

# MAINE STATE LEGISLATURE

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# Seventy-first Legislature.

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HOUSE.

No. 87

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## STATE OF MAINE.

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IN THE YEAR OF OUR LORD ONE THOUSAND NINE  
HUNDRED AND THREE.

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AN ACT to amend the charter of the Penobscot Lumbering  
Association.

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

Section 1. Chapter 298 of the Private and Special Laws  
2 of 1854, approved April 5, 1854, entitled "An Act to incor-  
3 porate the Penobscot Lumbering Association and to amend  
4 the charter of the Penobscot Boom Corporation," is amended  
5 as follows:

Section 12 of said act, which provides that "logs found in  
7 the boom without marks or means by which their ownership  
8 can be ascertained, shall belong to the Association, and shall  
9 be sold or manufactured from time to time in such manner as  
10 the by-laws may prescribe, and the proceeds be appropriated  
11 as said by-laws provide," is stricken out and the following  
12 inserted instead thereof:

'No person, party or corporation shall detain or hold at any  
14 sorting boom on any of the waters of the Penobscot river or  
15 any of the waters tributary to the Penobscot river, above the  
16 Penobscot boom, any logs or other lumber without marks or  
17 means by which their ownership can be ascertained, but all  
18 of such shall be allowed to pass by said sorting boom or sort-  
19 ing booms with the main body of the drive towards said  
20 Penobscot boom.

Sect. 2. All logs or other lumber without marks or means  
2 by which their ownership can be ascertained which shall come  
3 into said Penobscot boom, shall as soon as practicable and  
4 within a reasonable time after the same shall have been  
5 rafted, be sold, or manufactured and sold, from time to time  
6 by said Penobscot Lumbering Association, and what remains  
7 of the proceeds of the same after deducting boomage and all  
8 other reasonable expenses and charges, that is to say, the net  
9 proceeds of such sale or sales shall constitute a fund, which  
10 shall yearly be divided ratably as nearly as practicable among  
11 all the known owners of logs or other lumber that make up  
12 the drive or drives in Penobscot river and its said tributaries  
13 above said Penobscot boom, for the year during which such  
14 logs or such other lumber so disposed of were found, in pro-  
15 portion to the total quantity and value of such owners' logs  
16 or other lumber.

Sect. 3. Said association shall have the privilege, if it  
2 deems the same desirable, to have its agents or servants at  
3 each sorting boom on said waters, whose duties shall be to  
4 see that no such logs or other lumber without marks or means  
5 by which their ownership can be ascertained, are detained or  
6 held at such sorting boom or booms; such agents or servants  
7 to be paid by said Penobscot Lumbering Association, and the  
8 expense thereof deducted from the proceeds of such sales  
9 as above provided.

Sect. 4. Said Penobscot Lumbering Association shall keep  
2 an accurate account of the number, kind, quality and amount  
3 of such logs or other lumber and how the same shall have  
4 been disposed of and the proceeds thereof, which account  
5 shall be open to the inspection of all interested parties. And  
6 said Penobscot Lumbering Association shall be holden only  
7 to the exercise of reasonable judgment, care, diligence and  
8 management in relation to the powers and duties imposed  
9 upon it by this amended act.

Sect. 5. If any person, party or corporation shall detain  
2 and hold any logs or other lumber without marks or means  
3 by which their ownership can be ascertained contrary to the  
4 provisions of this act, said Penobscot Lumbering Association  
5 may maintain an action on the case against such person, party  
6 or corporation, to recover the value of the same, at the time  
7 so detained and held, and the net amount of money so recov-  
8 ered in such actions shall constitute a part of said fund to be  
9 distributed as above.

Sect. 6. All the provisions of said charter of the Penobscot  
2 Lumbering Association and amendments thereto relating to  
3 unmarked logs, sometimes called "prize logs," or to logs the  
4 ownership of which cannot be ascertained, inconsistent with  
5 this act, are hereby repealed.

And all the provisions of the charter or amendments thereto  
7 of any other corporation and all the provisions of any other  
8 Private and Special Law, or other law, relating to unmarked  
9 logs, sometimes called "prizes" or logs or other lumber, the  
10 ownership of which cannot be ascertained, inconsistent with  
11 this act, are hereby repealed.

Sect. 7. Section 18 of said chapter 298 of the Private and  
2 Special Laws of 1854, is amended so that said section 18, as  
3 amended, shall then read as follows: 'In order to meet all  
4 payments and expenses of every character due from the asso-  
5 ciation, they shall have power and it shall be their duty to

6 make and enforce assessments therefor, either after the pay-  
7 ments or expenses or in anticipation of the same, which  
8 assessments shall be pro rata upon every thousand feet of  
9 lumber, when the same number of logs make a thousand feet  
10 of lumber, board measure; but said association at its annual  
11 meeting shall have the power and authority in its discretion  
12 to make a different rate of assessments upon different sizes  
13 of logs, so that logs or other lumber of which it takes a  
14 greater number for a thousand feet board measure may be  
15 assessed at a higher rate than those logs or other lumber of  
16 which it takes a less number for a thousand feet, board  
17 measure, all of which to be ascertained or estimated as the  
18 by-laws may prescribe. For all such assessments a lien upon  
19 the lumber shall exist enforceable as pointed out in the seventh  
20 section of the charter of the Penobscot Boom Corporation  
21 and in the sixth section of the act additional thereto, approved  
22 March twenty-first, eighteen hundred and thirty-eight. If  
23 any owner shall wish to take his lumber before the assess-  
24 ment thereon has been made, he shall be permitted to do it  
25 upon paying to the treasurer in advance such sum as he shall  
26 prescribe, the amount to be made equal and just after the  
27 amount to have been assessed shall be ascertained. In addi-  
28 tion to the lien aforesaid, the association shall have remedy  
29 by action or assumpsit against the owner or any person to  
30 whom the lumber, so assessed, may have been transferred by  
31 mortgage, pledge, or other way of security.'

Sect. 8. This act shall take effect when approved.

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STATE OF MAINE.

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IN HOUSE OF REPRESENTATIVES,  
AUGUSTA, February 11, 1903.

Tabled pending reference to Committee on Interior Waters, by Mr.  
ROSS of Bangor, and ordered printed.

W. S. COTTON, *Clerk.*