

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

TWENTY-FOURTH LEGISLATURE

OF THE

S T A T E O F M A I N E ,

A. D. 1844.

Published by the Secretary of State, agreeably to Resolves of June 28, 1820, February 26, 1840, and March 16, 1842.

AUGUSTA:

W^M R. SMITH & Co., PRINTERS TO THE STATE.

1844.

PUBLIC LAWS

OF THE

STATE OF MAINE,

1844.

provisions of this act, are hereby repealed; provided, that nothing CHAP. 124.
in this act shall affect the collection of taxes heretofore assessed.

SECT. 22. This act shall be in force from and after its approval by the governor.

[Approved March 22, 1844.]

Chapter 124.

AN ACT in addition to an act to regulate the survey of lumber in the county of Penobscot.

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

SECT. 1. It shall be the duty of the surveyor general to be in constant attendance at his office, or in discharge of the duties connected therewith, during business hours, from the opening of the river in the spring to the close of the same. Duty of surveyor general.

SECT. 2. In all surveys of lumber hereafter made in the county of Penobscot, by the surveyor general or either of his deputies, the contents thereof shall be truly marked thereon in plain characters, and all marks put thereon by millmen or others, if erroneous, shall be corrected or erased; and in all surveys by the surveyor general, or his deputies, there shall be placed on each piece of lumber except the last denomination mentioned in each sort, the numerical mark showing the particular sort or quality to which it belongs, excepting, and the same is hereby excepted, all of such lumber as is not intended for transportation out of said county by such survey, and any survey of lumber aforesaid not exported, or intended to be exported, out of said county by such survey, excepting, and the same is hereby excepted, all the aforesaid descriptions of lumber which shall be surveyed in the city of Bangor, by any surveyor who shall be duly appointed, chosen and qualified by the towns and plantations in said county, at their annual meetings for the choice of other town and plantation officers, provided, that said surveyors shall be governed by the rules for defining the several sorts of lumber prescribed in the act to which this is additional; and subject to the further provisions of this act; and it is also hereby provided, that any person or persons may buy or sell at the mill marks for home consumption, or may transport the same out of said county to be surveyed in any port or place elsewhere, any of the descriptions of lumber aforesaid. Duty of surveyor and his deputies in marking lumber. Exception. Proviso. Proviso.

SECT. 3. The fees of the surveyor general for surveying and Fees.

CHAP. 124.

marking said lumber and giving certificates therefor, shall be paid by the purchaser, and at the following rates, viz: for all lumber which may require the numerical mark to be placed upon it, eighteen cents per thousand feet, board measure, and all lumber sold at the contents, and so surveyed without the numerical marks, twelve and half cents per thousand feet, board measure, and whenever said survey, or said survey and marking shall be done by a deputy of said surveyor general, he shall pay to said surveyor general for his perquisite, one tenth of the fees therefor.

Purchaser to apply to surveyor general for a surveyor.

SECT. 4. It shall be the duty of the purchaser or seller to make application to the surveyor general, whose duty it shall be to appoint and designate one from his list in rotation, or as nearly so as is practicable, so that no deputy shall successively survey four cargoes of boards for the same person or firm.

Duty of surveyor general to keep a record of all surveys.

SECT. 5. It shall be the duty of the surveyor general to cause to be recorded in a book, by him kept for that purpose, an account of all lumber of every description surveyed by him or either of his deputies, and before the same is recorded he shall cause a careful examination of all the footings and castings, and shall for the space of six months after such record is made, keep the original figures containing the account of all the surveys by himself or his deputies, and recorded as aforesaid, which original figures any party interested shall have the right to examine on application to said surveyor general.

Original figures to be preserved for examination of party interested.

Penalty for not marking as required.

SECT. 6. If said surveyor general or either of his deputies shall fail to put on the marks required by the second section of this act, he or either of his deputies, so offending shall forfeit the sum of one dollar for every thousand feet surveyed, and which they have omitted to mark as provided by said second section. And if the surveyor general shall fail to do and perform all the duties required by this act, he shall forfeit not less than ten, and not more than one hundred dollars, for each and every offence. And all the penalties in this act may be recovered in the same manner and to the same uses as is provided in the tenth section of the act to which this is additional: provided, nevertheless, this act shall not affect any contract in writing, existing and unexecuted prior to the date of passage of this act.

Penalty for neglect of duty by surveyor general.

How recoverable.

Proviso.

SECT. 7. All acts and parts of acts inconsistent with this act are hereby repealed.

[Approved March 22, 1844.]