

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

ACTS AND RESOLVES

OF THE

SEVENTY-FIRST LEGISLATURE

OF THE

STATE OF MAINE

1903.

Published by the Secretary of State, agreeably to Resolves of June 28,
1820, February 18, 1840, and March 16, 1842.

AUGUSTA
KENNEBEC JOURNAL PRINT
1903

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1903.

Chapter 405.

An Act relating to prize logs on the Penobscot river and its tributaries.

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

Section 1. When logs or other lumber belonging to different owners become intermingled in driving upon any of the waters of the Penobscot river or any of the waters tributary to the Penobscot river above Penobscot boom, and any person or corporation desires to separate and detain his or its logs or other lumber at any sorting place or sorting boom or any place of sale or manufacture above said Penobscot boom, and in so separating and detaining his or its logs or other lumber, logs or other lumber without marks or means by which their ownership can be ascertained are also detained and held, said person or corporation shall keep an accurate account open to the inspection of all interested parties, of the number, kind, quality and quantity of such logs or other lumber, without marks or means by which their ownership can be ascertained, and when and where detained and held, and shall within a reasonable time thereafter pay to the Penobscot Lumbering Association at its office in Bangor, Maine, for all such logs or other lumber, without marks or means by which their ownership can be ascertained, so detained and held, such a price as a like kind and quality of logs or other lumber are worth, at the time when and place where they shall be so separated and held to be disposed of by said Penobscot Lumbering Association, as hereinafter provided. Such payment to be accompanied by a copy of said account.

Prize logs,
proceedings
when
detained and
held.

Section 2. All logs or other lumber, without marks or means by which their ownership can be ascertained, which shall come into said Penobscot boom, shall as soon as practicable and within a reasonable time after the same shall have been rafted, be sold, or manufactured and sold, from time to time by said Penobscot Lumbering Association, and what remains of the proceeds of the same, after deducting boomage and all other reasonable expenses and charges, that is to say, the net proceeds of such sale or sales together with all moneys received under the provisions of section one of this act, shall constitute a fund, which shall yearly be divided ratably as nearly as practicable among all the known owners of logs or other lumber, that formed the drive or drives out of which said logs or other lumber without marks or means by which their ownership could be ascertained, came, to be ascertained by such owners submitting to said Penobscot Lumbering Association at Bangor, Maine, on or before Decem-

Division of
fund derived
from sale of
prize logs.

CHAP. 405

ber one, each year, by written statement, satisfactory evidence of the total quantity and value that they had in such drive or drives. In making such distribution said Penobscot boom scale or what is equivalent thereto shall be adopted as a basis of computation.

Association may have agents to measure prize logs.

Section 3. Said association shall have the privilege, if it deems the same desirable, to have its agents or servants at each and every place on any of said waters where any such logs or other lumber, without marks or means by which their ownership can be ascertained, are separated and held as aforesaid, whose duties shall be, if said association shall desire it, to take and keep accurate measurements of the length, and diameter at the top end of all such logs or other lumber, without marks or means by which their ownership can be ascertained, which are so separated and held, and whose duties shall also be to see that the accounts provided for in section one of this act are accurately kept and preserved; such agents or servants to be paid by said Penobscot Lumbering Association and the expense thereof deducted from the proceeds of such sales or receipts of money as above provided.

Account shall be kept.

Section 4. Said Penobscot Lumbering Association shall keep an accurate account of the number, kind, quality and amount of such logs or other lumber, without marks or means by which their ownership can be ascertained, which are rafted in their boom, and how the same shall have been disposed of, and the proceeds thereof, and also of the moneys received from all persons and corporations for such logs or other lumber so separated and held, which accounts shall be open to the inspection of all interested parties. And said Penobscot Lumbering Association shall be holden only to the exercise of reasonable judgment, care, diligence and management in relation to the powers and duties imposed upon it by this act.

Action of assumpsit for sums due.

Section 5. If any person or corporation shall not pay to said Penobscot Lumbering Association any money, which he or it is holden to pay in accordance with the provisions of this act, said Penobscot Lumbering Association may maintain an action of assumpsit against said person or corporation to recover the same, and the net amount of money so recovered in such action shall constitute a part of said fund to be distributed as above.

Inconsistent acts repealed

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

And all the provisions of the charter or amendments thereto of any other corporation and all the provisions of any other

private and special law, or other law, relating to unmarked logs, sometimes called "prizes," or logs or other lumber, the ownership of which cannot be ascertained, upon the waters of said Penobscot river or any of its tributaries above said Penobscot boom inconsistent with this act, are hereby repealed.

Section 7. Whoever, except as provided in this act, takes, carries away or otherwise converts to his own use any such logs or other lumber without marks or means by which their ownership can be ascertained, after they shall have become intermingled with the logs or other lumber of other owners for the purposes of driving as aforesaid, suitable to be manufactured into lumber or pulp, lying in said Penobscot river, or in any of the waters tributary to said Penobscot river, above said Penobscot boom, or on or near the bank or shore thereof, or puts any mark upon the same with intent to claim the same for himself or another, forfeits for every such log or stick twenty dollars, to be recovered on complaint of any person or by indictment.

Penalty for taking away prize logs.

Section 8. The provisions of sections seven and eight of chapter forty-two of the revised statutes of eighteen hundred eighty-three, relating to logs and other lumber, carried by freshet on to lands, are not affected by this act.

Provisions not affected by this act.

Section 9. This act shall take effect when approved.

Approved March 28, 1903.

Chapter 406.

An Act to prevent the throwing of sawdust and other mill waste into all tributaries of Seven Tree pond and Crawford pond in Union and Warren.

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

Section 1. No person or persons shall put, or allow the same to be done by any person within his employ, any sawdust, shavings, bark, or other mill waste, into any of the tributaries of Seven Tree pond, in Union, in the county of Knox, or in any of the tributaries of Crawford pond, in Union and Warren, in said Knox county, or place or deposit such mill waste, or other refuse, along the banks in such a manner that the same shall fall or be washed into said brooks or streams.

Throwing of refuse into Seven Tree pond or tributaries of Crawford pond, forbidden.

Section 2. Any person violating the provisions of section one of this act, shall be subject to a penalty of not less than five dollars and not more than fifty dollars and costs for each offense.

Penalty for violation.

Section 3. This act shall take effect January first, nineteen hundred and five.

Approved March 28, 1903.