

# MAINE STATE LEGISLATURE

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**PRIVATE AND SPECIAL**

**ACTS**

OF THE

**STATE OF MAINE,**

PASSED BY THE

**TWELFTH LEGISLATURE,**

AT ITS SESSION COMMENCING JANUARY 4, 1832.

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PUBLISHED AGREEABLY TO THE RESOLVE OF JUNE 28, 1820.

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**AUGUSTA:**

**I. BERRY & CO., PRINTERS TO THE STATE.**

**1832.**

**Erratum:**

**There are two private & special**

**laws in 1832 designated as**

**Chapter 283.**

**This is the first one and is filed as 283A.**

lain, Robert Harvey, Ira Fish, James B. Fiske, David A. Gove, Reuben S. Prescott, James Patten, Joseph Doane, Larnard Wright, William R. Miller and Edward Kent, with their associates and successors, be and they hereby are created a corporation by the name of the Penobscot County Agricultural Society, with power by that name to sue and be sued; use a common seal; make by-laws for the management of their affairs, not repugnant to the laws of the State; to have and hold estate real or personal, the income of which shall not exceed three thousand dollars annually, to be applied exclusively for the advancement of Agriculture and the mechanic arts connected therewith; and to have and enjoy all the rights and powers of similar corporations.

Names of Persons incorporated.

Powers &c.

May hold real or personal Estate.

SECT. 2. *Be it further enacted,* That any two of the persons above named may call the first meeting of said corporation on giving such previous public notice of the time and place thereof, as they may deem suitable.

First meeting

SECT. 3. *Be it further enacted,* That the powers granted by this Act may be enlarged, restricted or annulled at the pleasure of the Legislature.

Powers granted maybe changed.

CHAPTER 283.

AN ACT regulating the survey of Lumber in the County of Penobscot.

Approved March 9, 1832.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in Legislature assembled,* That the Governor be and hereby is authorized, with the advice of the Council, to appoint some suitable person to be Surveyor General of lumber in the County of Penobscot, who shall make his residence in the town of Bangor, and hold his office for the term of four years, unless sooner removed by the Governor and Council, and shall give bond with sufficient sureties to the Treasurer of said County in the sum of two thousand dollars, for the faithful discharge of his duty, to be ap-

Surveyor General to be appointed—who shall reside at Bangor.

Term of office.

He shall give Bond.

Shall be sworn.  
Shall be required to appoint Deputies.

Deputies shall be on oath, and shall give Bond.

They may be removed.

Proviso.

Rules for the admeasurement of lumber.

proved of by the Governor and Council, and shall be sworn to the upright and faithful performance of his trust. And said Surveyor General shall be authorized and required to appoint such number of Deputies, not less than ten, who shall be on oath to the faithful performance of their duties, and give bond therefor to the Surveyor General, and may be removed by him at pleasure. *Provided*, that nothing in this Act shall be construed to prevent any person or persons from completing any contract heretofore made with express reference to a survey by a particular individual.

SECT. 2. *Be it further enacted*, That in the survey and admeasurement of lumber, of the sorts in this Act hereafter mentioned, the following rules and regulations are hereby established. Pine boards and plank shall be divided into four sorts. The first sort shall be denominated number one, and shall include boards not less than one inch thick, straight-grained and free from rot, sap, knots and shakes. The second sort shall be denominated number two, and shall include boards not less than one inch thick, free from rot and large knots, and suitable for planing; *Provided* that such boards as are clear but may be deficient in thickness as aforesaid shall be received as number two, by making such allowances for the deficiency in thickness as may be required to make them equal to one inch thick. The third sort shall be denominated number three, and shall include boards not less than seven eighths of an inch thick, nearly free from rot, and nearly square edged, and suitable for covering buildings. The fourth sort shall be denominated number four, and shall include all boards and plank of every description, not being within the other three denominations. Spruce, hemlock, and juniper boards, plank and joists shall be of two sorts. The first shall be denominated number one, and shall include all boards, plank and joists that are sound and square edged. The second sort shall be denominated number two, and shall include all other descriptions. Pine joists shall be divided into two sorts. The first sort shall be denominated number one, and shall include all joints [joists] that are sound and square edged. The second sort shall be denominated number two, and shall include all other descriptions.

SECT. 3. *Be it further enacted,* That timber shall be surveyed forty cubic feet to the ton, and shall be divided into two sorts. The first sort shall be sound, straight and square edged, and in lengths or joints of not less than sixteen feet, and due allowances shall be made for sap. The second sort or number two shall include all other timber.

Lumber to be surveyed forty cubic feet to the ton--and divided into two sorts &c.

SECT. 4. *Be it further enacted,* That in surveying the lumber aforesaid, the contents thereof shall be truly marked thereon in plain characters, and all other marks erased. Allowance and deduction shall be made for splits, not exceeding in any case one half of the length of said splits. And all said lumber shall be received and sold according to the aforesaid marks. And it shall not be lawful for any person or persons to sell or purchase any of said sorts of lumber, within said county, unless the same shall be surveyed and marked as aforesaid by the Surveyor General or by one of his deputies, except such as may be purchased by any person or persons for his or their own use or home consumption. In all surveys by the Surveyor General or his deputies, there shall be placed upon each piece of lumber, except such as belongs to number four, the numerical mark, showing the particular sort or quality to which it belongs.

Contents of lumber surveyed shall be marked thereon &c.

Lumber not purchased for home consumption, must be surveyed by the S. G. or one of his deputies.

Numerical mark to be placed upon each piece of lumber except &c.

SECT. 5. *Be it further enacted,* That the fees of the Surveyor General or his deputies for marking and surveying said lumber, and giving certificates therefor, shall be paid by the purchaser, and at the following rates, viz: for boards, plank and joists, sixteen cents per thousand feet board measure, and for timber, six cents per ton. And whenever said survey and marking shall have been done by a deputy of said Surveyor General, he shall pay to said Surveyor General for his perquisite, one eighth part of the fees therefor.

Fees of Surveyor General or his Deputies.

Deputies shall pay to Surveyor General one eighth part of fees.

SECT. 6. *Be it further enacted,* That if any person shall sell or purchase any of the aforesaid descriptions of lumber, not surveyed and marked as this act requires, he shall forfeit one dollar for every ton of timber or every thousand feet of said other lumber, sold or purchased as afore-

Forfeiture for selling or purchasing lumber not surveyed and marked as this Act requires.

Forfeiture for surveying lumber, the person not being authorized so to do.

said, and if any person not being the Surveyor General or one of his Deputies, shall take an account of or survey any of the aforesaid descriptions of lumber sold or purchased as aforesaid, he shall forfeit not less than two nor more than ten dollars for every ton of timber or every thousand feet of said other lumber which he shall survey or take an account of ; but said forfeiture shall not extend to such lumber as the parties may agree to have shipped without survey ; *Provided* the same be actually shipped in pursuance of said agreement.

Proviso.

Any buyer or seller dissatisfied with the survey of any deputy, may appeal to the Surveyor General.

SECT. 7. *Be it further enacted*, That whenever any seller or purchaser of any of the lumber aforesaid shall be dissatisfied with the survey made by any of said deputies, he may appeal to the Surveyor General, who shall decide the points of difference, and the survey and certificate shall be made according to said decision.

Forfeiture for refusal of the Surveyor General or his Deputies to perform their duty.

SECT. 8. *Be it further enacted*, That if the Surveyor General or any deputy shall unreasonably refuse to do and perform any duty required of him by this Act, or shall be guilty of any fraud or deceit in the performance of any such duty, he shall forfeit a sum not less than ten or more than fifty dollars for every such offence.

Fines, penalties &c. how to be recovered &c.

SECT. 9. *Be it further enacted*, That all fines and penalties, forfeited by any person or persons under the provisions of this Act, may be recovered by action of debt, or the same may be recovered by indictment in the Court of Common Pleas or Supreme Judicial Court, one half to the use of the County of Penobscot and the other half to the person who shall sue or prosecute for the same.

Any person aggrieved may prosecute action on Bond of Surveyor General &c.

SECT. 10. *Be it further enacted*, That any person aggrieved shall have a right to commence and prosecute to final judgment and execution, an action on the bond given by said Surveyor General in the name of the Treasurer of the County, for the benefit of the persons so aggrieved. And said aggrieved person shall endorse the writ, and the judgment when for the defendant shall be rendered against said person for whose benefit the suit was brought, and execution shall issue thereon.

SECT. 11. *Be it further enacted,* That all Acts and parts of Acts inconsistent with the provisions of this Act be and the same hereby are repealed. Acts repealed.

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CHAPTER 283.

AN ACT to incorporate the Sugar-Island Side Boom Company.

Approved March 9, 1832.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in Legislature assembled,* That Nathan Winslow, Henry Campbell, Francis Blackman, William E. Blackman, John Butterfield, Amos M. Roberts, Samuel Dudley, Amos Bailey and their associates, successors and assigns be and hereby are created a corporation by the name of the Sugar-Island Side Boom Company, for the purpose of booming and securing logs, and shall so continue for the term of thirty years, and by that name may sue and be sued ; have and use a common seal ; make by-laws for the management of their concerns, not repugnant to the laws of the State, and have and enjoy the rights and privileges of similar corporations. Names of persons incorporated.  
Corporation to continue for the term of thirty years.  
May make by-Laws &c.

SECT. 2. *Be it further enacted,* That said company may erect and maintain a boom across that branch of the Penobscot river, which passes between said Island and the eastern shore of said river, for the purpose of securing stopping and fastening logs and other lumber floating upon said river, and may erect piers wherever necessary for said Boom ; *Provided,* that said Corporation shall keep said boom sufficiently strong to secure the lumber contained therein, and that all persons may have the same privilege of landing and fastening rafts and of picking up logs and other lumber, which they have heretofore enjoyed, but without purposely incumbering said boom. And said corporation shall have power to raft and fasten logs along the eastern shore of said river between said Island and Stanley's rips, and shall be liable to every person injured by May erect a boom across a branch of Penobscot river, &c.  
Proviso.