

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

112

PASSED BY THE

FORTIETH LEGISLATURE

OF THE

STATE OF MAINE.

1861.

Published by the Secretary of State, agreeably to Resolves of June 23, 1820,
February 26, 1840, and March 16, 1842.

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1861.

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1861.

Chapter 109.

An act to regulate the scale of logs on the Penobscot river and its branches.

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

Logs in Penobscot river, scale of, regulated.

Scale rule to be used.

—how used.

Certificate of scaler.

Not to apply to standing timber, &c.

Scaler, duties of.

Persons scaling, selling, &c.

Penalty.
—how recovered.

—how appropriated.

SECT. 1. The sale of all pine, spruce and hemlock logs on the Penobscot river and its branches, shall be by the piece or at the full scale, unless otherwise agreed in writing between the purchaser and seller. Said full scale to be obtained by the use of one of the scale rules now used on said river known as the A. H. Norton or Charles T. Holland rule, by measuring the length of each stick and its diameter at the top, the fractions of a foot in length and of an inch in diameter being rejected if less than one-half, and taken as a full foot or inch if over half, and if the stick be twenty-seven feet or less in length, taking the figures given by said rule corresponding to such length and diameter for the contents of said stick, and if the stick be over twenty-seven and not over forty feet long, scaling it in two logs of equal length, or if it be an odd number, giving the odd foot to the top log, and if the stick be not over thirty feet, taking the but log to be one inch in diameter larger than the top, if it be over thirty feet, taking the but log to be two inches larger in diameter, and if the stick be over forty feet long, then scaling it in as many twenty feet logs as it will make, leaving the shorter log at the but, and allowing two inches increase of diameter for every twenty feet, and not making in any case any allowance or deduction for any defects or crooks in said stick. And the scaler shall state in his certificate the number of sticks and the number of feet they make, and that the scale is at the full size and according to the provisions of this act. But this act shall not apply to the scale of standing timber, or to what is known as the woods or stumpage scale, nor shall it prevent the sale of any logs at the woods scale, nor shall it prevent any person from having logs examined or scaled in any mode he pleases, not putting any scale mark thereon, for the purpose of forming his own opinion of the value of the logs at said full scale.

SECT. 2. Every scaler shall scale the logs herein specified and make a true certificate of the same according to the provisions of this act, and before he enters upon the discharge of his duties shall make oath before some justice of the peace that he will faithfully and impartially perform all the duties required of him by this act.

SECT. 3. Any person scaling, selling or purchasing any logs contrary to the provisions of this act, shall forfeit the sum of one dollar per thousand feet for all logs so sold, scaled or bought, to be recovered in an action of debt in any court proper to try the same, or by indictment before the supreme judicial court, one half to the use of the county of Penobscot and the other half to the use

of the person who shall sue or prosecute for the same ; and in such suit or prosecution against the buyer or seller, it shall be incumbent on him to prove that the logs sold or purchased by him were scaled according to law. *Provided however*, that the provisions of this section shall not apply to parties who shall agree in writing that the scale of logs herein mentioned shall be made according to custom heretofore in practice, and in such case the agreement shall be valid and the scale accordingly.

CHAP. 110.

Proviso.

[Approved March 16, 1861.]

Chapter 110.

An act to incorporate the Maine Mining and Manufacturing Company.

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

SECT. 1. John D. Candee, Forest Shepherd, Edwin D. Potter, Wyllis Bailey, Jacob Gould and their associates, successors and assigns, are hereby created a corporation by the name of the Maine Mining and Manufacturing Company, for mining of plaster of paris, or gypsum, iron, lead, silver, tin, zinc, copper and all other metallic ores, earths and minerals in their various branches, smelting, manufacturing and transporting the same within the counties of Hancock and Washington. And said corporation is hereby authorized to exercise all the rights, powers and privileges conferred on mining and manufacturing corporations, and subject to all the liabilities and restrictions thereof.

Corporators.

Corporate name.

Rights, powers, privileges, &c.

SECT. 2. The capital stock of said company shall be one-half million of dollars, to be divided into such number of shares as the corporation may determine, and said corporation may hold real and personal estate to the amount of said capital stock, with full power to manage and dispose of the same.

Capital stock.

Shares.

May hold real and personal estate.

SECT. 3. The first meeting of said corporation shall be held in Portland in this state, and shall be called by a public notice thereof published in the Portland Advertiser, a newspaper printed in said Portland, ten days prior to said meeting, signed by any two of the first three persons named in the first section of this act.

First meeting, how called.

SECT. 4. This act shall take effect and be in force from and after its approval by the governor.

[Approved March 16, 1861.]