

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

331

OF THE

FIFTY-SECOND LEGISLATURE

OF THE

STATE OF MAINE.

1873.

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PUBLIC LAWS  
OF THE  
STATE OF MAINE.

1873.

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## CHAP. 147.

## Chapter 147.

An act providing for the appointment of port wardens.

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

Port wardens, appointment of.

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

—may be appointed by board of trade.

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

—may be removed.

SECT. 3. Said boards of trade, by their managers and said municipal officers by themselves, shall have the power and they are hereby respectively required to remove for cause, forthwith, upon complaint of any person aggrieved, and after hearing the party or parties complained of, any port warden or port wardens by them appointed; and the vacancy thereby created shall be filled by the aforesaid appointing powers until the next annual meeting.

—vacancies, how filled.

—qualification and term of office.

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

—certain persons not eligible to office of.

—shall keep record of their doings.

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

—duty of, on arrival of vessels.

SECT. 6. It shall be the duty of the port warden or port wardens, when requested by any person interested, to proceed on board of any vessel on her arrival in port, and survey her hatches, and notice if they are properly caulked and secured; and if they have been opened by some person not a port warden that fact shall also be noticed, and all the facts in relation to the hatches of said vessel shall be entered in the official record. It shall also be their duty to examine the condition and stowage of the cargo of any vessel, and if any portion of it be found to be damaged they shall inquire into and ascertain the cause of such damage, and shall make a memorandum of the same, noting particularly the marks and numbers of each and every damaged package thereof,

—shall examine condition and storage of cargoes.

—duties of, in relation to damaged cargoes.

and shall enter the same in full in the records of their office; and for the purpose of ascertaining the extent of said damage they shall examine goods, wares, or merchandise of any description, in any warehouse or store, or on any wharf or at any place where the same may be; *provided*, the said goods, wares or merchandise are part of the cargo of any vessel, and are claimed to be damaged; and they shall note particularly the marks and numbers of each and every package examined by them and the extent of the damage it has received, and all the facts in relation thereto shall be entered in the records of their office.

*Proviso.*

SECT. 7. It shall also be the duty of the port warden or port wardens, when requested in writing by any person interested, to survey the cargo of any vessel arriving in port in distress; and to make and record in the books of their office, a full and particular report of the condition of said cargo, and of their recommendations in relation to the disposal of such portions of the same as in their judgment may not be in condition for reshipment, reference being had to the best interests of all concerned.

*Duty of port warden in case of vessels arriving in distress.*

SECT. 8. It shall also be the duty of the port warden or port wardens, when requested in writing by any person interested, to survey any vessel which may have suffered wreck or damage, or which may be deemed unseaworthy; and such port warden or port wardens shall call to their assistance one merchant and one shipwright, both of whom shall be competent and disinterested persons and shall be sworn to faithfully perform their duties in the examination and survey; and the said surveyors and port wardens shall examine the hull, spars, sails, rigging and all the appurtenances of said vessel, and they shall make and record in the books of the port warden's office a full and particular report of all the surveys by them held on said vessel, specifying what damage she has sustained and what repairs in their opinion are necessary to render her again seaworthy; and the aforesaid report shall be presumptive evidence of the necessity of such repairs and of the sufficiency of the same when made.

*—in case of wrecked or damaged vessels.*

SECT. 9. It shall be the duty of the port wardens, and one of them shall personally attend the public sales of all condemned vessels, vessel materials and goods that have sustained sea damage and are sold in consequence thereof for the benefit of whom it may concern; and the auctioneer making such sales shall notify the port wardens of the time and place of the same, and shall make the same under the direction of the port warden and shall furnish him with a full and particular account thereof, which the port warden shall enter upon the record in their office; and the auctioneer shall pay the port warden for his services as specified in this section, one half of one per cent. upon the gross amount of sales; and for every certified copy of such sales the port

*Port wardens shall attend sale of condemned vessels and merchandise.*

*Commissions.*

**CHAP. 148.** warden shall receive from the person requiring it the sum of two dollars.

Port wardens,  
fees of office.

SECT. 10. Port wardens shall be allowed fees to be paid by the person requesting their services as follows: For survey of hatches, two dollars; for each survey of cargo on shipboard, one dollar; for certificate of stowage of cargo, two dollars; for each subsequent certificate, one dollar; for each survey to ascertain extent of damage, two dollars; and for each certificate thereof, two dollars; for each survey required by section seven, four dollars; for each certificate thereof, two dollars; for each survey as required by section eight, for each person on the survey, two dollars; for each certificate thereof, two dollars.

—jurisdiction of.

SECT. 11. Port wardens shall have in the cities and towns for which they are appointed exclusive jurisdiction in all matters pertaining to their duties, as specified in the provisions of this act; and any person not a port warden who shall perform or attempt to perform any of the duties specified in this act as the duties of a port warden, in any city or town wherein there is a port warden, shall forfeit and pay for each offense the sum of one hundred dollars, to be recovered in an action of debt in any court having jurisdiction thereof by any person suing for the same.

Penalty for  
performing duties  
of port warden  
without authority

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

Port wardens  
appointed for the  
current year may  
retain their  
offices.

SECT. 13. The word "appoint" where it occurs in this act shall be construed to mean 'elect.'

SECT. 14. This act shall take effect when approved.

Approved February 26, 1873.

## Chapter 148.

An act additional to chapter forty-nine of the revised statutes, respecting insurance and insurance companies.

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

SECT. 1. Whenever, after setting aside a sum equal to the full amount of premiums on outstanding marine risks, together with one half of all premiums on existing fire and inland risks, the net assets of any insurance company with a specific capital, do not amount to more than three fourths of its capital stock, the company shall by assessing the stock, restore its capital to the legal amount. Shares on which such assessment is not paid within

Capital stock  
shall be restored  
by assessment to  
the legal amount.