
9 and to see that each scaler scales according to this act,  
10 and scales in the same manner on each mark of logs,  
11 or for each owner, and that the different scalers all  
12 scale alike, and that each scaler faithfully and indus-  
13 triously performs his duty ; and he shall point out to  
14 each scaler any error which he discovers in his scale ;  
15 and he shall require him to correct it, and he may  
16 dismiss from the boom any scaler whom he finds to be  
17 incorrect, unreliable, partial, negligent, idle, or  
18 otherwise unsuitable for his place. He shall keep a  
19 record of all his scalings, and may leave copies thereof

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20 with the clerk of the boom when he thinks proper.  
21 The superintendent of the scale shall be paid by  
22 the two companies equally, and his wages, if not  
23 agreed upon, shall be fixed by the surveyor general of  
24 lumber at Bangor. Said scaler shall hold his office for  
25 one year, and may be appointed by the two boards of  
26 directors—if they can agree. The scalers shall not  
27 hereafter be required to mark the contents of the logs  
28 thereon.

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

SECT. 5. The sum of ten cents a thousand, given  
2 by section ninth of said act, to the boom corporation,  
3 as a compensation for the use of the boom, shores,  
4 buildings and other structures, is hereby reduced to,  
5 and established at, nine cents a thousand, and the  
6 lien to secure the same, given by said section, on all  
7 logs in the boom at the time any rent falls due, or  
8 which may at any time afterwards come into the boom  
9 is hereby continued and extended and applied, to any  
10 sum due from said association to said corporation un-  
11 der the lease of the boom, including any sum due for  
12 damages for not keeping the boom—its piers, build-  
13 ings or other structures in good repair, provided that

14 said sum has been ascertained and determined by  
15 agreement of the parties, by judgment of court, or of  
16 referees, or by the county commissioners as hereinafter  
17 provided. But there is to be no lien and no toll on  
18 logs which escape from the boom without being rafted.

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

SECT. 7. The association shall every year assess and  
2 collect one-half cent for every thousand feet on all  
3 logs that come into the boom, and shall deposit the  
4 same in the Bangor savings bank, or some other bank  
5 to be agreed on by the boards of directors of the two com-  
6 panies, as a safety fund, to remain there on interest  
7 till the end of the fifteen years and then to be used—  
8 *first*, for the payment of any and all sums due to the  
9 Penobscot Boom Corporation from the association for  
10 for not restoring the boom in good condition, or other  
11 cause; and, *second*, to pay any other debt of the  
12 association; and any part of said fund not needed  
13 for said purposes shall be paid back to those who paid

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14 it, or to their heirs or assigns ; and the treasurer of  
15 the association shall each year file with the cashier of  
16 said bank a list of the individuals or firms who paid in  
17 the money that year with the amount paid by each  
18 opposite to his name, which list he shall officially  
19 certify to be correct, and said cashier shall preserve  
20 the same. The application or distribution of this fund  
21 shall be made under the direction of one of the jus-  
22 tices of the supreme court to be designated by the  
23 chief justice.

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

SECT. 9. This act is to take effect when signed by  
2 the governor.



STATE OF MAINE.

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IN SENATE, January 20, 1869.

Read once, and on motion of Mr. HERSEY, laid on the table  
and ordered to be printed.

THOMAS P. CLEAVES, *Secretary*.