

# MAINE STATE LEGISLATURE

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# FIFTY-SECOND LEGISLATURE.

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HOUSE.

No. 41.

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## STATE OF MAINE.

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IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND SEVENTY-THREE.

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AN ACT providing for the appointment of port wardens.

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

SECTION 1. Port wardens shall be appointed in any  
2 city or town situated on navigable waters in this state,  
3 upon the petition of ten or more citizens engaged in  
4 commercial pursuits therein.

SECT. 2. In any city or town aforesaid, wherein  
2 there is a board of trade duly incorporated by the laws  
3 of this state, said board of trade shall annually appoint  
4 the port wardens. In any city or town aforesaid  
5 wherein there is no such board of trade, the municipal  
6 officers thereof shall annually appoint the port war-  
7 dens.

SECT. 3. Said boards of trade, by their managers

2 and said municipal officers by themselves, shall have  
3 the power and they are hereby respectively required  
4 to remove for cause, forthwith, upon complaint of any  
5 person aggrieved, and after hearing the party or  
9 parties complained of, any port warden or port war-  
10 dens by them appointed; and the vacancy thereby  
11 created shall be filled by the aforesaid appointing  
12 powers until the next annual meeting.

SECT. 4. Port wardens shall be men of nautical  
2 experience and shall hold office one year from each  
3 election and until others are appointed in their stead,  
4 except when removed for cause or when appointed to  
5 serve out an unexpired term; and they shall be sworn  
6 to faithfully perform their duties; but no person en-  
7 gaged in marine insurance, in importing or exporting,  
8 or in trade, or business appertaining to shipping, shall  
9 be eligible to the office of port warden, nor shall the  
10 port warden's office be upon the premises of any such  
11 persons.

SECT. 5. Port wardens shall make a record of their  
2 doings and shall keep the same in their office where it  
3 may be inspected at any time, free of charge, by any  
4 person interested therein.

SECT. 6. It shall be the duty of the port warden or  
2 port wardens, when requested by any person interested  
3 to proceed on board of any vessel on her arrival in

4 port, and survey her hatches, and notice if they are  
5 properly caulked and secured ; and if they have been  
6 opened by some person not a port warden that fact  
7 shall also be noticed, and all the facts in relation to  
8 the hatches of the said vessel shall be entered in the  
9 official record. It shall also be their duty to examine  
10 the condition and stowage of the cargo of any vessel,  
11 and if any portion of it be found to be damaged they  
12 shall inquire into and ascertain the cause of such  
13 damage, and shall make a memorandum of the same,  
14 noting particularly the marks and numbers of each  
15 and every damaged package thereof, and shall enter  
16 the same in full in the records of their office ; and for  
17 the purpose of ascertaining the extent of said damage  
18 they shall examine goods, wares, or merchandise of  
19 any description, in any warehouse or store, or on any  
20 wharf or at any place where the same may be ; *pro-*  
21 *vided*, the said goods, wares or merchandise are part  
22 of the cargo of any vessel, and are claimed to be  
23 damaged ; and they shall note particularly the marks  
24 and numbers of each and every package examined by  
25 them and the extent of the damage it has received,  
26 and all the facts in relation thereto shall be entered in  
27 the records of their office.

SECT. 7. It shall also be the duty of the port war-  
• 2 den or port wardens when requested in writing, by

3 any person interested, to survey the cargo of any  
4 vessel arriving in port in distress; and to make and  
5 record in the books of their office, a full and partic-  
6 ular report of the condition of said cargo, and of their  
7 recommendations in relation to the disposal of such  
8 portions of the same as in their judgment may not be  
9 in condition for reshipment, reference being had to  
10 the best interests of all concerned.

SECT. 8. It shall also be the duty of the port war-  
2 den or port wardens, when requested in writing by  
3 any person interested, to survey any vessel which may  
4 have suffered wreck or damage, or which may be  
5 deemed unseaworthy; and such port warden or port  
6 wardens shall call to their assistance one merchant  
7 and one shipwright, both of whom shall be competent  
8 and disinterested persons and shall be sworn to faith-  
9 fully perform their duties in the examination and  
10 survey; and the said surveyors and port wardens shall  
11 examine the hull, spars, sails, rigging and all the  
12 appurtenances of said vessel, and they shall make and  
13 record in the books of the port warden's office a full  
14 and particular report of all the surveys by them held  
15 on said vessel, specifying what damage she has sus-  
16 tained and what repairs, in their opinion, are neces-  
17 sary to render her again seaworthy; and the aforesaid  
18 report shall be presumptive evidence of the necessity

19 of such repairs and of the sufficiency of the same when  
20 made.

SECT. 9. It shall be the duty of the port wardens,  
2 and one of them shall personally attend the public  
3 sales of all condemned vessels, vessel materials and  
4 goods that have sustained sea damage and are sold in  
5 consequence thereof for the benefit of whom it may  
6 concern ; and the auctioneer making such sales shall  
7 notify the port wardens of the time and place of the  
8 same, and shall make the same under the direction of  
9 the port warden and shall furnish him with a full and  
10 particular account thereof, which the port warden shall  
11 enter upon the record in their office ; and the auction-  
12 eer shall pay the port warden for his services as speci-  
13 fied in this section, one-half of one per cent. upon the  
14 gross amount of sales ; and for every certified copy of  
15 such sales the port warden shall receive from the per-  
16 son requiring it the sum of two dollars.

SECT. 10. Port wardens shall be allowed fees to be  
2 paid by the person requesting their services as follows :  
3 For survey of hatches, two dollars ; for each survey of  
4 cargo on shipboard, one dollar ; for certificate of stow-  
5 age of cargo, two dollars ; for each subsequent certifi-  
6 cate, one dollar ; for each survey to ascertain extent  
7 of damage, two dollars ; and for each certificate  
8 thereof, two dollars ; for each survey required by sec-

9 tion seven, four dollars ; for each certificate thereof,  
10 two dollars ; for each survey as required by section  
11 eight, for each person on the survey, two dollars ; for  
12 each certificate thereof, two dollars.

SECT. 11. Port wardens shall have in the cities and  
2 towns for which they are appointed exclusive jurisdic-  
3 tion in all matters pertaining to their duties, as speci-  
4 fied in the provisions of this act ; and any person not  
5 a port warden who shall perform or attempt to perform  
6 any of the duties specified in this act as the duties of  
7 a port warden, shall forfeit and pay for each offence  
8 the sum of one hundred dollars, to be recovered in an  
9 action of debt in any court having jurisdiction thereof  
10 by any person suing for the same.

SECT. 12. Port wardens elected or appointed for the  
2 current year previous to the passage of this act, may  
3 retain their offices under it subject to the provisions  
4 thereof the same as if elected or appointed under it.

SECT. 13. This act shall take effect when approved.

STATE OF MAINE.

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IN HOUSE OF REPRESENTATIVES, }  
February 13, 1873. }

Reported from the Committee on Commerce, and ordered printed  
under the rules.

S. J. CHADBOURNE, *Clerk.*