

MAINE STATE LEGISLATURE

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REPORT

OF THE

COMMISSIONERS

APPOINTED TO REVISE THE

PUBLIC LAWS

OF THE

STATE OF MAINE.

TITLE IV.

Augusta:

SMITH & ROBINSON, PRINTERS TO THE STATE.

1840.

TITLE FOURTH.

REGULATIONS CONNECTED WITH TRADE.

- Chap.* 43. Of principal, factors and agents.
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45. Of limited partnerships.
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boards and other lumber and the admeasurement of logs.
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75. Of hawkers and pedlers and the owners of certain horses.

CHAPTER 43.

OF PRINCIPAL, FACTORS AND AGENTS.

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- Sect. 1.* Who shall be deemed owner of goods shipped, in respect to consignee and his lien for advances.
2. How far a factor may be considered as owner.
3. What rights such factor can communicate to a person with whom he deposits goods as security.
4. Rights of the true owner in such cases.
5. No rights given to a common carrier, &c. by this chapter to sell and dispose of property entrusted to him.
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SECT. 1. Every person, in whose name any merchandize shall be shipped, shall be deemed the true owner thereof, so far as to entitle the consignee of such merchandize to a lien thereon— for any monies advanced or negotiable security given, by such consignee, to and for the use of the person, in whose name such shipment shall have been made, and for any money or negotiable security received by the person in whose name the shipment shall have been made, to and for the use of any such consignee.

1834, 117, § 1.

SECT. 2. Every factor or agent, entrusted with the possession of any bill of lading, custom house permit or ware house keeper's receipt, for the delivery of any such merchandize and every such factor or agent, not having the documentary evidence of title, who shall be entrusted with the possession of any merchandize for the purpose of sale, or as a security for any advances to be made or obtained thereon, shall be deemed to be the true owner thereof, so far as to give validity to any contract made by such agent with any other person, for the sale or disposition of the whole or any part of such merchandize, any money advanced, or negotiable instrument or any other obligation in writing given by such person upon the faith thereof.

1834, 117, § 2.

SECT. 3. Every person who shall accept or take such merchandize in deposit from such agent, as security for any antecedent debt or demand, shall not acquire thereby, or enforce any right or interest in or to such merchandize or document, other than was possessed or might have been enforced by such agent at the time of such deposit.

1834, 117, § 3.

SECT. 4. Nothing in the preceding sections of this chapter shall be construed to prevent the true owner of any merchandize so deposited, from demanding and receiving the same, upon repayment of the money advanced, or on restoration of the security given, on the deposit of such merchandize; and upon satisfying such lien as may exist thereon in favor of the agent who may have deposited the same, nor from recovering any balance remaining in the hands of the person with whom such merchandize shall have been deposited as the produce of the

10 sale thereof, after satisfying the amount justly due to such per-
 11 son by reason of such deposit, and also after having satisfied
 12 all just expenses arising on such merchandize.

1834, 117, § 4.

SECT. 5. Nothing in this chapter shall authorize a common
 2 carrier, warehouse keeper or other person to whom merchan-
 3 dize or other property may be committed for transportation or
 4 storage, to sell or hypothecate the same. 1834, 117, § 5.

CHAPTER 44.

OF NOTARIES PUBLIC.

- Sect.* 1. How notaries public shall be appointed and qualified.
 2. Those now in office to remain, &c. &c.
 3. Every notary shall keep a seal of office, device on it.
 4. His general duty as to protests, &c.
 5. Same subject.
 6. Shall record at length all acts, protests, &c. and all certificates and
 copies by him granted, to be under his seal of office.
 7. On his resignation or removal, he must deposit his records with clerk,
 penalty for his neglect.
 8. Penalty for similar neglect, by his executor or administrator.
 9. Penalty for destroying such records.
 10. Duty of clerk to receive and keep such records.
 11. Forfeitures appropriated.
 12. Protest of foreign and inland bills of exchange, &c. duly certified under
 notary's hand and official seal, shall be legal evidence of the facts
 therein stated, in any court of law.
 13. Provision as to days of grace.
 14. Same subject, and notary's fees.

SECT. 1. All notaries public shall be appointed and commis-
 2 sioned in the manner, and for the term prescribed in the consti-
 3 tution, and shall be duly sworn and qualified before entering
 4 upon the discharge of their duties.

SECT. 2. All notaries public now in office, shall continue to
 2 hold their offices according to their respective commissions.

SECT. 3. Every notary public, shall constantly keep a seal of
 2 office, whereon shall be engraven his name, and the words
 3 "notary public" and "Maine", with the arms of the State or such
 4 other device as he may choose. 1821, 101, § 1.

SECT. 4. It shall be his duty, when requested to enter on
 2 record, all losses or damages sustained or apprehended by sea or
 3 land, and also all averages, and such other matters, as by mer-
 4 cantile usage appertain to his office; and cause protest thereof
 5 to be made, duly and formally. 1821, 101, § 2.

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SECT. 5. All facts, extracts from documents and circumstances so noted, shall be signed and sworn to, by all the persons appearing to protest; and he shall note, extend and record the protest so made; and shall grant authenticated copies thereof under his signature and notarial seal, to those who request and pay for the same.

SECT. 6. Every notary public, shall record at length in a book of records, all acts, protests, depositions, and other things by him noted or done in his official capacity, and all copies or certificates by him granted, shall be under his hand and notarial seal. 1821, 101, § 3.

SECT. 7. And the resignation or removal from office of any notary public, his records shall be deposited with the clerk of the judicial court in same county; and by a neglect for three months to comply with the above requisition, such notary shall forfeit not less than fifty nor more than five hundred dollars. 1821, 101, § 6.

SECT. 8. If the executors or administrators of such notary shall neglect for three months, after his acceptance of said trust, to deposit all such records and papers as shall come to his hands, he shall forfeit not less than fifty dollars, nor more than five hundred.

SECT. 9. If any person knowingly destroy, or deface, or conceal any such records, he shall forfeit and pay not less than two hundred, nor more than one thousand dollars.

SECT. 10. It shall be the duty of all clerks to receive and safely keep all such records and papers, lodged in their respective offices; and may give attested copies of the same, for which he shall be allowed the same fees as are allowed to a notary and such copies shall be as valid, as if they were certified by said notaries. 1821, 101, § 7.

SECT. 11. All forfeitures before named, shall be one half to the State, and the other to him who shall sue for the same. 1821, 101, § 7.

SECT. 12. The protest of any foreign or inland bill of exchange or promissory note or order, duly certified by any notary public, under his hand and official seal, shall be legal evidence of the facts stated in such protest, as to the same, and also as to the notice given to the drawer or endorser, in any court of law. 1821, 101, § 3.

SECT. 13. Whenever any promissory note, inland bill of exchange, draft or order for the payment of money payable at a future day or at sight, and not on demand, shall become payable in this State, the maker of any such note and the acceptor of any such bill of exchange respectively shall be entitled to a grace of three days, unless the third day happen to be the Lord's day, or a day of public fast or thanksgiving, appointed by the governor and council, or the fourth day of July; in which excepted cases a grace of two days only shall be allowed. 1824, 272, § 1. 1839, 386, § 1.

SECT. 14. If the fourth day of July should happen to be
 2 Monday, and the third day of grace on any such note, bill or
 3 draft should happen on the same day; or if the fourth day of
 4 July should happen on Saturday and the following Sunday
 5 should be the third day of grace, an additional day of grace
 6 shall be allowed on such note, bill or draft; and for such pro-
 7 test, notifying parties, making the certificate in form aforesaid
 8 and record of his proceedings, he shall be entitled to a fee of
 9 one dollar and fifty cents and no more.

1824, 272, § 1. 1839, 386, § 1. varied.

NOTE.

SECT. 12. This is a new section. There seems no good reason why the regular protest of a notary, under his official certificate and seal, of an *inland* bill or note should not be as good evidence as of a *foreign* bill. It is the only evidence of the fact of presentment, and refusal to accept or pay, in the case of a *foreign* bill, and as the official oath of the notary renders his certificate of the presentment, refusal and protest legal proof; why should not such oath render his certificate of the *notice* given *by him* to all parties interested, be equally good evidence of that fact, in case of foreign bills, and inland bills, notes or orders.

CHAPTER 45.

OF LIMITED PARTNERSHIPS.

- Sect.* 1. The objects and character of the partnerships.
 2. How such partnerships are to be formed.
 3. Contracts by which such partnerships are to be made.
 4. How recorded.
 5. Same subject.
 6. Consequence of any false statement in them.
 7. After registry to be published in newspaper.
 8. Consequences if not so published.
 9. Renewal or continuance of such partnership, how effected and proved.
 10. Business to be conducted by general partners as a firm.
 11. Name of special partner not to be used, consequence of using it.
 12. None of the capital to be withdrawn, &c.
 13. When special partners shall be answerable, &c.
 14. No general assignment to be made in view of insolvency, unless, &c.
 15. Consent of creditors to such an assignment, unless, &c.
 16. How suits are to be brought by and against the partnership.
 17. No dissolution to take place before the appointed time unless particular kind of notice to be given.
 18. In all cases not above provided for, the members of limited partnerships, shall have the rights and be under the same liabilities as other partnerships, &c.

SECT. 1. Limited partnerships, for the transaction of mercantile, mechanical or manufacturing business, may be formed by one or more persons, upon the following conditions and liabilities, provided that nothing in this chapter shall authorize such partnerships, for the purpose of banking or insurance.

1836, 211, § 1.

SECT. 2. Such partnerships may consist of one or more persons, who shall be called general partners, and who shall be jointly and severally responsible, as general partners now are by law; and of one or more persons who shall contribute a specific sum in actual cash payment, as capital, to the common stock, who shall be called special partners, and who shall not be liable for the debts of the partnership, beyond the sum so contributed by him or them to such capital.

1836, 211, § 2.

SECT. 3. Persons forming such a partnership, shall sign a certificate, which shall contain the following particulars.

First—The name or firm, under which such partnership shall be conducted.

Secondly—The name and place of abode of each one of the general partners.

Thirdly—The name and place of residence of each one of the special partners.

Fourthly—The amount of capital which each one of the special partners has contributed to the common stock.

Fifthly—The general nature of the business to be transacted.

Sixthly—The time when the partnership shall commence.

Seventhly—The time when it shall terminate. 1836, 211, § 3.

SECT. 4. Such partnership shall not be considered as formed until such certificate shall have been acknowledged before a justice of the peace, and recorded in some registry of deeds of the county in which the principal place of the partnership business is situated, in a book to be kept for that purpose open to public inspection.

1836, 211, § 4.

SECT. 5. If there are several established places of partnership business, a copy of said certificate, certified by the register of deeds, in whose office it is so recorded, shall be filed and recorded in like manner, in the office of some register of deeds, in every such county.

1836, 211, § 4.

SECT. 6. If any statement shall be made in such certificate, which may mislead third persons, or is intentionally false, all the persons interested in such partnership, shall be liable for all the engagements thereof, as general partners, to any person so deceived or injured.

1836, 211, § 4.

SECT. 7. After such registry, the partners shall cause a copy of the certificate above mentioned to be published in a newspaper, printed in the county in which the principal place of business is situated; and if there is no such paper printed in that county, then one printed in an adjoining county for six weeks successively, the first publication to be made within twenty days thereafter.

1836, 211, § 4.

SECT. 8. And if such certificate shall not be so published
2 the partnership shall be deemed a general one. 1836, 211 § 5.

SECT. 9. Upon every renewal or continuance of such part-
2 nership, beyond the time originally fixed for its duration a certifi-
3 cate shall be made, signed, acknowledged, recorded and pub-
4 lished in the manner before mentioned ; respecting the original
5 formation of such partnership ; and any partnership renewed or
6 continued in any other manner, shall be deemed a general part-
7 nership. 1836, 211, § 6.

SECT. 10. The business of the partnership shall be conducted
2 under a firm, in which no names shall be used, but those of the
3 general partners, without the word "company" or any other
4 general term ; and the general partners only shall transact busi-
5 ness. 1836, 211, § 7.

SECT. 11. If the name of any special partner, shall be used
2 in the firm, with his consent and privity, or if he shall make any
3 contract respecting the concerns of the partnership, with any
4 person, except the general partners, he shall be deemed and
5 treated as a general partner, as to such contract.

1836, 211, § 7.

SECT. 12. During the continuance of any partnership formed
2 under the authority of this chapter, no part of the capital stock
3 shall be withdrawn therefrom, nor any division of interest or
4 profits be made so as to reduce such capital stock below the
5 sum stated in the certificate above mentioned.

1836, 211, § 8.

SECT. 13. If during the continuance or at the termination of
2 the partnership the property shall not be sufficient to pay the
3 partnership debts, then the special partners shall be severally
4 answerable for all sums by them in any way received, withdrawn
5 or divided, with interest thereon, from the time they were so
6 respectively withdrawn. 1836, 211, § 8.

SECT. 14. No general assignment by such partnership, in
2 view of insolvency, or where their property is insufficient to pay
3 their debts, shall be valid, unless it shall provide for a distribu-
4 tion of the partnership property among all the creditors, in pro-
5 portion to the amount of their several claims, excepting the
6 claims of the government of the United States, arising from
7 bonds given for duties, which are first to be paid.

1836, 211, § 8.

SECT. 15. The assent of the creditors to such an assignment
2 shall be presumed, unless they either expressly or by some act
3 inconsistent with such assent, shall dissent therefrom, within
4 sixty days from the time of notice ; and no such assignment
5 shall be valid, unless notice thereof shall be given in some
6 newspaper, printed in the county where the place of business
7 of the assignors is situated, and if there is none printed in such
8 county, then in some one, in an adjoining county, within fourteen
9 days after the making such assignment.

1836, 211, § 8.

SECT. 16. All suits respecting the business of such partnership, shall be commenced and prosecuted by and against the general partners only, except in those cases in which provision is herein before made, that special partners shall be deemed general partners, and special partnerships, general partnerships; in which cases all the partners, deemed general partners, may join or be joined in such suits; and except also cases, where special partners shall be severally held responsible under the provisions of the thirteenth section. 1836, 211, § 9.

SECT. 17. No dissolution of such partnership, (except by operation of law) shall take place before the time specified in the certificate before named, unless a notice of such dissolution be recorded in the registry in which the original certificate, or certificate of renewal or continuance was recorded, and in any other registry where a copy of said certificate was recorded, and published in such paper as is directed in the seventh section of this chapter.

SECT. 18. In all cases, not otherwise provided for in this chapter, the members of limited partnerships, shall be subject to the same legal liabilities, and entitled to all the legal immunities, which are incident to general partnerships, and the supreme judicial court, may hear and determine in equity all questions between copartners in any partnership formed by virtue of this chapter, and between said copartners and any creditors of the firm. 1836, 211, § 11.

CHAPTER 46.

OF SALES OF PROPERTY, BY LICENSED AUCTIONEERS.

- Sect.* 1. Selectmen, &c. may appoint auctioneer for one year in their town.
 2. They shall record the appointment.
 3. If they unreasonably refuse to appoint, county commissioners may appoint.
 4. Auctioneers shall not receive goods of minors or servants knowingly—or sell before sunrise or after sunset.
 5. Auctioneers must keep an account of sales, &c.
 6. Exceptions as to sales, by sheriffs and other officers.
 7. Several may be licensed in the same town, if, &c.
 8. Penalty for selling without a license.
 9. Penalty for a licensed auctioneer selling goods in another town.
 10. Penalty if occupant of a building permits unlawful sales, &c.—in it, or in yard, &c.
 11. Penalty—for whose use, and how recovered.

SECT. 1. The selectmen of any town, and the assessors of any plantation may license any suitable inhabitant of such town or plantation, by a writing under their hands to be an auctioneer within the same for one year. 1821, 134, § 2.

SECT. 2. Such selectmen or assessors, shall record every
2 license they shall so grant, in a book, kept by them for that
3 purpose. 1821, 134, § 2.

SECT. 3. If such selectmen or assessors, shall unreasonably
2 refuse or neglect, after application made in writing to them, by
3 any person desirous of obtaining such license, such applicant,
4 after having given ten days notice to such selectmen or assess-
5 sors, may apply to the county commissioners, who are hereby
6 authorized after a hearing of the parties, to grant such license,
7 if they judge it reasonable provided such applicant shall give
8 bond to the selectmen or assessors to pay all costs arising in
9 consequence of such application to the commissioners.

1821, 134, § 2.

SECT. 4. If any person duly licensed, as aforesaid, shall
2 receive any goods for sale at public auction, of any servant or
3 minor, knowing him to be a servant or minor, or shall sell any
4 of his own goods before sunrise, or after sunset, at public auc-
5 tion, he shall forfeit and pay a sum not less than fifty dollars,
6 nor more than one hundred and seventy dollars for each offence.

1821, 134, § 3.

SECT. 5. Every person licensed as aforesaid, shall keep a fair
2 and particular account of all goods and chattels by him sold,
3 stating of whom they were received, and to whom the same
4 were sold. 1821, 134, § 3.

SECT. 6. Nothing in any of the preceding sections, shall
2 extend to sales made by sheriffs, deputy sheriffs, coroners, con-
3 stables or collectors of taxes, executors or administrators, or
4 any other person who may be, or who now is authorized to sell
5 goods, chattels or lands, by order of any court or judge of prob-
6 ate.

SECT. 7. When circumstances render it proper or convenient,
2 such selectmen or assessors may license several persons as
3 auctioneers, in the towns or plantations of which they are
4 inhabitants, conforming to all the foregoing provisions.

SECT. 8. If any person not being licensed, and qualified as
2 aforesaid, shall sell any lands, goods or chattels at public auc-
3 tion, he shall forfeit, not exceeding six hundred dollars.

SECT. 9. If any person licensed and qualified as aforesaid,
2 shall sell or offer to sell, any lands, goods and chattels at public
3 auction, in any other town or plantation, than that in which he
4 was licensed, he shall forfeit and pay, a sum not exceeding six
5 hundred dollars, provided that any parcel of real estate, lying
6 partly in one town or plantation, and partly in another, may be
7 sold in either of such towns or plantations, by an auctioneer of
8 either. 4th Greenleaf, 333.

SECT. 10. If the tenant or occupant of any house or store or
2 other building, having actual possession, and control of the same,
3 shall knowingly permit any person to sell any goods or chattels
4 at public auction, contrary to any of the provisions of this chap-
5 ter, in such house, store or building, or in any apartment or yard

6 appurtenant to the same, he shall forfeit and pay a sum not
7 exceeding six hundred dollars, nor less than one hundred dollars.

1821, 134, § 4.

SECT. 11. The penalties in this chapter may be recovered on
2 indictment or by action of debt, for the use of him, who may
3 prosecute or sue for the same.

1821, 134, § 5.

NOTE.

SECT. 8 and 9, have been altered so far as to include *lands*; they now stand embracing the original provisions of the act of 1821, as it has been amended in Massachusetts by an additional act passed in 1822. The amendment is submitted for consideration.

CHAPTER 47.

OF PILOTAGE, SHIPPING, SHIP OWNERS, AND CHARTERERS.

- Sect.* 1. Governor and council to appoint branch pilots.
2. To be duly sworn, and give bond to the State.
3. The authority of such pilot as to inward bound vessels.
4. Governor and council to establish fees.
5. Liabilities of such pilots.
6. Such vessels bound to sea, to be under pilot's care.
7. Governor and council to remove pilots in case of, &c.
8. Extent of ship owners liability to owners of goods, &c.
9. Same subject, where there are several owners of goods, &c.
10. Charterer to be considered owner, &c.
11. This not to affect owners right of action against wrong doers.

SECT. 1. The governor with advice of council may appoint
2 and commission one or more pilots, for such ports, as may apply
3 for the same, such application to be signed by a majority of the
4 ship owners and ship masters in the port recommending such
5 suitable person or persons, and give to each of said pilots,
6 branches or warrants for the execution of the duties of their
7 office.

1821, 187, § 5.

SECT. 2. Every pilot before entering on the duties of his
2 office, shall be duly sworn to perform faithfully and truly the
3 duties of a pilot, for the port or harbor for which he has been
4 appointed, and give bond to the treasurer of the State, in the
5 sum of five thousand dollars, for the performance of the trust
6 reposed in him.

1821, 187, § 2.

SECT. 3. Every such pilot is authorized and directed to take
2 charge of any vessel drawing nine feet of water or upwards
3 bound into any of the said ports; and shall pilot such vessel into

4 the port assigned to him, first showing to the commander thereof
5 his branch, and informing of his fees. 1821, 187, § 2.

SECT. 4. The governor and council may fix the fees of pilot-
2 age of the several pilots, and specify the same in their warrants;
3 and also to transmit each collector of the customs in the said
4 ports, a schedule of said fees, to be hung up by such collector
5 for public inspection; but the master of any vessel who may
6 choose to hazard the pilotage of his own vessel may do it.

SECT. 5. If any vessel while under the charge of a branch
2 pilot, shall be lost or run aground, or cast away through the
3 neglect or unskilfulness of such pilot, he shall be liable to pay
4 the just value of the vessel and cargo, or any proportionable
5 damage which may be sustained, to be sued for and recovered
6 by such owner or insurer of the property. 1821, 187, § 4.

SECT. 6. All vessels drawing nine feet of water and upwards
2 bound to sea out of any of the said ports (except coasting and
3 fishing vessels) shall be under the same restrictions, and be liable
4 to pay the same fees, as those bound into any such ports; and
5 all pilots of any outward bound vessels, shall be liable to similar
6 actions for damages, and subject to the same penalties for their
7 neglect or unskilfulness, as if the same vessels were bound into
8 said ports. 1821, 187, § 5.

SECT. 7. The governor and council are empowered to hear
2 and determine all complaints against such pilots for misconduct
3 in the premises, and may suspend or remove them, at their dis-
4 cretion, and appoint others in their room, assigning the reasons
5 therefor, to the Legislature at their next session.

1821, 187, § 6.

SECT. 8. No ship owner shall be answerable beyond the
2 amount of his interest in the ship and freight, for any embezzle-
3 ment, loss or destruction by the master or mariners, of any
4 goods or merchandize, or any property put on board of such
5 ship or vessel; nor for any act, matter or thing, damage or for-
6 feiture done, occasioned or incurred, by said master or mariners
7 without the the privity or knowledge of such owner.

1821, 14, § 8.

SECT. 9. If any such embezzlement, loss or destruction, as
2 mentioned in the preceding section, shall be suffered by several
3 freighters or owners of goods, wares or merchandize, or any
4 property whatever on the same voyage, and the whole value of
5 the ship or vessel and her freight for the voyage, shall not be
6 sufficient to make compensation to each of them, they shall
7 receive compensation from the owner of the ship in proportion
8 to their respective losses; and for that purpose the said freight-
9 ers and owners of the property, and the owner of the ship or
10 vessel, or any of them, may prosecute a bill in equity for dis-
11 covery and payment of the sum for which the owner or owners
12 of the ship may be liable, amongst the parties entitled thereto.

1821, 14, § 9.

SECT. 10. The charterer of any vessel, in case he shall navigate such vessel at his own expense, shall be deemed the owner, within the meaning of the two preceding sections.

1821, 14, § 10.

SECT. 11. Nothing in any of the preceding sections, shall be construed to take away or affect the remedy to which any party may be entitled against any master or mariner, for or on account of any embezzlement, loss or destruction of goods, wares or merchandize, or any property put on board of any ship or vessel on account of any fraud or malversation of such master or mariners respectively.

CHAPTER 48.

OF BOATS AND LIGHTERS, AND PROTECTION OF HARBORS.

- Sect. 1. How boats and lighters shall be marked.
 2. Penalty for using one not so marked.
 3. Penalty for putting on false marks.
 4. Selectmen to appoint inspector of boats, &c.
 5. When capacity is altered—he is to have it marked anew.
 6. Such selectmen to regulate fees, &c.
 7. No master to throw ballast into any port or harbor, &c.
 8. No person to take stone from islands, &c. without consent of the owner.

SECT. 1. Every boat or lighter employed in carrying stones, sand or gravel, shall be marked at light water mark, and at least at five other places, with figures four, twelve, sixteen, twenty-four and thirty, legibly made on the stern and stern post thereof, which figures shall express the weight such boat or lighter is capable of carrying when the lower part of the respective numbers shall touch the water in which said boat or lighter shall float; and such mark shall be inspected yearly, and when found illegible in whole or in part, they shall be renewed.

1821, 172, § 1.

SECT. 2. Every person who shall use or employ any boat or lighter in the transportation of stones, sand or gravel, not marked as required to be in the preceding section shall forfeit and pay fifty dollars to be recovered by any person who shall sue for the same.

1821, 172, § 1.

SECT. 3. Any person who shall put false marks on any boat or lighter as aforesaid, shall be liable to the same penalty, to be recovered in the same manner.

1821, 172, § 1.

SECT. 4. The selectmen of every town where boats and lighters are employed for the purposes above mentioned annually to appoint in April or May some suitable person to examine

4 and ascertain the capacities of all such boats and lighters, and
5 mark the same as above presented, who shall be duly sworn to
6 perform such duties. 1821, 172, § 2.

SECT. 5. Whenever such inspector shall be of opinion that
2 the burden or capacity of any such boat or lighter has been
3 increased or diminished by any repairs, or otherwise; he
4 shall forthwith ascertain anew the capacity of such boat or
5 lighter, and mark her accordingly. 1821, 172, § 3.

SECT. 6. Such selectmen shall establish and regulate the
2 fees of such inspectors for their services. 1821, 172, § 4.

SECT. 7. No master of any ship or vessel shall unload or
2 throw overboard any ballast in any road, port or harbor, on pen-
3 alty of sixty dollars to be recovered, one half to the use of the
4 town, in which such offence is committed, and the other half to
5 any person who will sue for the same. 1821, 173, § 1.

SECT. 8. If any master of a vessel or other person shall take
2 from any island, beach or other land without the consent of the
3 owner, any stone or other ballast, he shall forfeit and pay for
4 each offence, not exceeding seven dollars, to be recovered by
5 action of debt, and to the same uses as mentioned in the pre-
6 ceding section. 1821, 173, § 2.

CHAPTER 49.

OF WEIGHTS AND MEASURES.

- Sect.* 1. Description of standard of weights and measures.
2. Duty of the state sealer of them.
3. His duty as to procuring and keeping standard gold balances, &c.
4. His duty as to standard beams, weights and measures.
5. Duty of county treasurers, as to being furnished with beams, weights, &c.
6. How often he must have them proved and sealed.
7. Penalty for neglect, &c.
8. Duty of each town treasurer as to procuring, &c.
9. May have certain measures made of wood, instead of metal, &c.
10. Must keep a town seal.
11. Penalty for any his neglects.
12. Selectmen of towns and assessors of plantations may appoint sealers.
13. Sealer must be sworn, penalty for refusing when notified.
14. Penalty for neglect of duty by selectmen or assessors.
15. If town or plantation vote to have more than one sealer, the selectmen or assessors may so appoint.
16. Each sealer to give receipt for standard and seal, and must return them to treasurer when he goes out of office.
17. Each sealer must give notice before going into a place to prove and seal weights and measures.
18. He may examine houses, stores, &c. of those who do not send to him.
19. Penalty for neglecting to have weights, &c. sealed.
20. Penalty on sealer for neglect of his duty.
21. Dearborn's and Hills' steelyard may be used.
22. Rule as to heaping measure and penalty.
23. Avordupois weight described and defined.

SECT. 1. The standard of weights, recently furnished by the United States, and adopted by this State, shall be continued and used as the standard of weights for the State, instead of those formerly used; and the measures adopted by the United States as standard measures, when furnished to this State, shall be adopted and used as standard measures of this State.

1839, March 2, § 1.

SECT. 2. It shall be the duty of the state sealer of weights and measures, to cause all such weights of a smaller denomination than those furnished by the United States, as may be necessary to make a complete and perfect set, to be compared and regulated by the standard weights already adopted; and also to cause all such measures as are necessary to make a complete and perfect set, to be compared and regulated by the standard which may be furnished by the United States.

1836, March 2.

SECT. 3. It shall be the duty of the state sealer aforesaid, to procure at the expense of the State, if not already procured a suitable gold standard balance; also a suitable standard balance for avoirdupois weights; both of which, together with the weights and measures, shall be kept at the state house, to be used only for trying and regulating other weights and measures, with the standard.

1839, March 3.

SECT. 4. It shall be the duty of the treasurer of the State, at the expense of the State to cause and continue to have preserved as public standards (until otherwise provided, in the manner mentioned in the first section) and which shall be used only as such, the following beams, weights and measures—to wit: one bushel, one peck, one half peck, one ale quart, one wine gallon, one wine half gallon, one wine quart, one wine pint, one wine half pint, and one wine gill; said measures to be made of copper or pewter, conformable as to contents, to said standard measures, and as to breadth that is to say, the diameter of the bushel, not less than eighteen inches and a half—containing thirty-two Winchester quarts; of the peck, not less than nine inches, containing four Winchester quarts; the admeasurement to be made in each instance, within side of the measure; also one ell one yard, one set of brass weights to four pounds, computed at sixteen ounces to the pound, with fit scales and steel beam; also a good beam and scales, and a nest of troy weights from one hundred and twenty-eight ounces down to the least denomination, with the weight of each weight, and the length of each measure marked or stamped thereon respectively, and sealed with a seal, to be procured and kept by the treasurer aforesaid; and also one fifty-six pound weight, one twenty-eight pound weight, one fourteen pound weight and one seven pound weight made of iron.

1821, 131, § 1.

SECT. 5. The treasurer of each county, at the expense thereof shall procure, if not already procured, one complete set of beams and of brass, copper, pewter and iron weights, and of the

4 measures, before mentioned, except the bushel measure, tried,
5 proved and sealed by the State standard; the said measures as
6 to breadth as well as contents, to conform to the State standards
7 as before mentioned; and the county treasurer shall preserve
8 them for the use of such county and to be used only as stand-
9 ards. 1821, 131, § 2.

SECT. 6. Each county treasurer, shall, at the expense of the
2 county once in every ten years, commencing the computation
3 from the first day of July, in the year one thousand eight hun-
4 dred and thirty-nine, have the county standard of weights, com-
5 pared, proved and sealed, by the state standard of weights.
1839, March 2.

SECT. 7. Any county treasurer, neglecting to comply with
2 his duty in the above mentioned particulars, shall forfeit and pay,
3 for each neglect, the sum of two hundred dollars, to be recovered
4 in an action of debt, in the name of the State. 1821, 131, § 2.

SECT. 8. The treasurer of each town and plantation in the
2 State shall procure, at the expense of such corporation, if the
3 same has not been already done, and constantly preserve as
4 town standards, a complete set of beams, weights and copper
5 and pewter measures, except the bushel measure, conformable
6 to the State standards; and excepting also, a nest of troy
7 weights, other than those from the lowest denomination to the
8 size of eight ounces, which he is required to procure and keep.
1821, 131, § 3.

SECT. 9. Any town treasurer, may procure a wooden half
2 bushel, peck and half peck measure, conformable as to breadth
3 and contents, to the copper or pewter measure of the same
4 denomination, in lieu of such copper or pewter measure; all
5 which measures he shall cause to be proved and sealed by the
6 State or county standard, once in every ten years, computing
7 from the first day of July, eighteen hundred and forty. 1837, 375, § 4.

SECT. 10. Each town treasurer shall constantly have, and
2 keep a town seal at the expense of the town, and for the purpo-
3 ses hereinafter mentioned. 1821, 131, § 3.

SECT. 11. Every such treasurer, neglecting his duty in the
2 premises, shall forfeit and pay for each neglect one hundred
3 dollars, one half to the use of the town, and the other half to
4 him who shall sue for the same. 1821, 131, § 3.

SECT. 12. The selectmen of each town, and the assessors of
2 each plantation, shall annually appoint a sealer of weights and
3 measures, within the same, and, if authorized by a vote of such
4 town or plantation passed at the annual meeting, more than one
5 such sealer may be appointed; they may remove any person so
6 appointed by them, and, in cases of vacancy in the office, how-
7 ever occasioned, they may appoint suitable persons, to supply
8 their places. 1821, 131, § 4.

SECT. 13. Every person appointed to the office of sealer, shall on his acceptance of the office, be duly sworn; and if any person so appointed and notified thereof shall refuse to accept the office, and be sworn for seven days, he shall forfeit and pay five dollars, to be recovered and appropriated in the same manner, as in case of fines for refusing to serve in other town offices.

1821, 131, § 4.

SECT. 14. Any selectman or assessor, who shall neglect to perform the duties appertaining to his office, shall forfeit ten dollars for each month's neglect, to be recovered in like manner and to like uses.

1821, 131, § 4.

SECT. 15. If, pursuant to a vote of any town or plantation, more than one sealer of weights and measures shall be appointed, an additional set of seals, weights and measures shall be procured by the town treasurer, and preserved by the corporation and at their expense, for the use of such additional sealer.

SECT. 16. Each sealer of weights and measures, when appointed and sworn shall receive the standards and seal from the treasurer, giving a receipt therefor, describing them and their condition, and therein engaging at the expiration of his term of office to deliver the same in like good order to the treasurer; and the sealer shall be accountable for their due preservation while in his care and possession.

1821, 131, § 5.

SECT. 17. Every such sealer shall, annually, in the month of May, post notifications in different parts of the town or plantation to which he belongs, stating therein the times and places when and where, he will attend to have the proof and sealing of such weights and measures, that they may be brought to him for that purpose; and all weights and measures that shall be found not conformable to the standard he shall deface.

1821, 151, § 6.

SECT. 18. Such sealer is authorized and required to visit the houses of innholders, the warehouses and stores of merchants, traders and retailers of spirituous liquors; and the dwelling-houses of such other inhabitants, as shall neglect to send to him their beams, weights and measures, and there to prove and seal the same.

1821, 151, § 7.

SECT. 19. Every person refusing or neglecting to have his beams, weights and measures, tried, proved and sealed shall forfeit and pay ten dollars, one half to the use of the poor of the place, and the other half to the sealer.

1821, 151, § 7.

SECT. 20. And if any such sealer shall neglect his duty, in any of the cases mentioned in this chapter, he shall pay ten dollars, one half to the use of the town, and the other to the person who shall sue for the same, with costs.

1821, 151, § 7.

SECT. 21. In all cases of weighing, the vibrating steelyard, invented by Benjamin Dearborn, and the vibrating steelyard invented by Benjamin Dearborn or improved by Samuel Hills, may be used, provided that before being offered for sale, or the

5 same shall be used, each beam and poises thereof shall be
6 sealed by a public sealer of weights and measures appointed
7 according to law. 1821, 131, § 10.

SECT. 22. All measures by which fruit and other things usu-
2 ally sold by heaped measures, shall be sold, shall be conforma-
3 ble as to capacity and breadth to the public standard, and if any
4 person shall sell or expose to sale any fruit or other thing usually
5 sold by heaped measure, otherwise than is mentioned in this
6 section ; or shall sell or expose to sale any goods or commodi-
7 ties whatever by any other beams, weights or measures than
8 those proved and sealed as aforesaid, the offender shall forfeit
9 for each offence not less than one dollar nor more than ten dol-
10 lars ; one moiety to the use of the town or plantation and the
11 other to the sealer or to him who shall prosecute therefor.

1821, 131, § 11.

SECT. 23. All such articles as have been sold or exchanged
2 in any market or town in this State by gross or avoirdupois
3 weight shall be sold or exchanged by the following regulations
4 of said weights, viz :—twenty-five avoirdupois pounds shall con-
5 stitute one quarter, four quarters one hundred and twenty hun-
6 dreds one ton ; and all other articles usually sold by tale, shall
7 be sold by decimal hundred, any law to the contrary notwith-
8 standing. 1823, 404, § 1.

CHAPTER 50.

OF THE INSPECTION OF BEEF AND PORK.

- Sect.* 1. Inspector general of beef and pork to be appointed by the Governor.
2. To give bonds and be sworn.
3. Inspector general to appoint his deputies.
4. If the inspector general's office be vacant, his deputies to remain in office.
5. Deputies to give bonds to the inspector, which shall also enure to the State, when they act under the preceding section.
6. Inspectors and deputies required to act as soon as may be within twenty four hours after request.
7. Inspection to be in a suitable place—under the control of the inspector.
8. Inspector's fees may be required to be paid in advance or satisfactorily secured.
9. Beef and pork after inspection, to be cut, weighed, packed and salted, and secured in barrels or half barrels.
10. Of the age of beef cattle and how to be cut up.
11. How to be assorted and marked in certain cases.
12. Of extra mess and navy mess beef.
13. Of the mode of salting beef.
14. Of beef reserved for smoking, jerking and other purposes.
15. Of the different marks and sorts of pork.
16. Of pork heads or feet.
17. Of mess pork.
18. Proportions of salt, casks to be branded.
19. Contents and materials of staves and heading of barrels and half barrels.

- Sect.* 20. Dimensions of the same and hoops, when for beef.
 21. And for pork.
 22. Manufacturer's name to be branded on the bilge.
 23. Inspector's and owner's marks on the casks, when packed.
 24. Name of the month abridged in certain cases.
 25. Inspector to brand no casks unless inspected by himself.
 26. Penalty for misconduct in the inspector.
 27. Penalty for deputies inspecting, except in his own town.
 28. Penalty if any person not authorized, shall fraudulently stamp or brand any cask of beef and pork.
 29. How beef packed, as provided in the fourteenth section, shall be branded.
 30. Certain parts of pork, not to be exported under any brand.
 31. Penalty for intermixing beef or pork after inspection.
 32. When beef and pork imported into this State may or may not be re-exported or sold.
 33. Master or owner of the vessel about to export beef or pork, to produce the inspector's certificate to the collector.
 34. Oath to be taken by the master or owner.
 35. Forfeiture for shipping uninspected beef or pork.
 36. Mode of seizing the same.
 37. How the forfeiture shall be enforced.
 38. Extent of the provisions of this chapter.
 39. Penalty for selling clear pork by the barrel, unless inspected, &c.
 40. Beef and pork inspected in any other State and duly marked may be sold or re-exported.
 41. Of the recovery of the foregoing fines and forfeitures.
 42. Annual returns of the inspector and his deputies.
 43. Inspector may administer oaths to his deputies.
 44. In what manner beef or pork shall be weighed.
 45. Of the appointment of weighers of beef.
 46. Form of the weigher's certificates.
 47. Penalty of purchasing for marketing or exportation cattle not legally weighed.
 48. Inspector and those under him, to weight the hides of cattle slaughtered for barrelling and to certify to the same.
 49. Inspector general and deputies to remain in office under the existing commissions.

SECT. 1. There shall be an inspector general of beef and pork
 2 for the State, well skilled in the knowledge thereof, to be
 3 appointed by the governor with the advice and consent of the
 4 council whenever a vacancy shall occur in the office, and to be
 5 by them removable at pleasure. 1821, 148, § 1.

SECT. 2. Before entering upon the duties of his office, he shall
 2 give bond with sufficient sureties to the treasurer of the State
 3 for the faithful discharge of his duties in the penal sum of four
 4 thousand dollars and shall be duly sworn. 1821, 148, § 1.

SECT. 3. The inspector general shall appoint one or more
 2 deputies in every port in this State, where beef and pork are
 3 exported and a convenient number in the several counties; and
 4 he shall be responsible for the neglect or misconduct of his
 5 deputies, whilst acting under him. 1821, 148, § 1.

SECT. 4. Whenever the office of inspector general shall
 2 become vacant by death or otherwise, his deputies may continue
 3 to discharge the duties of the office until a successor shall be
 4 appointed and shall be held accountable to the State.

1831, 511, § 9.

SECT. 5. Every deputy inspector shall give bonds to the inspector general with sureties to his satisfaction for the faithful performance of his duty in a sum not less than three hundred dollars nor more than one thousand; and the bond shall be so expressed as to enure to the use of the State, for such time as the deputy may exercise the duties of the appointment, pending any vacancy in the office of inspector general, pursuant to the preceding section. Such deputy shall also be duly sworn.

1821, 148, § 1. 1831, 511, § 9.

SECT. 6. The inspector general within the county, where he resides, or his deputy within the county or town for which he may be appointed, shall as soon as may be within twenty-four hours after request made, attend at any suitable place for the purpose of inspecting any quantity of beef or pork or both exceeding thirty barrels, and commence thereon as soon as consistent with the provisions of the following section.

1821, 148, § 5.

SECT. 7. Neither the said inspector nor his deputy, shall begin to pack or repack any beef or pork before a convenient, strong and secure place, shall have been provided by the party claiming such inspection, and the key thereof lodged with him; and it shall be the duty of the inspector or deputy to keep the said key until such beef or pork shall be packed or repacked, salted, coopered and branded or otherwise prepared for exportation as provided in this chapter and no longer.

1831, 511, § 7.

SECT. 8. Such officer shall not be liable for neglecting or refusing to commence upon any inspection or other service before all the inspection charges for inspecting, cutting, salting, coopering and branding such beef or pork, shall either be paid or satisfactorily secured to him.

1831, 511, § 7.

SECT. 9. Whenever the said inspector or his deputy shall have inspected and assorted any beef or pork, as herein after directed, he shall, with the assistance if necessary of laborers and coopers in his employ and for whose conduct he shall be responsible, cut, weigh, pack, salt and cooper, the said beef and pork, in 6 barrels or half barrels as required in this chapter.

1821, 148, § 5.

SECT. 10. No beef shall be packed or repacked in barrels or half barrels for exportation, unless it be of fat cattle not under two years old; and all such beef shall be cut into pieces as nearly square as may be and of not more than eight nor less than four pounds in weight, except where otherwise expressly provided.

1821, 148, § 3.

SECT. 11. Excepting as provided in the twelfth and fourteenth sections, all beef, which the inspector or his deputy shall, on examination, find to have been killed at a proper age, and otherwise good and merchantable, shall be by him divided into five different sorts, for packing or repacking to be denominated and branded respectively, mess, number one prime, cargo, and 7 hearts and cheeks.

1821, 148, § 3.

8 *Mess beef*, shall consist of oxen, cows and steers, well fattened
 9 of three years old and upwards, and weighing six hundred
 10 pounds and upwards; the shin, shoulder, clod and neck, shall
 11 be taken from the fore quarters, and the leg and the leg round
 12 from the hind quarters; and each barrel and half barrel con-
 13 taining beef of this description shall be branded on one of the
 14 heads with the words *mess beef*;

15 *Number one*, shall consist of oxen, cows, steers and heifers,
 16 not under three years old, and weighing not under four hundred
 17 pounds and to average five hundred and twenty pounds without
 18 any necks or shanks. On one head of each barrel or half barrel
 19 containing beef of this description, shall be branded No. 1.

20 *Prime beef*, shall consist of fat cattle of all descriptions not
 21 before mentioned, of two years old and upwards, (bulls except-
 22 ed) with not more than half a neck and two shanks and without
 23 any hocks; each barrel and half barrel of which shall be
 24 branded, *prime beef*;

25 *Cargo beef*, shall consist of those parts of beef which are
 26 excluded from mess, number one, and prime, not including
 27 hearts and cheeks, and shall be packed and inspected by the
 28 inspector general or his deputy in the same manner as No. 1 or
 29 prime and shall be branded *cargo beef*; first taking from the
 30 parts excluded as aforesaid, namely, from the end of the neck
 31 not less than four pounds, nor more than six, and from the shank
 32 and shin of each quarter, not less than four pounds nor more
 33 than eight; which pieces thus taken off, shall not be exported
 34 from this State.

35 The hearts and cheek pieces of beef may be inspected and
 36 packed, as aforesaid, and shall be branded *hearts and cheeks*.

1832, 18, § 1.

SECT. 12. The inspector or his deputy may also, at the
 2 request of the owner or agent, inspect and pack the following
 3 descriptions of beef, viz;

4 Oxen of four years old and upwards and weighing seven hun-
 5 dred pounds and upwards, excluding the same parts as for mess
 6 beef, to be branded *extra mess*; and 1831, 511, § 3.

7 Choice pieces of oxen, steers, cows and heifers of three years
 8 old and upwards, weighing four hundred pounds or more and to
 9 average five hundred and fifty pounds, excluding the same parts
 10 as for mess beef, to be cut into pieces of as nearly ten pounds
 11 as practicable, and to be branded *navy mess*.

1825, 291, § 1.

SECT. 13. Every barrel of beef shall be well salted with
 2 seventy-five pounds of clean St. Ubes salt, Isle of May, Lisbon
 3 or Turk's Island salt, or eighty pounds of Liverpool salt, or other
 4 salt of equal quality, exclusive of a pickle made of fresh water,
 5 as strong as salt will make it; and to each barrel of mess,
 6 extra or navy beef, shall be added not more than four, nor less
 7 than three ounces of saltpetre; and to each barrel of No. 1,
 8 prime and cargo beef, shall be added not more than three nor

9 less than two ounces ; and for every half barrel of beef of the
10 different kinds, one half of the stated quantity of salt and salt-
11 petre shall be used. 1821, 148, § 3. 1831, 511, § 8.

SECT. 14. Any person packing beef under the supervision of
2 the inspector general or his deputy, may reserve for smoking,
3 jerking or other purposes the *round*, being that part of the leg
4 cut from the hind quarter, near to the edge bone, and the neck
5 and chimes of the fore quarter, cut as provided in the twelfth
6 section ; and the said beef, so reserved shall be at the disposal
7 of the owner either for consumption or to export in hogsheads
8 or in any other mode of packing. 1839, 307, § 1, 2.

SECT. 15. Excepting as provided in the sixteenth and seven-
2 teenth sections, all pork packed or repacked in barrels or half
3 barrels for exportation, shall be divided into seven different
4 sorts, to be denominated and branded, respectively, *extra clear*
5 *pork*, *clear pork*, *bone middlings*, *navy mess pork*, *number one*,
6 *prime pork* and *cargo pork* ; and in all cases the following parts
7 shall be taken out as refuse, viz, nose pieces or faces, ears,
8 brains, tail, feet and lard.

1821, 148, § 4. 1824, 276, § 2. 1823, 50, § 1. 1832, 18, § 2.

9 The two kinds of *clear pork* shall consist of the best pieces of
10 large, well fattened healthy hogs, weighing three hundred pounds
11 or upwards ; free from bones or the lean part of the meat,
12 excepting the ends of the ribs and the brisket ; and *extra clear*
13 *pork*, shall consist of such pieces, not less than three and a half
14 inches thick, in the thickest part of such pieces, clear of lean,
15 and the *clear pork* of such pieces not less than two inches and a
16 half thick, in the thickest part of such pieces, clear of lean.

1831, 511, § 5.

17 *Bone middlings*, shall consist of middling pieces taken from
18 hogs well fattened, weighing two hundred and thirty pounds and
19 upwards.

20 *Navy mess pork*, shall consist of all parts of the carcass, well
21 fattened, weighing from one hundred and sixty pounds to two
22 hundred and thirty pounds, except the head, fore and hind legs,
23 the shoulder joint, lard and refuse parts above mentioned.

24 *Number one*, shall consist of all parts of hogs well fattened,
25 averaging two hundred and twenty pounds or upwards and each
26 of which shall weigh not less than one hundred and eighty
27 pounds, and to have no more heads, legs, shoulders or other
28 coarse parts than belong to one carcass, deducting the lard and
29 refuse, as above.

30 *Prime pork*, shall consist of all parts of one and a half hog,
31 well fattened which shall weigh two hundred pounds, deducting
32 the lard and refuse, as above ; and if in half barrels it shall
33 consist of pig pork, all parts of one carcass or not, excluding
34 the lard and refuse as above. In all cases, where the legs of
35 pork are taken out for any other purpose, the weight shall not
36 be made up of heads and shoulders, but with other parts of
37 the carcass, not less valuable, than the legs would be, if salted.

38 *Cargo pork*, shall consist of the merchantable parts of whole-
 39 some pork of quality inferior to prime pork, and there shall not
 40 be more than the merchantable parts of two carcasses of pork
 41 in one barrel, except where any of the legs are taken out, the
 42 same number of shoulder pieces, and no more, may be added,
 43 the deficiency of weight to be made up in better parts of a car-
 34 cass of pork.

SECT. 16. Barrels or half barrels filled with pork heads or
 2 feet, shall be branded *pork heads* or *feet*, as the case may be.

1821, 148, § 4.

SECT. 17. The inspector general or his deputy, at the request
 2 of the owner or agent, may inspect, cut, weigh, pack or repack,
 3 salt, cooper or brand pork of the following description; which
 4 shall be branded *mess pork*, viz—every part except the heads,
 5 legs, shanks and lard of well fattened hogs in good condition,
 6 weighing from two hundred to three hundred pounds and
 7 averaging two hundred and fifty pounds. 1831, 511, § 4.

SECT. 18. Every barrel of pork shall be well salted with
 2 seventy pounds and every half barrel with thirty-five pounds of
 3 clean coarse salt, exclusive of a strong pickle, and each shall
 4 be branded on one of the heads with the quality of the pork it
 5 contains. 1821, 148, § 4. 1831, 511, § 4.

SECT. 19. Every barrel of beef or pork, packed or repacked
 2 for exportation, shall contain two hundred pounds and every
 3 half barrel one hundred pounds, and they shall each be made of
 4 good seasoned rift white oak, white ash or maple, staves and
 5 heading free from any defect.

1832, 18, § 3. 1821, 148, § 2.

SECT. 20. The beef barrels shall measure not less than six-
 2 teen inches, nor more than sixteen and a half inches between
 3 the chimes, and to be not less than twenty-eight nor more than
 4 twenty-eight and a half inches long, to be covered three fourths
 5 of the length with good oak, ash, elm, leverwood or walnut
 6 hoops, leaving one fourth in the centre; the heads and staves to
 7 be of a proper thickness, the hoops to be well set and drove
 8 together.

9 The half barrels shall contain not less than fifteen nor more
 10 than fifteen and a half gallons, to be hooped in the same manner
 11 as barrels. 1832, 18, § 3. 1821, 148, § 2.

SECT. 21. The pork barrels shall measure seventeen inches
 2 and one quarter between the chimes, and contain not less than
 3 thirty-one gallons nor more than thirty-one gallons and one half,
 4 to be hooped in the same manner as beef barrels.

1832, 18, § 3. 1821, 148, § 2.

SECT. 22. All beef and pork barrels and half barrels, shall
 2 be branded on the bilge, with the manufacturer's name.

1832, 18, § 3. 1821, 148, § 2.

SECT. 23. Every barrel and half barrel of pork and beef
 2 packed or repacked for exportation, shall be branded with the
 3 initial letter or letters of the christian name and the surname at

4 length of the inspector, who shall have inspected the same, with
5 the name of the town where and the month and year in which
6 inspected, and the actual weight in legible letters and figures
7 with the addition of the word *Maine*. Every barrel or half bar-
8 rel of beef marked extra mess, navy mess, number one or prime,
9 or of pork, marked extra clear, clear, bone middlings or navy
10 mess, shall be branded with the name of the person for whom
11 the same was packed. 1821, 148, § 6. 1831, 511, § 16.

SECT. 24. If the name of the month in which any beef or pork
2 shall be inspected, consist of more than one syllable, it may be
3 abridged in branding. 1821, 148, § 7.

SECT. 25. Neither the inspector general nor his deputy, shall
2 brand any packages of beef or pork, other than those he has
3 personally inspected and has caused to be weighed and packed,
4 as the law requires. 1821, 148, § 8.

SECT. 26. If any inspector or deputy shall brand any package
2 contrary to the provisions of the preceding section, or if, his fees
3 being duly tendered or secured to him, as provided in the eighth
4 section, he shall neglect and refuse to perform any duty pertain-
5 ing to his office, or if he shall be guilty of any neglect or fraud
6 in the exercise of his office, he shall forfeit for each offence ten
7 dollars. 1821, 148, § 10.

SECT. 27. No deputy inspector shall inspect or brand any
2 cask of beef or pork out of the town or county for which he shall
3 be appointed, under the penalty of fifty dollars. 1821, 148, § 9.

SECT. 28. If any person other than the inspector general or
2 his deputy, shall stamp or brand any cask of beef or pork with
3 the intent that the same shall pass for beef or pork inspected
4 and branded according to law, he shall forfeit twenty dollars for
5 every cask so unlawfully branded. 1821, 148, § 9.

SECT. 29. Whenever any beef shall be reserved for exporta-
2 tion agreeably to the provisions of the fourteenth section the
3 hogshead or other package, containing the same when exported
4 shall be branded on one head with the name of the owner and of
5 the town where he resides under the penalty of one dollar for
6 each package not branded. 1821, 148, § 14.

SECT. 30. The feet, ears and faces of pork when separated
2 from the cheek part of the head, or any other pieces, prohibited
3 by this chapter, shall not be exported under the brand refuse,
4 nor any other brand allowed for pork to be exported. 1821, 148, § 15.

SECT. 31. If any person shall intermix, take out or shift any
2 beef or pork out of any cask inspected or branded as required
3 by this chapter, or shall put in any other beef or pork for sale or
4 exportation, with a fraudulent intent, he shall forfeit twenty
5 dollars for each offence.

SECT. 32. No pork nor beef imported into this State in bar-
2 rels, half barrels or other casks, which shall not bear thereon the
3 marks of an inspection, shewing the quality and quantity thereof

4 and the name of an inspector of some one of the United States,
5 shall be shipped, or sold or offered for sale in this State; and
6 any person shipping, selling or offering for sale any such beef or
7 pork shall forfeit for every such barrel, half barrel or other cask,
8 ten dollars; but any beef or pork thus marked in another State,
9 and imported, may be re-exported or sold in this State.

1831, 511, § 2. 1824, 276, § 1.

SECT. 33. Excepting as herein before particularly mentioned
2 no salted beef, nor pork, shall be exported out of this State
3 unless the master or owner of the vessel produces to the collector
5 or other officer of the United States, granting a clearance, a
6 certificate from the inspector general or his deputy that the same
7 has been inspected and branded according to the directions of
8 this act, and each certificate shall express the number of barrels
9 and half barrels of beef or pork of each sort.

1821, 148, § 13.

SECT. 34. The master or owner on producing such certificate,
2 shall take and subscribe the following oath before the officer
3 granting the clearance, namely:
4 I A. B. master (or owner as the case may be) of the _____
5 do swear, that according to the best of my knowledge and belief,
6 the certificate hereunto annexed contains the whole quantity of
7 salted beef (or pork as the case may be) on board the _____
8 master; and that no salted beef nor pork shipped on board the
9 said vessel for the ship's company, on freight or cargo, but what
10 is inspected and branded according to the law of this State.

1821, 148, § 13.

SECT. 35. If any person shall export or ship for exportation
2 out of this State, any salted beef or pork not inspected and
3 branded as is directed by this chapter, every owner or shipper
4 thereof, privy to such offence, shall forfeit six dollars and the
5 master of every vessel having on board such uninspected beef or
6 pork two dollars, for every cask exported or shipped for export-
7 ation.

SECT. 36. Any justice of the peace on complaint being made
2 to him, of any such beef or pork being put on board any vessel
3 in county for exportation, may issue his warrant, directed to the
4 proper peace officer, requiring him to make seizure of the same,
5 and the same shall be seized and secured for trial; or the
6 inspector general, or his deputy may on the like information
7 make seizure thereof, and secure the same for trial.

1821, 148, § 16. 148, § 18.

SECT. 37. The said peace officer or inspector general or his
2 deputy thus having made seizure, shall, as soon as may be, file
3 a libel or information thereupon in any court proper to try the
4 same, and if upon trial of such beef or pork so seized, it shall
5 appear that the same was thus shipped against the provisions of
6 this act, it shall be liable to condemnation and forfeiture, agree-
7 ably to the provisions of chapter _____ one moiety to the use of
8 the State, and the other moiety to the use of the officer seizing
9 and prosecuting for the same. 1821, 148, § 16. 148, § 18.

SECT. 33. All the provisions of this chapter, shall extend to
2 all beef or pork transported, or, intended to be transported,
3 coastwise from any port or place in this State to any other
4 State or country, or shipped on board any vessel for any purpose
5 whatever. 1821, 148, § 19.

SECT. 39. No person shall sell clear pork by the barrel, unless
2 the same shall have been inspected in this or some other of the
3 United States, or unless by mutual agreement between the
4 buyer and seller, under the penalty of not less than ten, nor
5 more than twenty dollars per barrel. 1824, 276, § 3.

SECT. 40. All beef and pork or other salted provisions that
2 have been inspected in any other of the United States, and duly
3 marked or branded, pursuant to the laws of such State, for
4 exportation, may be sold in this State or may be re-exported,
5 without being subject to re-inspection. 1824, 276, § 1.

SECT. 41. All the foregoing fines and forfeitures, where other
2 provision for their recovery is not expressed, shall be recovered
3 in an action of debt or by complaint in any court competent to
4 try such action of debt; one moiety to the use of the town,
5 wherein the offence may have been committed and the other
6 moiety to the prosecutor. 1821, 148, § 17.

SECT. 42. Every deputy inspector shall make an annual
2 return to the inspector general, of the number of barrels and
3 half barrels of beef and pork, inspected by him and the inspec-
4 tor general in the month of January, annually, shall make a
5 return into the office of the Secretary of State of the whole
6 number of barrels and half barrels inspected by him and his
7 deputies, under the provisions of this chapter, the preceding
8 year, under each of the respective brands used by them, desig-
9 nating in the return the different sorts and places where in-
10 spected. The said returns shall be made up to the first day of
11 January in each year. 1821, 148, § 20.

SECT. 43. The inspector general, may administer the sev-
2 eral oaths required of his deputies or of others by this chapter,
3 and pertaining to the business of his office. 1821, 148, § 20.

SECT. 44. No beef nor pork, shall be weighed by the owners
2 or keepers of any slaughter houses, stores or warehouses, or by
3 persons under their control, in the transaction of their business,
4 in any greater quantity than fifty pounds, unless in scales and
5 with weights, or by the vibrating steelyard invented by Benja-
6 min Dearborn or the vibrating steelyard invented or improved
7 by Samuel Hills—sealed, according to law; and any such
8 owner, keeper or other person, who shall otherwise weigh any
9 beef or pork, exceeding fifty pounds at any one time, shall for-
10 feit ten dollars to be recovered and to be appropriated as pro-
11 vided in the forty-first section.

SECT. 45. The selectmen of every town, the mayor and alder-
2 men of each city and the assessors of every plantation, where
3 beef cattle are sold for immediate consumption or for barreling,
4 shall appoint one or more suitable persons not dealers in cattle,
5 to be weigher or weighers of beef who shall be duly sworn.

1821, 148, § 22.

Sect. 12. Penalty for filling lime in casks, unless made and branded as above mentioned.

13. Penalty for changing contents of a cask.

14. Penalties how appropriated.

15. When any person has recovered judgment against an inspector for penalty or damages, how he may obtain payment.

SECT. 1. The several inspectors of lime and lime casks, now in office in this State, shall continue to hold the same, according to the tenor of their respective appointments.

1839, 403.

SECT. 2. Whenever any vacancy shall occur in the office of inspector in any town, it shall be the duty of the governor with advice of council to supply such vacancy; and there shall be but one inspector in any town.

1839, 403, § 3.

SECT. 3. Each inspector shall be a citizen of and resident in the town, in which he is inspector, and shall hold his office for the term of four years, unless sooner removed by the governor and council.

1839, 403, § 3.

SECT. 4. Each inspector before entering on the duties of his office, shall be duly sworn, and give bond with sufficient sureties, to the treasurer of the county in which he resides for the faithful performance of his duty, in the respective sums mentioned in the following section.

1839, 403, § 3.

SECT. 5. The inspector in and for the town of Thomaston, in the sum of ten thousand dollars. The inspectors in and for the towns of Warren and Camden, in the sum of five thousand dollars each; and the inspectors of each other town in the sum of two thousand dollars; each of which bonds shall be approved by the county commissioners, in and for the county in which the town is situated.

1839, 403, § 3.

SECT. 6. Each inspector, so qualified, shall have power to appoint in the town where he resides, as many deputy inspectors as may be necessary, for whose fidelity he shall be answerable, and he shall take from each of them a bond to himself, with sufficient sureties in the sum of one thousand dollars, and each of them shall also be duly sworn.

1839, 403, § 3.

SECT. 7. It shall be the duty of each inspector, by himself or his deputy, to inspect all lime manufactured in the town where he resides, at the time the same shall be filled into casks at the kiln where it is burnt; and to inspect the casks into which the same shall be put, and to see that the lime and casks do in all respects conform to the provisions of this chapter; and that the casks are well filled with such lime, and to brand each cask, when so filled, and on one of the heads thereof, with the name of the town where the lime was burnt, and the first letter of the christian name, and the surname at length of the inspector or deputy, with the word "inspected."

1839, 403, § 4.

SECT. 8. If any such inspector or deputy inspector, shall so
2 brand any lime cask, the contents of which he has not inspected,
3 or shall brand any such cask, which, or the contents of which,
4 do not in all respects conform to the provisions of this chapter;
5 or shall permit any other person to use his brands in violation
6 or evasion thereof, every such inspector or deputy inspector,
7 shall forfeit and pay the sum of one dollar for every cask, so
8 illegally branded by him, or with his brands, and shall also be
9 liable to pay to any person injured by such neglect or misdoings
10 such damages as he may have sustained thereby; and the action
11 for the recovery of such damages, when the misdoings were on
12 the part of the deputy, may be brought against him or the
13 inspector who appointed him. 1839, 403, § 4.

SECT. 9. No lime, manufactured in this State, shall be sold,
2 exposed to sale or shipped on board any vessel in casks, but
3 such only as shall be well burnt and pure, and contained in
4 good and sufficient casks made of sound and seasoned staves
5 and heading with at least ten good and strong hoops on each
6 cask well driven and secured with nails and duly inspected—
7 the staves of said casks to be made of sawed or rift timber, and
8 not less than thirty inches in length, and not less than one half
9 an inch thick on the thinnest edge; and each of the heads to
10 be not less than three-fourths of an inch thick and well crozed
11 in; and each hoop shall not be less than one inch wide in the
12 narrowest part; and each cask to be not less than twenty-six
13 and a half inches in length between the heads, and seventeen
14 inches in width between the chimes, and not less than twenty
15 inches in the clear on the inside at the bilge, at the time of
16 inspection, and made in a workmanlike manner to hold lime.

1839, 403, § 1.

SECT. 10. Each lime cask shall be branded on the outside of
2 the bilge with the first letter of the christian name, and of the
3 whole of the surname of the manufacturer thereof.

1839, 403, § 2.

SECT. 11. If any person shall sell or expose to sale or shall
2 purchase any lime casks not conformable to the provisions afore-
3 said, he shall incur a penalty of twenty cents for each cask so
4 sold or exposed to sale, or purchased to the use of the person
5 who may sue for the same, and a lien is hereby created on such
6 lime casks for the payment of such penalty and costs, and shall
7 continue good against all prior attachments or a sale by the
8 owner of such casks, provided the same shall be attached in the
9 suit brought to recover such penalty within three months after
10 the same shall be incurred; and such casks may be sold on the
11 execution in such action as in common cases of sale of goods on
12 execution. 1829, 403, § 2.

SECT. 12. If any person shall sell or expose to sale or ship
2 or receive on board of any vessel in casks, any lime, other than
3 such as is contained in casks made, marked and branded accord-

4 ing to the provisions of this chapter, he shall forfeit one dollar
5 for each cask so sold, exposed to sale or shipped or received on
6 board any vessel. 1839, 403, § 6.

SECT. 13. If after any cask containing lime, has been
2 branded as aforesaid, any person shall shift the contents
3 thereof, and put therein other lime, with design to sell the
4 same, he shall forfeit ~~one~~ ^{ten} dollar for each cask of lime so shifted.
1839, 403, § 7.

SECT. 14. All the penalties before mentioned may be recov-
2 ered by and to the use of any person who shall sue for the same.
1839, 403, § 8.

SECT. 15. When any judgment has been recovered against
2 any inspector or deputy inspector for penalties or damages on
3 account of any misdoings in his office, and the execution issued
4 on such judgment, has been returned unsatisfied, the judgment
5 creditor may avail himself of the benefit of the inspector's bond
6 to the county treasurer (who shall give the creditors a copy
7 thereof on request) in the like manner as a judgment creditor of
8 a sheriff or coroner, may of the official bond of such officer
9 given to the state treasurer; and similar proceedings shall be
10 had prior to, and in the conduct of the suit as are prescribed in
11 chapter one hundred and four. 1839, 403, § 9.

CHAPTER 52.

OF POT AND PEARL ASHES.

- Sect.* 1. Inspector and deputies now in office to continue.
2. When vacancy occurs to be filled by governor and council.
3. Inspector to be duly sworn and to give bond.
4. Shall appoint deputies and they shall be sworn and give bond.
5. Mode of inspection.
6. Description of necessary casks.
7. How manufacturer shall brand his casks.
8. Inspector shall empty casks and examine, and how mark casks.
9. He may enter any vessel and search and seize it.
10. Penalty for shipping ashes, not inspected.
11. Penalty for obstructing inspector.
12. Penalty for his unreasonable delay to inspect.
13. Penalty for falsely branding by manufacturer.
14. Penalty for shifting contents of a cask.
15. Penalties how appropriated.
16. Returns to be annually made to secretary of State.

SECT. 1. The inspector of pot and pearl ashes, for the State
2 and his deputies, shall continue to hold their respective offices,
3 according to the terms of their appointment. 1821, 151, § 1.

SECT. 2. When a vacancy shall occur in the office of inspec-
2 tor of pot and pearl ashes, it shall be the duty of the governor

3 with advice of council to appoint some person well skilled in the
4 knowledge and properties of the same to supply such vacancy,
5 and who shall be removeable at the pleasure of the executive.

1821, 151, § 1.

SECT. 3. Before entering on the duties of his office, he shall
2 be duly sworn and shall give bond with sufficient sureties to the
3 treasurer of the State in the penal sum of three thousand dollars
4 for the faithful discharge of the duties of his office.

1821, 151, § 1.

SECT. 4. When so qualified he shall appoint deputy inspec-
2 tors in every seaport town where pot and pearl ashes are
3 exported and such other places as he shall judge necessary; for
4 all whom he shall be answerable, and shall take bonds with sure-
5 ties from them for the faithful discharge of their duty and they
6 shall be duly sworn.

1821, 151, § 1.

SECT. 5. The inspector and his deputies, shall sort pot and
2 pearl ashes into four sorts, if necessary, which shall be distin-
3 guished by the words "first sort extra" and "first" "second"
4 and "third" sorts.

1836, 207.

SECT. 6. Every cask in which such ashes shall be packed for
2 exportation shall be made of sound and seasoned oak or white
3 ash staves and heading, full bound, twenty-nine inches long and
4 nineteen inches diameter in the head, and of such weight in
5 proportion to its contents, as will amount as near as may be to
6 fourteen per cent. tare thereon.

1821, 151, § 2.

SECT. 7. Every manufacturer of said ashes shall brand each
2 cask, with the initial letters of his christian name, and surname
3 at full length, with the name of the town where manufactured,
4 before the same shall be removed from the manufactory, under
5 penalty of one dollar for each cask, removed without being so
6 previously branded.

1821, 151, § 3.

SECT. 8. The inspector shall start the ashes out of the casks
2 and carefully examine, try and inspect the same, and put each
3 sort by itself in tight new casks, well hooped and coopered,
4 which he shall distinguish, if necessary, in the manner prescribed
5 in the fifth section, or by the words first sort, second sort or third
6 sort, with the word pot or pearl ashes as the case may be,
7 branded in plain legible letters, together with the letters of his
8 name, and the place where inspected; and also the word
9 "Maine" at full length on each cask; and the inspector or
10 deputy at the time of starting pot or pearl ashes for inspection,
11 shall weigh the cask, and mark the weight with a marking iron
12 on each head.

1821, 151, § 4.

SECT. 9. Every inspector, shall have power to enter, with or
2 without a warrant, on board of any vessel in the harbor where
3 such inspector is authorized to perform duty, and on discover-
4 ing any cask of pot or pearl ashes, not branded as before
5 directed, he may seize and carry away and secure the same for
6 trial as forfeited property, to be proceeded against according to
7 law.

1821, 151, § 5.

SECT. 10. No person, shall ship any such ashes for exportation,
2 before the same shall have been examined and inspected as
3 before mentioned ; and the master of any such vessel who shall
4 receive such casks on board, not having been duly inspected and
5 branded, shall forfeit twenty dollars. 1821, 151, § 4.

SECT. 11. Any master of a vessel or other person, who shall
2 obstruct the inspector, in performing his duty in searching such
3 vessel shall forfeit for each offence thirty dollars. 1821, 151, § 5.

SECT. 12. Any inspector, when applied to, to inspect any pot
2 or pearl ashes, unreasonably refusing or delaying to proceed and
3 inspect the same, for the space of three hours, shall forfeit the
4 sum of five dollars. 1821, 151, § 6.

SECT. 13. If any person shall brand any cask of pot or pearl
2 ashes, manufactured by himself, with the name of another person
3 than his own, or brand any such cask belonging to another with
4 his own name, or shall counterfeit any brand belonging to or
5 proper to be used by said inspector or any of his deputies, or
6 brand any cask of pot or pearl ashes, with any brand of such
7 inspectors, or with any counterfeit brand, he shall forfeit and
8 pay for each offence, two hundred dollars. 1821, 151, § 7.

SECT. 14. If any person, shall empty any cask of pot or pearl
2 ashes, inspected or branded according to the provisions of this
3 chapter, and put in any other pot or pearl ashes, for sale or
4 exportation, without first cutting out said brand, he shall forfeit
5 and pay two hundred dollars. 1821, 151, § 8.

SECT. 15. All penalties above twenty dollars and under sixty
2 dollars, when recovered, shall be to the use of the person suing
3 for the same, and all of sixty dollars or upwards shall be one
4 half to the prosecutor, and the other to the State, and one half
5 the proceeds of all forfeited property, shall be to the use of the
6 State, and the other half to the use of the seizing officer. 1821, 151, § 9.

SECT. 16. Every inspector, of pot and pearl ashes, shall annu-
2 ally in the month of May, make a return to the secretary of
3 state's office of the number of casks of pot and pearl ashes,
4 naming the number of each brand and the weight of each
5 specific quality inspected by him or his deputies, said returns to
6 be made up to the first day of May of each year and the deputy
7 inspectors shall make seasonable returns to the inspector to
8 enable him to make his returns. 1821, 151, § 12.

CHAPTER 53.

OF THE INSPECTION OF BUTTER AND LARD.

- Sect.* 1. Inspector now in office to continue.
 2. When a vacancy occurs, to be filled by governor and council.
 3. Inspector shall be duly sworn, and give bond.
 4. Shall appoint deputies and be answerable for them.
 5. Each deputy shall give bond, and be sworn.
 6. No butter or lard shall be exported, except to States or places east of New York, unless duly inspected.
 7. The manner of inspecting same.
 8. Description of same and mode of marking and distinguishing qualities.
 9. Description of casks, size and materials, &c.
 10. Casks to be filled with brine, weighed and marked.
 11. No butter or lard shall be exported (except to places before mentioned) till collector shall be furnished with certificate of inspection.
 12. Form of such certificate and master's oath.
 13. When master or shipper shall make oath that the articles are to be shipped to places east of New York, and deliver the affidavit to inspector, such purpose shall be presumed; otherwise if not so delivered, inspector not liable in damages for seizing same.
 14. Butter and lard, inspected in any other State, may be exported without any other inspection.
 15. Penalty for exporting, contrary to this chapter.
 16. Any justice may issue warrant for seizing butter or lard, on board vessels for exportation, not having been inspected.
 17. Penalty for inspector's delay to inspect.
 18. Penalty for counterfeiting brand, &c.
 19. Penalty for changing contents of a cask.
 20. Appropriation of penalties.
 21. Annual returns to be made by inspectors to secretary of state.

SECT. 1. The inspector for the State, of butter and lard who
 2 is now in office, and his deputies, shall continue in office,
 3 according to their respective commissions or appointments.

1821, 149, § 1.

SECT. 2. Whenever a vacancy in the office of inspector shall
 2 occur, it shall be the duty of the governor, with advice of coun-
 3 cil, to appoint some person, skilled in the knowledge and
 4 properties of butter and lard, to supply the vacancy, who may
 5 be removed from office at the pleasure of the governor and
 6 council.

1821, 149, § 1.

SECT. 3. Before entering on the duties of his office, such
 2 inspector shall be duly sworn and give bond, with sufficient
 3 sureties to the state treasurer in the sum of one thousand dollars,
 4 for the faithful discharge of his duty.

1821, 149, § 1.

SECT. 4. When thus qualified, he shall appoint, in every sea-
 2 port town, where butter and lard are exported, one or more
 3 deputy inspectors thereof, and in such other places as he may
 4 judge necessary for whom he shall be answerable.

1821, 149, § 1.

SECT. 5. Each deputy, shall give bond to the inspector in
 2 the sum of five hundred dollars, for the faithful performance of
 3 his duty, and shall be duly sworn.

1821, 149, § 1.

SECT. 6. No butter or lard, shall be exported, except to any
2 of the States east of New York, until the same shall have been
3 examined by the inspector or his deputy in the following
4 manner. 1828, 378, § 1.

SECT. 7. He shall examine the casks, kegs or firkins, con-
2 taining the commodity intended for exportation, and with a
3 hollow iron searcher shall, from one side of the head of such
4 cask, keg or firkin, perforate from one head to the other, and
5 thereby draw out so much butter or lard, as shall determine the
6 quality of the whole; and see that it is preserved with a due
7 proportion of good, fine salt, sweet and in all respects fit to be
8 exported to any foreign market without danger of spoiling.
1821, 142, § 2.

SECT. 8. Every cask, keg or firkin of butter and lard, which
2 according to the inspector's best judgment, appears good and
3 merchantable, he shall distinguish by the words "first,"
4 "second" or "third"; and all other by the word "refuse";
5 and it shall be branded in plain legible letters, with the word
6 "Maine," and the name of the town where it was inspected,
7 and also with the initial letters of the christian and surname of
8 the inspector at large; and also with the word "butter" or
9 "lard" as the case may be. 1821, 142, § 2.

SECT. 9. Every cask, keg and firkin, in which butter or lard,
2 shall be exported (except to those States which are east of New
3 York) shall be made of sound and seasoned white oak or ask
4 staves and heading, full bound, twelve and a half inches in
5 length and eight and a half inches in diameter in the head; or
6 fifteen inches in length and ten and a half inches diameter in
7 the head; kegs twelve inches long, and seven and a half inches
8 diameter, in head or ten inches long and six inches head.
1821, 149, § 3. 1824, 263, § 2.

SECT. 10. Each cask, keg and firkin, before any butter or
2 lard, shall be packed therein, shall be filled with strong brine,
3 which shall remain therein three days. As soon as the brine is
4 emptied from such cask, keg or firkin, it shall be weighed by
5 the owner of the butter or lard, who shall, with a marking iron,
6 mark on one of the heads thereof the full weight of such cask,
7 keg or firkin, and shall brand or imprint with a burning iron,
8 the initial letters of his christian name, and his surname at
9 large; and if he shall falsely mark the same, he shall forfeit
10 three dollars. 1821, 149, § 4.

SECT. 11. No butter or lard, shall be exported from this
2 State, (except to any other States east of New York) unless the
3 master or owner, shall produce to the collector, or other officer,
4 authorized by law to clear vessels, a certificate from the inspec-
5 tor or his deputy that the same has been inspected and branded
6 according to the directions of this chapter. 1821, 149, § 5.

SECT. 12. Each certificate shall express the number of casks
2 or firkins and their weight, and the master or owner of the

3 vessel in which such butter and lard is so exported, shall on
 4 producing such certificate take and subscribe the following oath
 5 before the officer authorized as aforesaid—"I— of — do
 6 "swear that according to the best of my knowledge and belief,
 7 "the certificate, hereto annexed, contains the whole quantity of
 8 "butter or lard," (as the case may be) on "board — master,
 9 "except such, if any, as has been inspected elsewhere, and is
 10 "not subject to re-inspection, or such as is shipped, and to be
 11 "exported to a State or States east of New York, and that no
 12 "butter or lard" (as the case may be) "is shipped on board such
 13 "vessel for the ship's company, on freight or on cargo, but what
 14 "is inspected and branded according to the law of this State,
 15 "except as before mentioned. So help me God."

1821, 149, § 5.

SECT. 13. Whenever the master of a vessel, having on board
 2 any butter or lard, not inspected, or the shipper or owner of the
 3 same, shall make oath in writing before any magistrate, that the
 4 same has been shipped for the purpose of being transported to
 5 some port or place in the United States, east of New York, and
 6 shall deliver such affidavit to the inspector of butter and lard,
 7 or his deputy, when requested, such butter and lard shall be
 8 presumed to be shipped for such purpose; but if such affidavit
 9 shall not be so delivered on request, the presumption shall be
 10 that the same were intended to be transported and delivered
 11 elsewhere; and no damages shall be recovered against the
 12 inspector for taking and detaining the same till after such
 13 affidavit shall be offered to the detaining officer.

1828, 378, § 2.

SECT. 14. All butter and lard which may have been inspec-
 2 ted in any other of the United States, may be exported from
 3 any port in this State to any foreign port, without being subject
 4 to inspection in this State anything contained in this chapter
 5 notwithstanding.

1824, 276, § 1.

SECT. 15. If any person or master of any vessel shall export
 2 or ship for exportation any butter or lard, contrary to the pro-
 3 visions of this chapter, he shall forfeit and pay five dollars, for
 4 every cask exported or thus shipped.

1821, 149, § 6.

SECT. 16. Any justice of the peace, may seize any butter or
 2 lard on board a vessel, as aforesaid, for exportation, contrary to
 3 the provisions of this chapter, by his warrant to an officer, and
 4 secure the same for trial, as forfeited, according to law—and
 5 every person required to aid such officer in executing the war-
 6 rant and refusing his aid, shall forfeit five dollars.

1821, 149, § 7.

SECT. 17. If any inspector, shall unreasonably refuse or delay
 2 for the space of three hours, to inspect any butter or lard, or
 3 to brand it when requested, he shall forfeit and pay the sum of
 4 five dollars for each and every offence.

1821, 149, § 8.

SECT. 18. If any person, shall counterfeit or fraudulently use
2 any brand belonging to or proper to be used by any inspector
3 he shall forfeit and pay ten dollars for each offence.

1821, 149, § 9.

SECT. 19. If any person, shall empty any cask, keg or firkin
2 of butter or lard, inspected and branded according to this chap-
3 ter and put into it any other butter or lard for exportation, with-
4 out cutting out the said brands or marks, he shall forfeit ten
5 dollars for each such cask, keg or firkin. 1821, 149, § 10.

SECT. 20. All fines herein mentioned, may be recovered, with
2 costs by any person, who may sue for the same.

1821, 149, § 11.

SECT. 21. The inspector, annually, in the month of January
2 shall make a return of the number of the casks of different quali-
3 ties of the above articles branded by him and his deputies, and
4 the weight of the respective kinds, to the office of the secretary
5 of State. The above returns to be made to the first day of May
6 annually; and his deputies shall make their returns to the inspec-
7 tor, at such previous time as he may require.

CHAPTER 54.

OF THE INSPECTION OF FISH.

- Sect.* 1. Inspectors of fish to be appointed by the governor.
2. To be sworn and to give bonds.
3. Selectmen to examine such bonds yearly, and proceedings if found
insecure.
4. Remedy on the bond to parties aggrieved.
5. How fish to be inspected in towns, where no inspector resides.
6. What pickled fish are merchantable, and in what casks to be packed.
7. Contents of casks and the proportions of salt to be used.
8. Of the different qualities and mode of branding.
9. Smoked herrings to be classed—
10. And branded accordingly.
11. Of magdalen herrings.
12. Owner to furnish his own brand.
13. Each kind of fish to be packed separately.
14. Requisites of casks for pickled fish.
15. And of boxes for alewives and herrings.
16. Of scaled herrings, packed.
17. When alewives and herrings are to be considered merchantable.
18. Of small fish usually packed whole in dry salt.
19. Penalty for selling or exporting fish uninspected, &c.
20. Masters or owners of vessels exporting fish, to furnish certificate to
collector.
21. Oath to be taken by the master or owner.
22. Penalty for receiving uninspected fish, &c. with intent to export.
23. Such fish liable to seizure, process for that purpose.
24. The same to be then inspected and all charges recovered by a lien.
25. Penalty for fraudulently shifting or intermixing fish after inspection.
26. Penalty for falsely branding by the inspector or permitting another per-
son to use his brands fraudulently.

- Sect. 27. Inspectors to make annual returns to secretary of state.
28. Penalty for neglect thereof.
29. Mode of enforcing the penalties provided in this chapter.
30. Owner of fish to pay the inspector's fees, and to be reimbursed by the purchaser.
31. Inspectors already appointed to remain in office as before.
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SECT. 1. The governor with the advice of the council shall
2 from time to time, as occasion may require, appoint in each
3 town and plantation, where pickled fish or smoked alewives and
4 herrings are cured or packed for exportation, one or more per-
5 sons, skilled in the quality of the same to be inspectors of such
6 fish, who shall hold their offices during the pleasure of the gov-
7 ernor and council, not exceeding four years, unless re-appointed.
1821, 150, § 1.

SECT. 2. Every such inspector before entering upon the
2 duties of his office, shall be duly sworn, and shall give bond
3 with sufficient sureties to the treasurer of the town or plantation
4 for which he is appointed, to the satisfaction of the selectmen of
5 the town, or assessors of the plantation in the penal sum of not
6 less than five hundred nor more than one thousand dollars for
7 the faithful performance of his official duties. 1821, 150, § 1.

SECT. 3. Such selectmen or assessors, as the case may be,
2 shall at least once a year, examine the bonds given by the said
3 inspectors; and if the bond of any inspector be not in their
4 opinion sufficient, they shall forthwith notify him of the same,
5 and if he shall for thirty days after such notice, neglect to give
6 a bond satisfactory to them, they shall give information of such
7 neglect to the governor, whose duty it shall be thereupon to
8 remove such inspector from office.
1821, 150, § 1.

SECT. 4. Any person injured by the neglect or misdoings of
2 any inspector, on tendering to such treasurer a reasonable
3 indemnity against the costs, shall be entitled to bring an action
4 on such inspector's bond in the name of the treasurer for his
5 own use, and to have a copy of the bond therefor; and if judg-
6 ment shall be rendered thereon for the plaintiff, execution shall
7 issue for such sum in damages, as shall be found due to the per-
8 son for whose use such action is brought, and the sum awarded
9 in damages, shall be entered by the clerk of the court on the
10 original bond, to remain in the custody of the treasurer.
1821, 150, § 1.

SECT. 5. If at any time it be necessary that fish should be
2 inspected in any town or plantation, where no inspector resides,
3 any such officer in the county may inspect and brand the same
4 in the same manner and under the same obligations as if in his
5 own town. 1822, 201, § 1.

SECT. 6. Every inspector, who shall inspect any kind of fish
2 pickled for barreling, shall see that they are in the first instance
3 well struck with salt or pickle, and preserved sweet, free from
4 rust, taint or damage; and such of said fish as are of good

5 quality and in good order, shall be packed in tierces, barrels,
6 half barrels, quarter barrels and tenths of barrels or kids.

1834, 114, § 1. 1839, 364, § 1.

SECT. 7. Each tierce shall contain three hundred pounds,
2 each barrel, two hundred pounds, each half barrel, one hundred
3 pounds, each quarter barrel fifty pounds, and each tenth, with kid,
4 twenty pounds, and the same shall be packed with clean and
5 good coarse salt, at the rate of thirty-five pounds for every two
6 hundred pounds of fish; each cask, thus packed and headed up,
7 shall then be filled up with clear strong pickle.

1834, 114, § 1. 1839, 364, § 1.

SECT. 8. Each cask thus prepared and the contents free from
2 taint, rust or damage, shall be branded by the inspector, with the
3 name of the kind of fish contained in it, and those of the best
4 quality and caught in the right season with the mark No. 1—the
5 best and thickest of those that remain, shall be marked No. 2—
6 and the residue No. 3—none being allowed under either mark,
7 except such as are sweet and wholesome. The inspector shall
8 also brand in plain letters on the head of every such cask of
9 packed fish the weight, the initials of his christian name and his
10 surname at large, the name of the town for which he is appointed
11 the letters ME—the name of the owner, and an abridgment of
12 the month when packed and the year in figures.

1834, 114, § 1. 1839, 364, § 1. 1821, 150, § 14.

SECT. 9. All smoked herrings, shall be sorted by the inspec-
2 tor and denominated according to their quality, as follows, viz :
3 No. 1 shall consist of all the largest and best cured fish, of not
4 less than eight inches in length; No. 2 of the smaller but well
5 cured fish, not less than seven inches long, and in both cases all
6 those shall be taken out as refuse, which are belly broken,
7 tainted, scorched or burnt, slack salted, or not sufficiently
8 smoked.

1834, 114, § 2.

SECT. 10. Every box of herrings so inspected, shall be branded
2 on the top by the inspector with the initials of his christian
3 name, his surname at length, the name of the owner and of the
4 town for which the inspector was appointed, with the letters ME
5 and also with the quality of No. 1 or No. 2.

1834, 114, § 2.

SECT. 11. If the herring, so inspected, shall be of the species
2 commonly called magdalen herring, the inspector shall brand
3 the box with that name or an abridgment thereof, so that the
4 species may be distinguished.

1834, 114, § 2.

SECT. 12. The owner of all smoked and pickled fish, when so
2 required by the inspector, shall furnish a brand, containing the
3 initials of his christian name and the whole of his surname, for
4 the purpose of being stamped upon the casks and boxes con-
5 taining such fish.

1834, 114, § 1.

SECT. 13. Each cask or box shall be filled with fish of one
2 and the same kind.

1834, 114, § 1.

SECT. 14. All tierces, barrels or smaller casks, made or used
2 for the purpose of packing or containing pickled fish, shall be

3 made of sound, well seasoned white oak, ash, red oak, spruce,
4 pine or chestnut staves of rift timber, with headings of either of
5 such kinds of wood, sound and well planed and seasoned, and
6 the heads if of pine, free from sap; the same to be well hooped
7 with at least three strong hoops on each bilge and then also on
8 each chime, the barrel staves to be twenty-eight inches in length,
9 and the heads to be seventeen inches between the chimes, and
10 made in a workmanlike manner to hold pickle and branded on
11 the side, near the bung with the name of the maker or owner
12 thereof. The tierces shall contain not less than forty-five nor
13 more than forty-six gallons each, the barrels from twenty-nine to
14 thirty gallons each, and the aliquot parts of a barrel to be in the
15 same proportion. 1821, 150, § 2.

SECT. 15. All boxes for packing smoked alewives and her-
2 rings shall be made of good sound boards, sawed and well
3 seasoned, the top, bottom and sides of not less than half inch
4 boards, and the ends of not less than three quarters of inch
5 boards, securely nailed with not less than eight six penny nails
6 and sixteen four penny nails to each box, and the top to be
7 planed, and they shall be seventeen inches in length eleven
8 inches in breadth, and six inches in depth in the clear; except-
9 ing as provided in the following section. 1821, 150, § 3.

SECT. 16. On request of any such owner, any such inspector
2 may inspect herrings scaled and cured in a superior manner and
3 packed in boxes eighteen inches long, nine inches wide and
4 seven inches deep in the clear, which boxes shall be made and
5 branded on the cover in the same manner as other boxes for
6 herrings are now made and branded, excepting that instead of
7 No. 1, and No. 2, the word *scaled* shall be branded thereon;
8 and the inspection and exportation of said herrings shall be
9 subject to the same laws and regulations as are prescribed for
10 other herrings. 1834, 114, § 2.

SECT. 17. Alewives or herrings marked and packed, shall
2 not be considered merchantable, unless salted and smoked suffi-
3 ciently to cure and preserve the same, and afterwards closely
4 packed in boxes in clear and dry weather. 1821, 150, § 3.

SECT. 18. All small fish, usually packed whole with dry salt,
2 shall be put in good casks of the size and materials mentioned in
3 the sixth and seventh sections, packed closely therein and well
4 salted; the casks to be filled full with the fish and the salt,
5 putting no more salt with the fish than is necessary for their
6 preservation; and the inspector shall brand all such casks with
7 the name and quality of the inspected fish, as described in the
8 eighth section. 1821, 150, § 6.

SECT. 19. If any person shall sell in this State or export
2 therefrom any fish in casks or boxes, not inspected, packed and
3 branded agreeably to the provisions of this chapter, or any
4 tainted or damaged fish, knowing them to be such, he shall for-
5 feit ten dollars for every hundred weight thus sold or exported;
6 provided that none of the penalties declared by this chapter

7 shall be incurred on account of any good and wholesome fish
8 packed in kegs of less than ten gallons; nor of any pickled,
9 dry or smoked fish, imported into this State from any other State
10 or country, having been there duly inspected and branded
11 agreeably to the laws of such place.

1834, 114, § 1. 1821, 150, § 2, 150, § 10. 1824, 276, § 1.
1839, 364, § 2.

SECT. 20. No pickled fish in casks and no smoked alewives
2 or herrings in boxes shall be shipped from this State, unless the
3 master or owner of the vessel shall produce to the officer
4 authorized to clear out the same, a certificate from the inspector,
5 that the same have been inspected, packed and branded accord-
6 ing to the directions of this chapter; and the certificate shall
7 express the number of tierces or smaller casks, and the number
8 of boxes, thus shipped, the kind and quality of fish they con-
9 tain, with the name of the master and owner and the name of
10 the vessel into which such fish are received for exportation.

1821, 150, § 8.

SECT. 21. Every such master or owner shall take and sub-
2 scribe the following oath before the officer authorized as afore-
3 said;

4 I, A. B. do swear according to the best of my knowledge and
5 belief, that the certificate hereunto annexed, contains the whole
6 quantity of pickled fish packed in barrels or other casks and of
7 smoked alewives and herrings on board the —— master, and
8 that no pickled fish, nor smoked alewives nor herrings are
9 shipped on board said vessel for the ship's company nor on
10 freight nor cargo, but what are inspected and branded accord-
11 ing to the laws of this State or exempted by the provisions
12 thereof. So help me God.

1821, 150, § 8.

SECT. 22. If any master of a vessel or other person shall put
2 or receive on board of any vessel or other carriage of convey-
3 ance in order to transport the same from this State, any pickled
4 fish or cured or salted whole fish, packed or not packed, which
5 shall not have been inspected and branded agreeably to the
6 provisions of this chapter, excepting smoked alewives or her-
7 rings, not packed, and other fish described in the proviso of
8 section nineteenth, he shall forfeit at the rate of not less than
9 five dollars nor more than ten dollars for each and every hun-
10 dred pounds of such uninspected fish.

1821, 150, § 11. 1833, 57, § 1. 1821, 150, § 1.

SECT. 23. When any such prohibited fish, shall be on board
2 of any such vessel or carriage, so described in the preceding
3 section, any justice of the peace in the county, where such
4 vessel or carriage may be, may issue his warrant to the proper
5 officer and authorize him to seize and secure said fish and con-
6 vey the same to any inspector of fish residing within a con-
7 venient distance, for inspection; and every person required by
8 such officer to give necessary aid in the service of such warrant,
9 who shall neglect or refuse so to do, shall forfeit for such neg-

10 lect or refusal five dollars to the use of the person prosecuting,
11 to be recovered in an action of debt. 1821, 150, § 9.

SECT. 24. Such inspector shall thereupon open, inspect, pack
2 and brand such fish in the manner prescribed in this chapter
3 and may detain the same, till all lawful and reasonable charges
4 of seizure, inspection and packing shall be paid.

1821, 150, § 9.

SECT. 25. If any inspector shall take from any cask or box
2 of pickled, cured or smoked fish, inspected and branded as pro-
3 vided in this chapter, and substitute other fish therefor or inter-
4 mix other fish with a fraudulent intent, he shall forfeit fifteen
5 dollars for each box or cask, wherein the fish are so changed or
6 intermixed.

1821, 150, § 12. 1834, 114, § 1.

SECT. 26. If any inspector shall brand any cask the contents
2 of which he has not inspected, packed, salted and coopered, or
3 any boxes of smoked alewives or herrings, which he shall not
4 have inspected, packed and nailed according to the require-
5 ments of this chapter, or if he shall permit other persons to use
6 his brands in evasion thereof, he shall forfeit for every cask or
7 box, so branded, twenty dollars.

1821, 150, § 13.

SECT. 27. The several inspectors of pickled and smoked fish
2 in this State, shall on or before the first Wednesday of January
3 annually make a return under oath, into the office of Secretary
4 of State of all fish by them inspected for the year preceding,
5 designating therein the number of boxes or barrels or other
6 casks, and also the various sorts together with the place of
7 inspection.

1833, 75, § 1. 1839, 364, § 3.

SECT. 28. Any such inspector who shall neglect to make his
2 return, as aforesaid, shall forfeit a sum, not less than thirty nor
3 more than one hundred dollars for every offence to be recov-
4 ered in an action of debt, one half to the State and the other
5 half to the person who may sue for the same.

1833, 75, § 1. 1839, 364, § 3.

SECT. 29. All penalties and forfeitures accruing by virtue of
2 this chapter, not otherwise herein appropriated, shall be recov-
3 ered in an action of debt, one half to the use of the person who
4 shall sue therefor and the other half to the use of the town or
5 plantation, where the offence shall have been committed.

1821, 150, § 15.

SECT. 30. The inspector's fees shall in the first instance be
2 paid by the owner of the fish, but such owner shall be entitled
3 to recover the amount thereof from the party purchasing or
4 receiving the same under the marks and brands aforesaid, in
5 addition to the price thereof.

1821, 150, § 16.

SECT. 31. All inspectors now in office shall remain therein
2 under the tenure of their respective appointments, notwith-
3 standing any thing in this chapter expressed.

NOTE.

SECT. 16. This section proposes to re-enact the provisions of 1822, ch. 185. The act referred to was repealed by the act of 1831, ch. 488, which last act has itself been repealed; and as the statute of 1834, ch. 114, § 2, recognizes the existence of the first act there seems to be no objection to retaining it in force.

CHAPTER 55.

OF MANUFACTURE OF NAILS.

- Sect. 1. Inspector now in office to continue.
 2. When vacancy happens, to be filled by governor and council.
 3. Inspector must give bond and be duly sworn.
 4. He may appoint deputies.
 5. Inspector's duty.
 6. Rules as to branding nail casks.
 7. Inspector to give certificates as to contents, weights, &c.
 8. Wrought nails to be sold by the pound.
 9. Casks to be carefully examined—and how to be made.
 10. None to be exported until inspected, &c.
 11. Penalty for violation, &c.
 12. Penalty for inspectors delaying to inspect, &c.
 13. Penalty for counterfeiting brands, &c.
 14. How cut nails and brads are to be packed.
 15. Penalty for filling such, not inspected.
 16. Ditto for counterfeiting brands of such casks.
 17. Ditto for putting such on board a vessel for exportation.
 18. Appropriation of penalties.
 19. Deputies to make return to inspector of particular.
 20. Inspector to make returns to secretary's office.

SECT. 1. The inspector of nails, now in office, shall continue therein, according to the tenor of his appointment.

1821, 157, § 1.

SECT. 2. When a vacancy in the office shall occur, the governor with advice of council shall appoint a suitable person to supply the vacancy.

SECT. 3. Every inspector so appointed shall give bond to the State, with sufficient sureties in such sum as the governor and council direct, for the faithful discharge of the duties of his office; and he shall also before entering on such duties be duly sworn.

1821, 157, § 2.

SECT. 4. He may appoint one or more deputies in any town where they may be necessary, and each deputy so appointed shall give bond to the State, and be duly sworn in the same manner as the inspector.

SECT. 5. It shall be the duty of the inspector and each of his deputies to examine every cask of wrought nails, which he shall

3 be requested to inspect, by opening the same, turning out the
 4 nails contained therein, weighing them, and ascertaining the
 5 number of them necessary to make a pound, their quality (both
 6 as to the iron and workmanship) and shall mark or brand on the
 7 head of such cask the number thereof, the whole weight of the
 8 cask and nails, the weight of the cask only, or the tare; the
 9 number of nails necessary to make a pound, and also the quality
 10 thereof, viz: first sort, second sort, and third sort or refuse; and
 11 shall then stamp his name at large and the title of his office.

1821, 157, § 2.

SECT. 6. He shall not be obliged to mark or brand the head
 2 of any cask containing nails, thirty-five of which shall weigh
 3 more than one pound, with the exact number of nails to a pound
 4 but, beginning at thirty-five, he shall observe five as the pro-
 5 gressive number, in the number of nails necessary to weigh a
 6 pound, in any cask which he shall inspect; always choosing and
 7 marking such progressive number, to which the number of nails
 8 in a pound nearest approaches.

1821, 157, § 3.

SECT. 7. Each inspector shall give a certificate, expressing
 2 the number of the cask, the whole weight, weight of tare and
 3 number of nails in a pound, with the quality of the nails.

1821, 157, § 4.

SECT. 8. All wrought nails shall be sold by the pound, or by
 2 real thousands, delivering and receiving so many pounds for a
 3 thousand, as will produce ten net hundreds. All nail casks shall
 4 be made of sound timber.

1821, 157, § 4.

SECT. 9. The inspector shall see that all casks be well made
 2 strong and lined at both heads; each cask to have eight or more
 3 good hoops and to contain no more than three hundred and fifty
 4 pounds of nails; bad casks shall be condemned, and deficient
 5 hoops he shall supply at the expense of the person applying for
 6 inspection.

1821, 157, § 5.

SECT. 10. No person shall export from this State by land or
 2 water any cask or package or quantity of nails, not inspected
 3 and branded as aforesaid, on pain of forfeiting the value thereof;
 4 and any master of a vessel, who shall receive such on board for
 5 exportation shall be liable to the like penalty.

1821, 157, § 6.

SECT. 11. Any package or cask of wrought nails, made in
 2 this or any other of the United States, which shall be brought
 3 into this State for sale, and put on board any vessel or carriage
 4 for conveyance from this State, or offered for sale, without first
 5 being inspected and branded as before mentioned shall be
 6 forfeited, and may be seized, libelled and condemned, as the
 7 law in such cases prescribes.

1821, 157, § 7.

SECT. 12. If any inspector, on request, shall unnecessarily or
 2 unreasonably delay to make inspection of any casks of nails, he
 3 shall forfeit for each offence, the sum of four dollars.

1821, 157, § 8.

SECT. 13. If any person shall counterfeit any inspector's
2 brand, or with such brand mark any cask of nails ; or put into
3 any cask, duly branded, nails which have not been duly inspec-
4 ted, with intent to export them as aforesaid he shall forfeit
5 twenty dollars for each cask. 1821, 157, § 10.

SECT. 14. Cut nails and brads shall be packed in strong and
2 seasoned casks, and well hooped, no cask containing more than
3 three hundred pounds net, free from waste pieces of iron,
4 (unless refuse nails) or fraudulent mixture increasing the weight.
5 The maker, (who shall also be owner of such nails,) shall brand
6 the initial of his christian name, and his surname at large, on
7 the side of the cask ; also the town where the manufacturer
8 resides and the true weight of the tare of said cask, under the
9 name of the town. 1821, 157, § 10.

SECT. 15. If any cask, package or quantity of cut nails or
2 brads not inspected as required and branded, shall be offered for
3 sale, or put on board any vessel or carriage to be transported from
4 the State, it shall be forfeited, and may be seized and disposed
5 of in the manner mentioned in the eleventh section ; and the
6 owner shall forfeit and pay one dollar for each pound of tare
7 more than is marked on the cask, and for every pound of scraps
8 or waste, mixed with the nails or brads. 1821, 157, § 11.

SECT. 16. If any person shall counterfeit any brand used for
2 marking, or destroy marks made by another person's brand on
3 any cask of cut nails or brads and make a new mark by such
4 counterfeit brand, or shift any cut nails or brads from one
5 branded cask to another, he shall forfeit twenty dollars.

1821, 157, § 12.

SECT. 17. If any master or owner of any vessel or other per-
2 son shall receive on board such vessel or carriage, any quantity
3 of cut nails or brads intended for transportation from the State,
4 not being legally branded and marked, he shall forfeit a sum
5 equal to their value. 1821, 157, § 13.

SECT. 18. All penalties mentioned in this chapter, when
2 recovered shall belong, one half to the town where the offence
3 was committed, and the other half to him who shall sue, and
4 recover the same. 1821, 157, § 14.

SECT. 19. Every deputy inspector shall once in three months
2 and oftener if required, make returns to the inspector of the
3 number of casks of nails, by him inspected, with the quantity
4 of nails of each kind.

SECT. 20. The inspector shall annually in the ~~month~~ of May
2 and oftener if required, make return to the secretary of state of
3 the number of casks, and weight of wrought and cut nails,
4 specifying the different quantities of each, by him and his depu-
5 ties inspected ; and the inspector shall make up the returns
6 before specified, to the first day of January, annually, and send
7 in their returns to the secretary's office, in the course of the
8 same month.

first day
9

CHAPTER 56.

OF TOBACCO AND ONIONS.

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- Sect.** 1. Present inspectors to continue in office.
 2. In case of vacancy, governor to supply it.
 3. Duties of such inspection.
 4. Mode of examination and marking.
 5. No tobacco to be exported, till inspected, &c.
 6. Casks to be weighed, before packing.
 7. Penalty for shipping, &c. before inspection.
 8. Tobacco may be seized, if not inspected.
 9. Penalty for shifting the contents of a cask.
 10. Penalty for fraud in inspection.
 11. Penalty for branding by one not an inspector.
 12. Penalty for owners falsely marking weight, &c.
 13. No vessel to be cleared, till certificate of inspector produced.
 14. Appropriation of penalties.
 15. No onions to be exported until weighed, &c.
 16. Selectmen to appoint weighers.
 17. Penalty for selling onions not so weighed.
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SECT. 1. All inspectors of tobacco, now in office, shall continue therein, according to the terms of their appointment.

1821, 154, § 1.

SECT. 2 Whenever a vacancy shall occur in the office of any inspector in any sea port, or other exporting towns in the State, the governor with advice of council, shall appoint some skilful and disinterested person to supply the vacancy, who shall be duly sworn, impartially to perform the duties of his office.

1821, 154, § 1.

SECT. 3. It shall be his duty to inspect all tobacco, intended to be exported from the State, by land or water, to any other of the United States; he shall open every cask containing the tobacco, and inspect it in four equal divisions, and shall the casks from the tobacco, and with an iron bar or other sufficient instrument, lift one quarter and then go through the whole, until it shall be examined in four different parts, and see that it be properly dry, well cured, and not rotten or damaged, and of the weight, and packed in the manner hereinafter mentioned.

SECT. 4. Such part as appears damaged and unfit for exportation shall be burned, and on every cask containing the required quantity, which, on inspection, shall be found to be well cured and not damaged, he shall mark with a burning iron the letters AP. with the name of the town where it shall be thus approved, the name of the inspector at large and the letter I at the end, denoting that the same has been inspected and approved.

1821, 154, § 1.

SECT. 5. No tobacco shall be exported from this State until it has been inspected and approved as aforesaid, and packed in three strait casks, each cask being four feet and four inches long, and

4 two feet seven inches diameter at the head, containing not less
5 than nine hundred, nor more than fourteen hundred pounds
6 weight each; or if packed in half casks, each to contain not less
7 than four hundred, nor more than six hundred pounds weight
8 unless such casks of tobacco shall appear to have been inspected
9 and marked, according to the laws of some other State.

1821, 154, § 2.

SECT. 6. Each cask, before any tobacco shall be packed
2 therein, shall be weighed by the owner of the tobacco, who shall
3 mark on one of the heads, with a marking iron, the full weight
4 of it and the initial letters of his name.

1821, 154, § 7.

SECT. 7. If any owner of tobacco or his agent shall lade on
2 board any vessel, bound to any port or place without the State,
3 or if any master of any such vessel shall receive on board of her
4 any tobacco, contrary to the provisions of this chapter, he shall
5 forfeit and pay the sum of thirty dollars; and all such tobacco,
6 so laden or received, shall be forfeited.

1821, 154, § 3.

SECT. 8. Any justice on complaint to him, may issue his
2 warrant to the sheriff or his deputy, or a constable, and he may
3 seize and secure such tobacco, so that it may be libelled and
4 disposed of according to law.

1821, 154, § 3.

SECT. 9. If after any cask of tobacco, has been stamped or
2 branded as aforesaid, any person shall shift the contents and put
3 therein tobacco which has not been inspected, he shall forfeit
4 and pay fifteen dollars for each cask.

1821, 154, § 4.

SECT. 10. If any inspector shall be guilty of any neglect or
2 fraud in the inspection of tobacco contrary to the provisions of
3 this chapter, or brand any casks containing tobacco which he
4 has not inspected, and was intended for exportation, he shall
5 forfeit and pay fifteen dollars for each cask.

1821, 154, § 5.

SECT. 11. If any person not being a sworn inspector of
2 tobacco, shall presume to mark and brand any casks of tobacco
3 as above described, he shall forfeit and pay fifteen dollars for
4 each cask so branded.

1821, 154, § 6.

SECT. 12. If any owner of tobacco shall falsely mark the
2 weight of any cask, in which his tobacco is intended to be
3 packed, he shall forfeit and pay nine dollars for each cask so
4 marked.

1821, 154, § 7.

SECT. 13. No vessel, having on board any tobacco in casks,
2 shipped for exportation, shall be cleared out at the custom
3 house until the master or owner shall produce a certificate from
4 an inspector or prover, appointed and sworn as aforesaid, that
5 the said tobacco has been lawfully inspected according to the
6 requirements of this chapter.

1821, 154, § 9.

SECT. 14. All the above mentioned penalties when recovered,
2 shall belong one half to the State, and the other half to him
3 who shall sue for same.

1821, 154, § 10.

SECT. 15. No onions in bunches shall be exported from the
2 State unless they shall weigh as follows, viz.—rareripes (so

3 called) two and a half pounds, and onions from the seed, three
4 and a half pounds per bunch. 1821, 154, § 11.

SECT. 16. The selectmen of each town where onions are
2 shipped shall appoint one or more suitable persons to weigh and
3 give certificates of the weight; they shall be duly sworn to act
4 truly and impartially. 1821, 154, § 12.

SECT. 17. If any person shall expose for sale any onions not
2 so weighed and certified, he shall forfeit the same; one half of
3 the proceeds to the use of the town where the offence was com-
4 mitted, and the other half, to the person suing therefor; and
5 the selectmen may cause the same to be libelled and sold
6 according to law. 1821, 154, § 13.

CHAPTER 57.

OF EXPORTATION OF FLAX SEED.

- Sect. 1. Present surveyor to continue in office.
2. Governor to fill any vacancy.
3. Duty of such surveyors or inspectors.
4. How they shall make casks, &c.
5. No flax seed to be exported until inspected.
6. No vessel to be cleared till certificate of inspection produced.
7. Penalty of lading flax seed on board vessel before inspection.
8. All such to be forfeited.
9. Penalty for shifting contents of cask.
10. Penalty for neglect or fraud of the inspector.
11. Penalties how appropriated.

SECT. 1. The several surveyors and inspectors of flax seed,
2 who have been appointed in the seaport towns of this State,
3 shall continue therein, according to the tenor of their appoint-
4 ments. 1821, 155, § 1.

SECT. 2. When a vacancy shall occur in the office of any
2 such surveyor and inspector, the governor with consent of coun-
3 cil may appoint a skilful and disinterested person to supply the
4 vacancy, who shall be duly sworn. 1821, 155, § 1.

SECT. 3. It shall be the duty of all such surveyors and inspec-
2 tors to inspect and survey all flax seed intended to be laden on
3 board any vessel for foreign exportation; they shall open the
4 casks containing the same, and, if necessary, measure and shift
5 the same into other casks, so as to examine the whole, to ascer-
6 tain that it is clean and unmixd with other seed.

SECT. 4. Every cask containing the measure hereinafter men-
2 tioned of cleansed seed, he shall mark with a burning iron and
3 imprint thereon with it the mark "Insp." with the name of the

4 town where inspected and approved; the name of the surveyor
5 at large, and the letter S at the end thereof. 1821, 155, § 1.

SECT. 5. No flax seed shall be exported from this State to
2 any port or place without the United States, but such as shall
3 have been surveyed and well cleansed, and in casks, each con-
4 taining seven bushels and one peck or in casks containing each
5 one half of said quantity. 1821, 155, § 2.

SECT. 6. No vessel on board of which any flax seed shall be
2 shipped for exportation, shall be cleared out at the custom house
3 till the master or owner thereof, shall produce a certificate from
4 such surveyor or inspector as above described, that such flax
5 seed has been surveyed and inspected according to the provi-
6 sions of this chapter; which certificate shall be granted without
7 any fee. 1821, 105, § 3.

SECT. 7. If the owner of any flax seed, or his agent, shall
2 lade on board any vessel or the master or any mariner of any
3 vessel shall receive on board any flax seed, not surveyed and
4 inspected as this chapter requires, for the purpose of such expor-
5 tation he shall forfeit and pay the sum of twenty dollars for each
6 bushel so shipped. 1821, 105, § 4.

SECT. 8. And all such flax seed so laden or received, shall be
2 forfeited and may be seized, libelled and sold in the manner
3 pointed out by law respecting the forfeiture of any personal
4 property. 1821, 105, § 4.

SECT. 9. If after any cask or vessel containing flax seed,
2 approved and stamped, as before directed, any person shall shift
3 the contents of such cask, and put therein any flax seed, which
4 has not been surveyed and improved, he shall forfeit and pay the
5 sum of thirty dollars, for each cask so shifted. 1821, 105, § 5.

SECT. 10. If any such surveyor or inspector shall be guilty of
2 any neglect or fraud in surveying and inspecting any flax seed
3 or, in any other particular neglect, or violate his duty and the
4 provisions of this chapter, he shall forfeit the sum of thirty dol-
5 lars for every such neglect or offence. 1821, 105, § 6.

SECT. 11. The above mentioned penalties, when recovered
2 shall be, one half to the use of the State, and the other half to
3 the use of him, who shall sue for the same. 1821, 105, § 7.

CHAPTER 58.

OF HOPS FOR EXPORTATION.

- Sect.* 1. Inspectors in office to continue, &c.
2. When vacancy occurs to be filled by governor and council.
3. Inspectors to be sworn and give bond.
4. Each inspector may appoint deputies.
5. What hops shall be deemed merchantable.
6. Manner of inspection and branding.

- Sect.* 7. Hops shall not be shipped, or vessel cleared.
 8. Master shall make oath—form of it.
 9. Penalty for exporting contrary to law.
 10. Inspector may issue warrant to seize hops not inspected.
 11. Penalty for inspector's delay.
 12. Penalty for altering brands or counterfeiting them.
 13. Penalty for shifting contents of casks.
 14. Penalty for fraud in inspection.
 15. Penalty for mixing hops uninspected with those inspected.
 16. Penalties how appropriated.
 17. Annual returns to be made at secretary's office.

SECT. 1. The inspectors of hops, in the several counties of the State, and their respective deputies, shall continue to hold their offices, according to the terms of their respective appointments. 1836, 202.

SECT. 2. When a vacancy shall occur in the office of an inspector of hops in any county, it shall be the duty of the governor with advice of council to appoint a suitable person to supply the vacancy, who shall be removeable at the pleasure of the executive. 1836, 202, § 1.

SECT. 3. Before entering on the duties of his office, he shall be duly sworn and shall give bond to the State treasurer with sufficient sureties, in the sum of five hundred dollars, for the faithful discharge of the duties of his said office. 1836, 202, § 1.

SECT. 4. Each inspector may appoint deputy inspectors in his county, for whom he shall be answerable and from whom he may require sufficient bonds for the faithful discharge of their duty—and they shall be duly sworn. 1836, 202, § 1.

SECT. 5. Hops shall not be deemed merchantable, unless they have been picked well, and free, from stems and leaves, and dried in a kiln with charcoal fire; and the bales or packets in which they are packed, shall be firm and strong, and of such a texture as to receive the marks of the cultivator and inspector, and each bale or packet, shall be marked with the name of the cultivator, and of the town in which he lives. 1821, 152, § 3.

SECT. 6. The inspector or one of his deputies, shall examine the contents of every bale or packet of hops, intended to be exported, so as to ascertain the quality, and if found to be merchantable, and firmly packed, and that they were packed at least ten days, before inspection; and that the bales or packets are such as are before described, he shall distinguish the same by marking them with the words, "first sort," or "second sort," or "third sort" or "refuse," according to their quality. He shall also add the date of the year, and the weight of each bale or packet, and the initials of his own christian name, the whole of his surname—the name of the county, and the word "Maine." 1821, 152, § 2.

SECT. 7. Hops shall not be shipped or exported from this State, unless the master or owner of the vessel, in which such

3 hops are shipped shall produce to the collector or other person
4 authorized by the laws of the United States to clear out vessels,
5 a certificate of the inspector or one of his deputies, that the
6 same have been duly inspected marked and weighed according
7 to the provisions of this chapter ; which certificate shall express
8 the number of bales or packets of each sort of hops, with the
9 weight of each bale. 1821, 152, § 4.

SECT. 8. Any such master or owner, on producing such cer-
2 tificate, shall take and subscribe the following oath, viz : " I do
3 " swear that according to my best knowledge and belief, the
4 " certificate hereto annexed contains the whole quantity of hops
5 " on board the — of which — is master ; and that there
6 " are no hops on board the said vessel for the use of the ship's
7 " company, on freight or on cargo, but what have been inspected
8 " and marked, according to the law of this State. So help me
9 " God." 1821, 152, § 5.

SECT. 9. Every person, who shall export or ship for exporta-
2 tion from this State, any hops contrary to the provisions of this
3 chapter, shall forfeit and pay the sum of twenty dollars and the
4 master of every vessel, having the same on board, the sum of
5 ten dollars, for every bale or packet so shipped for exportation
6 or exported. 1821, 152, § 6.

SECT. 10. Any inspector may issue a warrant to the sheriff
2 or his deputy or constable to go on board a vessel and seize any
3 hops on board, which have not been inspected and marked as
4 aforesaid, and secure the same as forfeited ; and the officer may
5 require all necessary assistance, and every person thus required
6 to assist, shall forfeit five dollars for refusal so to do ; provided
7 that nothing in this chapter, shall apply to hops shipped and
8 transported coastwise, within the State for the purpose of
9 inspection, in which case a certificate of the owner shall accom-
10 pany the same, stating the owner's name, the number of bales
11 or packages, and to whom they are sent. 1821, 152, § 6.

SECT. 11. If an inspector, shall unreasonably delay the
2 inspection and marking hops, when requested, he shall forfeit
3 five dollars. 1821, 152, § 7.

SECT. 12. If any person, not being an inspector nor deputy,
2 shall alter or counterfeit any mark belonging to or proper to be
3 used by any inspector or deputy ; or shall mark any bale or
4 packet with any letters or marks aforesaid, he shall forfeit ten
5 dollars for each offence, and the hops shall be forfeited.

1821, 152, § 8.

SECT. 13. If any person shall empty any bale, marked as
2 above required, and put in any other hops for sale or exporta-
3 tion, without cutting out the marks, he shall forfeit and pay five
4 dollars for each offence. 1821, 152, § 9.

SECT. 14. If any inspector or deputy, shall be guilty of
2 fraud in inspecting hops contrary to this chapter, or put his
3 marks on any bale or packet, not inspected by him, and found

4 merchantable, he shall forfeit and pay twenty dollars for each
5 bale or packet. 1821, 152, § 10.

SECT. 15. If any person shall mix hops not inspected, with
2 those which have been inspected, contrary to this chapter, he
3 shall forfeit and pay twenty dollars for each offence. 1821, 152, § 11.

SECT. 16. All said penalties when recovered, shall be one
2 half to the prosecutor, and the other to the town where the
3 offence was committed. 1821, 152, § 12.

SECT. 17. The several inspectors, shall annually in the month
2 of May, make return to the secretary of State of the whole
3 number of bales or packets marked by him of the different
4 qualities and the weight of each quality—making up his account
5 to May first, and the deputies of each inspector, shall make sea-
6 sonable returns to them. 1821, 152, § 14.

CHAPTER 59.

OF PACKING CLAMS.

- Sect.* 1. Inspectors now in office to continue, how vacancies to be filled and new inspectors to be qualified.
2. Manner in which clams shall be packed and marked.
3. Penalty for selling or exporting damaged or tainted clams.
4. Penalty for putting shelled clams on board vessel or carriage to sell or export, when not inspected.
5. Penalty for inspectors branding casks not inspected and prepared according to this chapter.
6. Penalties how appropriated.
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SECT. 1. All inspectors of clams in this State, who have been
2 appointed by the governor and council as such, shall continue
3 in office according to the tenure thereof; and when in any city
4 or town, a vacancy shall happen, another person skilled in the
5 quality of the same, shall be appointed by the governor and
6 council to fill the vacancy during their pleasure; and he shall
7 give bond to the treasurer of the city or town where he resides
8 in the sum of two hundred dollars for the faithful discharge of
9 his duty. 1829.

SECT. 2. All clams packed for exportation shall be shelled
2 and well struck with salt, before freezing and preserved from
3 taint or damage, and shall be packed in barrels or half barrels;
4 each barrel to contain two hundred pounds of clams and thirty
5 pounds of salt; and each half barrel shall contain one hundred
6 pounds of clams and fifteen pounds of salt; and such casks shall
7 be branded by the inspector as follows—viz: Those of the best
8 quality and dug in the proper season, and saved free from frost

9 or taint—"Clams No. 1," those which remain and are free from
10 damage shall be marked "Clams No. 2." He shall brand on the
11 head of each cask, in which clams are packed or repacked, the
12 number of pounds in such cask; the initials of his christian
13 name, and his surname at length; the name of the city or town
14 for which he is appointed, and the word "Maine."

1829, § 2.

SECT. 3. If any person shall sell or export within or from
2 this State any tainted or damaged clams, he shall forfeit and pay
3 for each barrel so sold five dollars, and for each half barrel two
4 dollars and fifty cents.

1829, § 2.

SECT. 4. If shelled clams packed in barrels or half barrels
2 shall be put on board any vessel or carriage, with intent to sell
3 or export the same, unless they have been inspected and branded
4 according to the provisions of this chapter, such clams may be
5 seized by virtue of a warrant issued by a justice of the peace to
6 any proper officer, on complaint made to him by any person,
7 and the officer shall carry the same to the inspector nearest to
8 the place of seizure, who shall be authorized to open, inspect,
9 repack and brand as aforesaid and detain the same till all
10 expenses of seizure, inspection and other charges shall be paid.

1829, § 3.

SECT. 5. If any inspector shall brand any cask, the contents
2 of which he has not inspected, packed, salted and coopered
3 according to the provisions of this chapter, or shall permit any
4 other person to use his brand, contrary to the provisions of this
5 chapter, he shall forfeit and pay for each cask so branded five
6 dollars.

SECT. 6. All the foregoing penalties when recovered, shall be
2 to the use of the town, where the offence was committed and to
3 the person who shall sue for the same, in equal proportions.

CHAPTER 60.

OF FIRE WOOD, BARK AND COAL.

- Sect.* 1. Description of a cord of wood.
2. Selectmen to appoint measurers of wood and bark—to be duly sworn.
3. Penalty for selling or offering to sell such, before surveyed, &c.
4. How wood, shall be corded, when brought by water.
5. Penalty for carrying it from wharf, or landing till surveyed.
6. Every carter, driver, &c. to be furnished by the owner, or seller with ticket, &c. stating particulars, &c.
7. Nothing in this chapter to extend to persons carting wood to a purchaser's house, from the wharf or landing.
8. When wood or bark is stowed so that the middle cannot be seen, and it shall be found so, fraudulently—penalty, &c.
9. How charcoal may be sold and measured.
10. Size of all coal baskets—and to be sealed.

- Sect. 11.* Penalty for measuring in other baskets.
12. Selectmen may appoint persons to seize such baskets.
13. Penalty for measurers refusing to give a ticket.
14. Penalties how appropriated.
15. Same subject.
16. How they may be recovered.
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SECT. 1. All cord wood exposed to sale, shall be four feet
2 long, including half the scarf, and being well and closely laid
3 together, shall measure eight feet in length, four feet in width,
4 and four feet in height. 1821, 160, § 1.

SECT. 2. In those towns where fire wood or bark is usually
2 sold, the selectmen shall annually, and as occasion may require
3 appoint suitable persons to be measurers of wood, and bark,
4 there brought for sale, and they shall give public notice thereof;
5 such measurers shall be duly sworn, and receive such fees as
6 the selectmen shall appoint, to be paid by the driver of the
7 wood or bark and repaid by the buyer, when brought in by
8 land, and by the wharfinger when brought in by water.

1821, 160, § 2.

SECT. 3. If any fire wood or bark, brought into such town by
2 land, shall be offered for sale before it has been measured by a
3 sworn measurer, and a ticket signed by him, and given to the
4 driver, stating the quantity the load contains, the name of the
5 driver, and the town in which he resides, such wood or bark
6 shall be forfeited, and may be libelled and disposed of accord-
7 ing to law. 1821, 160, § 3.

SECT. 4. All cord wood, brought by water, into town for sale,
2 shall be corded on the wharf or land, on which it shall be
3 landed, in ranges, making up in height, what shall be wanting
4 in length, at which time it shall be so measured, and a ticket
5 given to the purchaser, who shall pay the stated fees.

1821, 160, § 4.

SECT. 5. If any wharfinger or carter, shall carry away any
2 fire wood from a wharf, or landing place, before the same shall
3 have been so measured, he shall forfeit and pay one dollar for
4 every load so carried away. 1821, 160, § 5.

SECT. 6. Every wharfinger, carter or driver, who shall carry
2 any fire wood from a wharf or landing, shall be furnished by the
3 owner or seller of it, with a ticket, stating the quantity and
4 name of the driver, and if any fire wood, shall be carried away
5 without such ticket, or if any driver, shall refuse to produce
6 and show such ticket, on demand, to any sworn measurer or his
7 consent to have the same measured, or if the ticket shall certify
8 a greater quantity of wood, than the load contains, in the
9 opinion of the measurer, such wood, shall be forfeited and
10 seized, and may be libelled by said measurer, and disposed of
11 in the manner the law directs. 1821, 160, § 6.

SECT. 7. Nothing in the preceding section, shall be con-
2 strued to extend to any person, transporting or causing to be

3 transported, from any wharf or landing, to his dwelling or other
4 building any cord wood which he may have purchased on such
5 wharf or landing, or have landed thereon, upon his own account.

1821, 160, § 6.

SECT. 8. When any wood, bark or charcoal, may be sold by
2 the cord, foot or load, which may be stowed or loaded in such
3 a manner as to prevent the surveyors from examining the mid-
4 dle of the load, and it shall appear on delivery, that the wood,
5 bark or coal, has been stowed with a fraudulent intent of
6 obtaining payment for a greater quantity than there was in fact,
7 in said load, the person so selling such load or quantity of either
8 of said kinds, or the owner thereof, shall pay a fine of ten dol-
9 lars for the use of the county, with costs of prosecution.

1825, 293, § 1.

SECT. 9. Any charcoal brought into town for sale, may be
2 measured and sold by the cord or foot, estimating the cord at
3 ninety-six bushels, whenever the purchaser and seller may agree
4 to the same, and the measurers before named, shall be measur-
5 ers of charcoal also.

1825, 293, § 2.

SECT. 10. All baskets for measuring charcoal, brought into
2 any town for sale, shall contain two bushels and be of the fol-
3 lowing dimensions, viz: nineteen inches in breadth, in every
4 part thereof, and seventeen inches and a half deep, measuring
5 from the top of the basket to the highest part of the bottom,
6 and the basket shall be well heaped, and sealed by the sealer of
7 the town, where the person using the same, shall usually reside.

1821, 160, § 7.

SECT. 11. Every person who shall measure charcoal for sale
2 in any basket of less dimensions or not sealed, shall forfeit and
3 pay for each offence, five dollars, and the basket shall be
4 destroyed.

1821, 160, § 7.

SECT. 12. The selectmen and assessors before named, may
2 appoint some suitable person, to seize and secure all the bas-
3 kets used for measuring coal, not according to the provisions of
4 this chapter.

1821, 160, § 8.

SECT. 13. If any measurer of any wood, bark or charcoal,
2 duly appointed and qualified for any city or town, shall neglect
3 or refuse to give a certificate of the contents of any load, to
4 the owner or purchaser, he shall forfeit and pay for each offence
5 five dollars.

1836, 239.

SECT. 14. The penalties, mentioned in the *third*, *sixth* and
2 *eleventh* sections, shall accrue, two thirds thereof, to the town
3 where the offence was committed, and the other third to him
4 who shall sue for the same.

1821, 160.

SECT. 15. The penalties mentioned in the *fifth* and *thirteenth*
2 sections, shall accrue, one half to the town, where the offence
3 was committed, and one half to the prosecutor.

SECT. 16. All such penalties, as are above measured by a
2 sum of money may be recovered by action, or by complaint or
3 indictment.

CHAPTER 61.

OF FISHERIES.

- Sect.** 1. Fisheries prohibited to persons not residing in this State, by nets or other machines.
2. Nets not to be placed in any case across the stream.
3. Forfeiture for breach of the preceding section.
4. Certain fish not to be destroyed with spears in the night, nor at any time by shooting.
5. Penalty for destroying shell fish, unless under certain circumstances.
6. Same subject.
7. Same subject.
8. Of lobsters.
9. Vessels liable to seizure for breach of certain provisions.
10. Local and special laws not affected by this chapter.

SECT. 1. No person living without this State, shall set or place any net, wear, seine or other machine—in any of the rivers, streams, creeks, harbors, inlets or coves, in this State, for the purpose of taking salmon, shad, herrings or alewives.

1821, 178, § 6.

SECT. 2. No person shall set or place any net crosswise of any river, stream, creek, harbor, inlet or cove, for the purpose of taking any of the said fish, but all such nets shall be set lengthwise of such waters.

1821, 178, § 4.

SECT. 3. Whoever shall violate the provisions of either of the preceding sections, shall forfeit for each offence, a fine not exceeding fifty dollars to the use of any person, who may sue therefor; and every net or other machine, set or placed, as prohibited in the said sections, shall also be forfeited to whomsoever may prosecute for the same, as forfeited goods, as provided in one hundred and thirty-second chapter.

1821, 178, § 8. 1823, 241, § 2.

SECT. 4. If any person shall take or destroy any pickerel or trout, in any pond, river or stream, with spears in the night time, or by shooting them at any time, he shall forfeit fifty cents for each pickerel or trout, so taken or destroyed, for the use of the person suing for the same.

1821, 179, § 1.

SECT. 5. If any person shall take or otherwise wilfully destroy any oysters or other shell fish, or obstruct their growth in their beds in any of the waters of this State, except as provided in the two following sections, he shall forfeit to the person suing therefor, not less than one dollar nor more than two dollars for each bushel thereof—including the shells, so taken or destroyed.

1821, 197, § 2, 3.

SECT. 6. The selectmen of the town or assessors of the plantation wherein such oysters or other shell fish may be found, may in writing authorize any persons to take the same at such times—in such quantities, and for such uses, as they shall think proper and shall express in their permits; and any inhabitant of

6 such town or plantation, or native Indian within this State may
7 take the same without any permit, for the consumption of him-
8 self or family; provided that no person without such permit shall
9 be allowed to take oysters for any person in the month of June,
10 July or August. 1821, 179, § 2, 3.

SECT. 7. Any fisherman may without such permit, take any
2 shell fish suitable for bait, necessary for his use, and in a quan-
3 tity not exceeding seven bushels, including the shells, at any
4 one time. 1821, 179, § 3.

SECT. 8. If any person, not living within the State, shall take
2 or destroy any lobsters in any waters within the State, without a
3 permit from the selectmen of the town, or assessors of the plan-
4 tation, where the same may be, he shall forfeit not less than ten
5 nor more than fifty dollars for each offence, one half to the use
6 of such town, and the other half to the use of the person suing
7 therefor. 1823, 383, § 1, 2.

SECT. 9. If any vessel, boat or craft, shall be found within
2 the limits of any town or plantation, not owned therein, with
3 any lobsters, oysters or other shell fish on board, taken in such
4 town against the provisions in this chapter, any inhabitant of
5 such town may seize and detain such vessel, boat or craft, for a
6 time not exceeding forty-eight hours, in order that the same may
7 be attached or arrested by due process of law, and secure the
8 fines and forfeitures before mentioned with costs; to which pro-
9 cess such vessel, boat or craft is hereby declared to be liable,
10 without further proof of the property in the parties liable to such
11 fines; provided that if before any such attachment, the owner
12 or master of such vessel, boat or craft, shall pay the expense of
13 such detention, and also pay to the treasurer of such town and
14 for the use thereof the amount of fines incurred, it shall be
15 released with the effects therein. 1821, 179, § 4.

SECT. 10. Nothing contained in this chapter, shall be con-
2 strued as affecting the operation of any laws of local application
3 now in force in any of the waters or places specially named or
4 described in such laws, whether heretofore published as public
5 or as private and special laws.

NOTE.

SECT. 10. There are a large number of acts affecting fisheries of local operation, most of which are published with the private acts, and many others with the public laws, without any very apparent reason for the distinction. The commissioners have thought it advisable to suffer them in both instances to remain in full force, though without inserting any of them in this revised code. Vi. 1824, ch. 255—1831, ch. 516—1832, ch. 7, 10, 23 and 35—1834, ch. 99, 108, 112, 113 and 124—1835, 171 and 194, 1837, ch. 263, 277, 282 and 283—1838, 308, 319, 335 and 351—1839, 381 and 405, of the public laws.

CHAPTER 62.**OF PROOF OF FIRE ARMS.**

- Sect.* 1. Provers of firm arms, now in office to be continued.
 2. When a vacancy occurs, to be filled by governor and council.
 3. Duty of provers—form of their certificate.
 4. Penalty for sale or offer to sell any new barrel, till proved, marked and certified.
 5. Penalty for falsely altering mark.

SECT. 1. The provers of fire arms, now in office, shall continue therein, according to the tenure of their appointment.

1821, 162, § 1.

SECT. 2. The governor, with advice of council, may from time to time, appoint suitable persons to be provers of the barrels of all new or unused fire arms, to supply any vacancy or otherwise, as he shall judge necessary.

SECT. 3. It shall be the duty of each prover of fire arms, to prove and try the strength of the barrels of all fire arms, which shall be offered to him for that purpose, in such manner as to satisfy him of the strength of the same, and shall, in a permanent manner, mark and number every barrel, by him so proved, and deliver to the person applying to have the same proved, a certificate for each barrel proved, and found good in the following form—I certify that on this — day of — in the year 18— I proved for — a musket, pistol or rifle barrel, (as the case may be) and which is numbered and marked, as in the margin, and that the same is good and strong.

A. B. prover of fire arms.

1821, 162, § 1.

SECT. 4. If any person, shall sell, or offer for sale, any new or unused musket, rifle or pistol barrel, without having the same first proved, marked and certified, in the manner mentioned in the preceding section, he shall forfeit and pay for each barrel, so sold or offered for sale, the sum of ten dollars, to the use of him, who shall sue for the same, or by indictment for the use of the State.

1821, 162, § 3.

SECT. 5. If any person, shall falsely alter the stamp or mark or any certificate of a prover of fire arms, he shall forfeit and pay a fine not exceeding one hundred dollars, nor less than twenty dollars, for the use of the State, to be recovered by action or indictment.

CHAPTER 63.

OF PACKING AND SELLING PAPER.

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- Sect.* 1. *What and how* paper must be packed and marked.
 2. Mode of packing and marking printing paper.
 3. Penalty for making or selling paper, not packed and stamped as aforesaid, or attempting to export it.
 4. Penalties, how appropriated.
 5. Paper not so stamped and packed, may be seized and libelled.
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SECT. 1. All paper, except paper of foreign manufacture, 2 press paper, bonnet paper and such paper as is usually sold by 3 weight, which shall be made, or offered for sale in this State, 4 shall be packed in reams, each ream, containing twenty quires, 5 and each quire, twenty-four sheets : and on the centre of the 6 face of each ream, shall be pasted a piece of substantial white 7 paper, at least, four inches square having the name or names of 8 the manufacturer, or manufacturers, and his or their place of 9 residence ; and also the words "one ream" stamped thereon.

1821, 163, § 1.

SECT. 2. But printing paper may be packed in parcels of two 2 reams each ; and on the centre of the face of each parcel, there 3 shall be pasted a piece of white paper, stating the names and 4 places of residence, as prescribed in the preceding section, and 5 the words, "two reams."

1821, 163, § 1.

SECT. 3. If any person, shall make or sell or offer for sale 2 any paper, not stamped or packed as aforesaid, or shall transport 3 any out of the State, or place the same on board any vessel or 4 carriage, with intent so to transport it, he shall forfeit and pay 5 for each offence the sum of four dollars for each ream or parcel.

SECT. 4. The said penalties, when recovered, shall be one 2 half to the county, where the offence is committed, and the 3 other half to the prosecutor.

1821, 163, § 3.

SECT. 5. And all such paper, not so packed and stamped, 2 shall at all times be liable to be seized to the use of any per- 3 son, who may seize the same, and cause it to be libelled as the 4 law directs, within seven days after seizure.

CHAPTER 64.

OF FRAUD IN PRESSING HAY.

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- Sect.* 1. Hay pressed to be put in bundles—and how to be marked.
 2. All pressed hay offered for sale, &c. if not duly branded, liable to forfeiture and seizure.
 3. Penalty for taking such hay on board any vessel, not branded.

Sect. 4. Every bale of hay may have four pieces of board round it, and mark of weight on one of them.

5. No sworn weigher shall buy hay, except for his own use.

SECT. 1. All hay, pressed and put up in bundles, for sale, in this State, shall be branded on the bands or boards enclosing the same; with the first letter of the christian name, and the whole of the surname of the person packing, screwing or otherwise pressing the hay; and also with the name of the place where the hay was pressed, or where the person packing or screwing the hay shall live, with the name of the State.

1838, 320, § 1.

SECT. 2. All screwed hay offered for sale, or shipping, unless branded in the manner mentioned in the preceding section shall be forfeited, one half to the use of the town where offered for sale or for shipping, and the other half to him, who shall libel and prosecute for the same, as the law directs.

1838, 320, § 2.

SECT. 3. If any master of any vessel, shall take on board a vessel pressed hay, not branded as before prescribed, he shall forfeit and pay two dollars for each bundle so received, to be recovered to the uses before mentioned.

1838, 320, § 3.

SECT. 4. Every bale of screwed or pressed hay may have four pieces of seasoned board, not more than four inches wide, or one inch thick, to keep their hay in place, on one of which, or on one of the bands, shall be marked the weight of the bale.

1838, 320, § 4.

SECT. 5. No sworn weigher of hay, shall purchase any hay but what is necessary for his own use and consumption.

1837, 270.

CHAPTER 65.

OF SOLE LEATHER, CALF SKINS AND LEATHER—BOOTS AND SHOES.

Sect. 1. No unmanufactured calf skins, shall be exported from the State, and penalty, for so exporting.

2. Each manufacturer of leather, or boots, shoes, &c. shall have exclusive right to stamp them, the stamp shall be a warranty.

3. Penalty for fraudulently stamping, &c.

4. Selectmen, to appoint inspectors of sole leather, to be sworn.

5. Duty of such inspectors.

6. Same subject.

7. Mode of marking different kinds of sole leather, and penalty for counterfeiting marks, &c.

SECT. 1. No unmanufactured calf skins, shall be exported from
2 the State, by land or water; and if the owner of any such, or
3 his agent, shall lade any such on board of any vessel or float,
4 bound out of the State, or of any master of any vessel, or offi-
5 cer or mariner of the same, shall receive on board any such
6 skins, the person offending, shall incur the penalty of two dol-
7 lars, for each skin, so shipped or received on board; for the use
8 of any person who shall sue for the same. 1821, 161, § 1.

SECT. 2. Each manufacturer of leather, or of boots, half
2 boots, shoes, pumps, sandals, slippers or galo shoes, shall have
3 the exclusive right of stamping said articles by him made, with
4 the initial letter of his christian name, and his surname at large
5 and such stamping shall be considered as a warrant that the
6 article stamped is merchantable, and well made, of good mate-
7 rials. 1821, 161, § 2.

SECT. 3. If any person, shall fraudulently stamp either of
2 said articles, with the name or stamp of any other person, he
3 shall be punished as guilty of a fraud or indictment, and fined
4 not exceeding twenty dollars, or by imprisonment not exceed-
5 ing six months, or by both said punishments. 1821, 161, § 3.

SECT. 4. The selectmen in each town, and the assessors of
2 each organized plantation, whenever they shall deem it expedi-
3 ent, shall appoint one or more suitable persons, inspectors of
4 sole leather, who shall be duly sworn, and shall receive such
5 fees for their services as such selectmen or assessors, shall deem
6 proper, to be paid by the person requesting the inspection, and
7 when paid by the owner thereof, it shall be a legal charge to be
8 paid by the purchaser to the vender. 1829, 428, § 1.

SECT. 5. Every such inspector, when requested, shall go to
2 any place in the town or plantation for which he is appointed
3 to examine and inspect any sides of sole leather, which had not
4 been previously inspected by an inspector in some other town
5 or in the same town. 1829, 428, § 2.

SECT. 6. He shall furnish himself with a proper apparatus
2 for weighing and stamping every side of sole leather, he shall
3 have inspected, with his surname and the name of the town or
4 plantation, for which he is inspector, and also the weight
5 thereof. 1829, 428, § 2.

SECT. 7. On all sole leather made of good hides, and in the
2 best manner, the word "best" shall be stamped, on all sole
3 leather made of good hides, in a merchantable manner, the
4 word "good," and on all other the words "second or third"
5 quality, "damaged or bad," according to the quality thereof,
6 and if any person, shall counterfeit such mark, or alter or deface
7 the same, on any leather, he shall forfeit and pay twenty dollars
8 for every such offence, one half to the use of the town, where
9 the offence was committed, and the other half to the use of him,
10 who shall prosecute therefor. 1829, 428, § 2.

CHAPTER 66.**OF THE SURVEY AND INSPECTION OF SHINGLES, CLAPBOARDS, HOOPS AND STAVES, BOARDS AND OTHER LUMBER, AND THE ADMEASUREMENT OF LOGS.**

- Sect.* 1. Towns to elect surveyors of boards, plank, timber and slit work.
 2. Such articles to be surveyed, previous to sale and delivery.
 3. What description of pine boards may be shipped.
 4. Allowance to be made for drying and shrinking.
 5. Towns to elect surveyors of shingles, clapboards, staves and hoops.
 6. Dimensions and quality of No. 1 shingles.
 7. And of Nos. 2 and 3.
 8. How shingles shall be sawed and packed.
 9. Shingles to be surveyed, measured and branded, before sale or transportation.
 10. Forfeiture of imperfect bundles, packed as for No. 1.
 11. Dimensions and quality of clapboards.
 12. Also of staves.
 13. How staves shall be enumerated.
 14. Dimensions and quality of hogshead hoops.
 15. How packed and enumerated.
 16. Forfeiture of deficient bundles.
 17. Boards, clapboards and shingles to be surveyed and certified, before sold or shipped.
 18. Viewers and cullers of staves and hoops to be chosen in maritime towns.
 19. Staves and hoops to be viewed, culled and surveyed, branded and certified before being shipped.
 20. Penalty for selling, purchasing or shipping lumber, not surveyed, &c. at two dollars a thousand.
 21. Master or owner of vessel before clearance to produce certificate to collector and make oath, that the articles have been surveyed.
 22. If the same are exported contrary to this chapter, master or owner of vessel to forfeit two hundred dollars.
 23. In case of second offence the same penalty and vessel also to be forfeited.
 24. Penalty for not accepting the office of surveyor, &c.
 25. And for neglect of official duties.
 26. And for conniving at fraud in another person.
 27. Penalties and forfeitures, how recovered.
 28. Selectmen to appoint surveyors and measurers of logs.
 29. Duties of such surveyors and measurers.

SECT. 1. Every town and plantation at its annual meeting
 2 shall elect one or more suitable persons to be surveyors and
 3 measurers of boards, plank, timber and slit work, who shall be
 4 duly sworn. 1821, 158, § 1.

SECT. 2. All boards, plank, timber and slit work, offered for
 2 sale shall, previously to delivery, be surveyed by one of the said
 3 surveyors, and if he have any doubt of its dimensions, measured
 4 by him, he having due consideration for the drying and shrink-
 5 ing thereof; and such surveyor shall mark on all such their just
 6 contents making reasonable allowance for rots, knots and splits.
 1821, 158, § 1.

SECT. 3. No pine boards shall be shipped for exportation
 2 beyond the United States, but such as are square edged, and

3 not less than seven eighths of an inch in thickness and not less
4 than ten feet in length, on pain of being forfeited to the use of
5 the town where shipped. 1821, 158, § 2.

SECT. 4. In the surveys mentioned in the two preceding sec-
2 tions, a proper allowance shall be made for drying and shrinking
3 of pine boards, and such as shall be three fourths of an inch in
4 thickness, when fully seasoned, and in the same proportion,
5 when partly seasoned, shall be considered merchantable.

1821, 158, § 2.

SECT. 5. Every town and plantation at its annual meeting
2 shall also elect one or more persons to be surveyors of shingles,
3 clapboards, staves and hoops, who shall be duly sworn.

1821, 158, § 1.

SECT. 6. All shingles packed for exportation beyond the
2 State shall be eighteen inches long and free from shakes and
3 worm holes and at least half an inch thick at the but end, when
4 green and at least three eighths of an inch thick, when
5 thoroughly seasoned, and if of pine, free from sap. They shall
6 be four inches wide on an average, and not less than three
7 inches wide in any part and shall hold their width three fourths
8 of the way to the thin end and be well shaved. Such shall be
9 denominated No. 1. 1821, 158, § 3. 1824, 250, § 1.

SECT. 7. Shingles intended for sale in any place within this
2 State, if of inferior quality or of less dimensions than those
3 described in the preceding section, may be surveyed and classed
4 accordingly under the denominations of No. 2, and No. 3.

1824, 250, § 1.

SECT. 8. All shingles shall be split, or sawed crosswise the
2 grain, and each bundle shall contain two hundred and fifty
3 shingles, and, if bound in square bundles, shall contain twenty-
4 five courses and measure twenty-two inches and a half at the
5 lay. 1821, 158, § 3.

SECT. 9. All shingles before they are offered for sale, or
2 transported from the town or plantation where made, shall be
3 surveyed and measured by one of the surveyors thereof, and
4 the quality designated upon the hoop or band of the bundle
5 with the town brand; and all shingles thus offered for sale or
6 transported before being surveyed, measured or branded, as
7 aforesaid, shall be forfeited to the use of the town, where the
8 offence shall be committed. 1821, 158, § 3.

SECT. 10. In all cases of shingles packed to be surveyed as
2 No. 1 and for the purpose of exportation, if in any one bundle
3 there shall be found as many as five shingles deficient in the
4 proper dimensions, soundness, or number to make up two hun-
5 dred and fifty merchantable shingles, the whole bundle shall be
6 forfeited to the use of the town, where exhibited.

1821, 158, § 3.

SECT. 11. All clapboards exposed to sale, or packed for
2 exportation, shall be made of good, sound timber, free from
3 shakes and worm holes, and if of pine, clear of sap; and they

4 shall be at least five eighths of an inch thick on the back or
5 thickest part, five inches wide and four feet six inches long and
6 straight and well shaved or sawed. 1821, 158, § 3.

SECT. 12. Staves packed for sale or exportation shall be
2 well and proportionably split and of the following dimensions—

3 viz :

4 White oak butt staves, at least five feet in length, five inches
5 wide, and one inch and a quarter thick on the heart or thinnest
6 edge and every part thereof.

7 White oak pipe staves, shall be at least four feet and eight
8 inches in length, four inches broad, in the narrowest part, and
9 not less than three quarters of an inch thick on the heart or
10 thinnest edge.

11 White or red oak hogshead staves shall be at least forty-two
12 inches long and not less than half an inch thick on the least or
13 thinnest edge.

14 White or red oak barrel staves for a market out of the United
15 States shall be thirty-two inches long; if for use within the
16 United States, thirty inches long, and in either case half an inch
17 thick on the heart or thinnest edge.

18 All white or red oak hogshead or barrel staves shall be at least
19 one with another four inches in breadth, and no one less than
20 three inches in breadth in the narrowest part, and those of the
21 breadth last mentioned shall be clear of sap.

1821, 158, § 3.

SECT. 13. Two staves shall be sold as one cast—fifty casts
2 one hundred, and ten hundred, one thousand.

1828, 404, § 2.

SECT. 14. All hogshead hoops exposed for sale or packed for
2 exportation, shall be from ten to thirteen feet in length and of
3 white oak or walnut, and of good and sufficient substance, well
4 shaved; if of oak at least one inch broad and if of walnut,
5 three quarters of an inch at the least end. 1821, 158, § 3.

SECT. 15. All hoops of ten, twelve and thirteen feet respec-
2 tively shall be made up in distinct bundles by themselves; each
3 bundle shall consist of twenty-five hoops, four bundles making
4 one hundred, and ten hundred one thousand.

1821, 158, § 3. 1828, 404, § 2.

SECT. 16. Every bundle of hoops packed for sale or export-
2 ation found to be deficient in the number or dimensions of its
3 contents, shall be forfeited to the use of the town where exhib-
4 ited. 1821, 158, § 3.

SECT. 17. No boards, clapboards nor shingles, shall be deliv-
2 ered on sale, nor shipped for exportation, until duly surveyed by
3 one of the proper surveyors aforesaid in the town or plantation,
4 where sold or shipped, nor until such surveyor shall have given
5 a certificate of the number, quality and quantity thereof.

1821, 158, § 1, 4.

SECT. 18. In every town, being a port of delivery, and where
2 staves and hoops are usually exported, there shall be annually

3 chosen in addition to the officers before named, two or more
4 suitable persons to be viewers and cullers of staves and hoops
5 who shall be duly sworn. 1821, 158, § 1.

SECT. 19. All staves and hoops before being shipped to any
2 place beyond the United States, shall be first viewed, culled
3 and surveyed by one of the officers mentioned in the preceding
4 section, and a proper certificate thereof given to him by the
5 master of the vessel in which the same may be shipped, and the
6 bundles shall be stamped with the brand of the town whence
7 exported. 1821, 158, § 4.

SECT. 20. Any person selling and delivering any boards,
2 plank, timber or slit work, or any clapboards, shingles, staves
3 or hoops, or who shall purchase or receive delivery thereof, or
4 who shall ship off or attempt to ship off, any of such articles,
5 before they are surveyed, measured, viewed or culled as the
6 case may require, shall forfeit two dollars a thousand to be
7 reckoned by quantity or tale, as such articles may be usually
8 sold, one half to the town, where the offence shall have been
9 committed, and the other half to the prosecutor. 1821, 158, § 4, 6.

SECT. 21. The master or owner of any vessel, having any of
2 the lumber or other articles mentioned in the preceding section
3 on board for exportation as aforesaid, shall before the vessel
4 shall be cleared at the custom house produce to the collector a
5 certificate from the proper officer, that the same have been duly
6 surveyed, measured, viewed or culled, as the case may require ;
7 and such master or owner shall likewise make oath before the
8 collector, or any justice of the peace, whose certificate shall be
9 returned to the collector that the articles so shipped for expor-
10 tation, are the same articles thus surveyed, measured, viewed or
11 culled, that he has no others on board of the like description,
12 and that he shall not take any others. 1821, 158, § 5.

SECT. 22. In addition to the penalty mentioned in the
2 twentieth section, whenever it shall appear that any of the
3 articles enumerated in said section, shall have been exported
4 beyond the limits of the United States, contrary to the pro-
5 visions of this chapter, in any vessel, the master or owner of
6 such vessel shall for the first offence, forfeit two hundred dollars
7 to the use of the town or plantation, whence the same were
8 exported. 1821, 158, § 7. 1824, 250, § 2.

SECT. 23. If after conviction and the recovery of the penalty
2 mentioned in the preceding section, such master or owner shall
3 be guilty again of exporting any such articles in the same vessel
4 contrary to the provisions of this chapter, the like penalty shall
5 be again incurred, and the vessel, if found in this State, shall be
6 forfeited to the use of the town or plantation, where such sub-
7 sequent offence may have been committed. 1824, 250, § 2.

SECT. 24. If any person duly elected a surveyor, measurer,
2 viewer or culler of any of said articles under the provisions of
3 this chapter, shall neglect or refuse to take the oath of his office

4 and to serve therein, he shall forfeit three dollars to the use of
 5 the town and another person shall be elected to his place,
 6 whose duty it shall be to take the oath and serve as aforesaid,
 7 under the like penalty, and the like proceedings may be had,
 8 until the office shall be filled. 1821, 158, § 9.

SECT. 25. If any such officer, duly qualified, shall unneces-
 2 sarily refuse or neglect to attend to the duties of his office, when
 3 requested, he shall forfeit three dollars, for each offence, to the
 4 use of the town, by which he was appointed. 1824, 158, § 10.

SECT. 26. If he shall connive at or willingly allow any breach
 2 of the provisions of this chapter in another person, or if he
 3 shall be guilty of any other fraud or deceit in the exercise of his
 4 office, he shall forfeit thirty dollars to the use of such town.
 1821, 158, § 10.

SECT. 27. All pecuniary penalties mentioned in this chapter,
 2 may be recovered by indictment, or by complaint of any inhabi-
 3 tant of the town, interested therein, or by an action of debt
 4 brought by the treasurer of such town; and all other forfeit-
 5 ures, shall be prosecuted and recovered by a libel filed by any
 6 inhabitant of such town, or the treasurer thereof, under the
 7 provisions of chapter.

SECT. 28. The selectmen of any town or the assessors of any
 2 plantation, may, if they deem it necessary, annually appoint any
 3 number of suitable persons, not exceeding seven, to be survey-
 4 ors and measurers of logs who shall be sworn. 1829, 447, § 1.

SECT. 29. Any such surveyor and measurer, may inspect and
 2 survey and measure all mill logs floated or brought to market,
 3 or offered for sale in their respective towns or plantations to
 4 reduce them into several classes or denominations, correspond-
 5 ing to the different quality of boards and other sawed lumber
 6 which may be manufactured from them; and they shall give
 7 certificates under their hands of the quantity and quality thereof
 8 to the person at whose request the same shall be so measured
 9 and surveyed. * 1829, 447, § 1.

CHAPTER 67.

OF TIMBER UPON RIVERS AND STREAMS AND ON ADJACENT LANDS.

- Sect. 1. Penal forfeitures for the unlawful conversion of logs, masts or spars.
 2. Such unlawful conversion declared to be larceny.
 3. Penalties for cutting out, altering or destroying marks on timber.
 4. Double damages also recoverable by the owner.
 5. Possession of logs with marks altered, or being partly destroyed, presump-
 tive evidence of guilt.
 6. The right of owner of logs to search for his property in the mills or cer-
 tain other premises of other persons.

- Sect. 7. Logs in any boom on Saco river to be released by request.
 8. Penalty for neglect or refusal.
 9. When logs of different owners are intermixed, how they may be driven.
 10. Forfeiture of timber lodged upon banks, and the previous notice required.
 11. Owner may remove the same at any time on tender of the damages and expenses.
 12. Right of action in the owner of the land, where such timber has been removed.
 13. Construction of this chapter in reference to certain local laws.

SECT. 1. If any person shall take, carry away or otherwise
 2 convert to his own use, without the consent of the owner, any
 3 log suitable to be sawed or cut into boards, clapboards, shin-
 4 gles, joists or other lumber, or any mast or spar, the property of
 5 another, whether the owner thereof be known or unknown,
 6 lying and being in any river, pond, bay, stream or inlet, or on
 7 or near the bank or shore thereof, within this State, he shall
 8 forfeit for each and every such log, mast or spar, twenty dollars
 9 to be recovered on complaint before any justice of the peace of
 10 the county where the offence shall be committed, one moiety
 11 to the use of the State, and the other moiety to the use of the
 12 complainant; provided that such person shall not for the same
 13 offence, have been convicted and sentenced under the provis-
 14 ions of the following section.

1831, 521, § 1. 1839, 370, § 1.

SECT. 2. If any person shall fraudulently and wilfully take
 2 and convert to his own use, either by himself or by another in
 3 his employment, any such log, mast or spar, lying or being as
 4 described in the preceding section, for the purpose of being
 5 driven to a market or a place of manufacture, he shall be
 6 deemed guilty of larceny, and punished for that offence as pro-
 7 vided in chapter 256—provided he shall not have been convicted
 8 and sentenced under the preceding section.

1831, 510, § 8. 1836, 243, § 1. 1839, 370, § 1.

SECT. 3. If any person shall cut out, alter or destroy any
 2 mark made on any such log, mast or spar, lying and being as
 3 described in the first section, without the consent of the owner
 4 thereof, and with the intent to claim the same, he shall be liable
 5 to the penalty provided in the first section to be recovered in
 6 the same manner and to the same uses. 1831, 521, § 1.

SECT. 4. Every person guilty of either of the offences de-
 2 scribed in the preceding sections, shall whether convicted in a
 3 criminal prosecution therefor, or not be liable to pay the owner
 4 of any such log, mast, or spar, respecting which the offence was
 5 committed, double the value of the same to be recovered in an
 6 action of debt. 1831, 521, § 1.

SECT. 5. In any prosecution under the preceding sections, if
 2 such log, mast or spar shall be found in the possession of the
 3 defendant with the marks cut out, or altered, or partly sawed or
 4 manufactured, into lumber of any kind or partly destroyed, not
 5 being his own property, it shall be considered as presumptive

6 evidence of his guilt, and the burthen of proof shall be upon
7 him to discharge himself. 1831, 521, § 4.

SECT. 6. The owner of any such logs, masts or spars, may at
2 any time by himself or his agent, enter in a peaceable manner
3 upon any mill or mill brow, boom or raft of logs or other timber,
4 in search of any such logs, mast or spars, which he may have
5 lost; and any person who shall wilfully prevent or obstruct
6 such search, shall forfeit for each offence not less than twenty
7 nor more than fifty dollars to be recovered in action of debt, to
8 the use of the person by whom or on whose account such entry
9 was claimed. 1831, 521, § 6,

SECT. 7. If any boom now or hereafter erected across or
2 partly across the Saco river or any of the waters connected with
3 the said river, shall be placed or constructed so as to prevent the
4 free and usual passage of timber down such river, the owner or
5 occupier of the said boom at his own expense, shall release and
6 turn out the timber, so detained, whenever requested to do so
7 by the owner thereof. 1831, 521, § 5.

SECT. 8. If the owner or occupier of such boom, shall for two
2 days after such request neglect or refuse to turn out and release
3 the timber so detained, he shall forfeit to the owner of the tim-
4 ber the amount of all damages by him sustained to be recovered
5 by an action on the case. 1831, 521, § 5.

SECT. 9. Any person, whose timber in any of the waters of
2 this State, shall be so intermixed with the logs, masts, or spars
3 of another, that the same cannot be conveniently separated for
4 the purpose of being floated to the market or place of manu-
5 facture, may drive all logs, masts and spars, with which his own
6 are so intermixed, toward such market or place, when no special
7 and different provision is made by law for driving such timber,
8 and shall be entitled to a reasonable compensation therefor from
9 the owner, to be recovered after demand therefor in an action
10 on the case, and he shall have a prior lien on the same, until
11 fifteen days after the timber shall have arrived at its place of
12 destination, in order to enable him to attach the said logs, masts
13 and spars in such action. 1831, 521, § 7.

SECT. 10. All logs or other timber, carried by freshets or
2 otherwise, lodged upon any lands adjoining any of the waters
3 within this State, shall be forfeited to the owner or occupier of
4 such lands, after the same shall have so remained two years, if
5 such lands, shall during that time have been improved, other-
6 wise after six years; provided that the owner or occupier of such
7 lands shall, within one year after the same shall have been found
8 so lodged, advertise as near as practicable the number of pieces
9 of timber, the time when lodged together with the marks thereon,
10 and the place where found, three weeks successively, in some
11 public newspaper in the county if any, otherwise in the paper
12 published by the printer of the State. 1831, 521, § 2.

SECT. 11. The owner of the said timber may enter on the
2 said land and remove the timber at any time before the forfei-

ture, as provided in the preceding section, he previously having tendered to the owner or occupier of the land a reasonable compensation for all damages occasioned by the lodging, remaining or removal of said timber and the expenses of advertizing the same. 1831, 521, § 3.

SECT. 12. If the timber shall have been removed by the owner or otherwise, without such tender, the owner of the land shall be entitled to recover in an action of trespass all reasonable damages, occasioned by the lodging of such timber, its remaining on the land or the removal of the same, and his expenses of advertizing, if any. 1831, 521, § 3.

SECT. 13. The provisions contained in this chapter, shall not be construed as restraining or varying the operation of an act passed on the eleventh day of February in the year eighteen hundred and thirty-two, entitled "an act in addition to an act to secure to the owners their property in logs, masts, spars, and other timber," nor of any other act now in force having local application to any particular river, or other part or district of this State. 1832, 8, § 7.

CHAPTER 68.

OF THE CULTURE OF SILK.

- Sect.* 1. Bounty on cocoons raised in the State.
 2. Bounty on silk reeled from such cocoons.
 3. Proof to be offered to town treasurer.
 4. Treasurer's duty as to payment and obtaining reimbursement from the State.

SECT. 1. A bounty of five cents for every pound of cocoons raised in this State shall be paid from the treasury of the town in which they were raised. 1836, 237, § 1.

SECT. 2. A bounty of fifty cents for every pound of silk reeled from cocoons, raised in this State, shall be so paid to the person reeling the same. 1836, 237, § 1.

SECT. 3. The treasurer of such town must be furnished with satisfactory proof that such cocoons, were raised or reeled in such town by the applicant; and the person applying for either of such bounties, shall make oath that no bounty had been received by any person for the cocoons or silk, so presented for a bounty. 1836, 237, § 2.

SECT. 4. Every town treasurer, shall keep an account of the money paid by virtue of this act, and present the same, verified by his oath to the Legislature next after the payment of any bounty for allowance, and being found correct, the same shall be allowed and paid out of the state treasury. 1836, 237, § 3.

CHAPTER 69.

OF USURY.

- Sect.* 1. Six per cent. shall continue to be the legal interest.
 2. The excess beyond that rate, not recoverable on trial by jury.
 3. Mode in which defence be made, by parties' oath.
 4. Certain contracts excepted.
 5. Excess above six per cent. paid, may be recovered back.
 6. Preceding section not to apply to an innocent endorsec.
 7. Where more than legal interest is reserved—what costs, &c.
 8. Action mentioned in fifth section, must be sued in one year.

SECT. 1. The legal rate of interest upon the loan or forbear-
 2 ance of any money, goods or merchandize or things in action
 3 shall continue to be six dollars upon one hundred dollars for one
 4 year, and at that rate for a longer or shorter term.

1834, 122, § 1.

SECT. 2. If any person upon any contract, mortgage or assur-
 2 ance hereafter made, shall take directly or indirectly for loan of
 3 any monies, wares, merchandize or any other commodity, above
 4 the rate of interest mentioned in the preceding section and if
 5 upon any such contract, bond, mortgage or assurance, whereupon
 6 or whereby there shall be reserved or taken above the rate of
 7 interest aforesaid, an action shall be commenced against the
 8 debtor, he may on the general issue avail himself of this act,
 9 and thereby avoid the excess over and above said legal rate of
 10 interest.

1834, 132, § 2.

SECT. 3. And in any such action sued on any such bond, con-
 2 tract, mortgage or assurance, wherein or whereby a sum is
 3 secured or given for forbearance, or giving day payment for any
 4 particular time, then, if the creditor be alive, and the debtor, or
 5 any one of them, when there are two or more, shall come into
 6 court where the cause is pending—and shall actually swear that
 7 there is reserved or secured on such bond, mortgage or contract
 8 or assurance above the legal rate of interest above mentioned,
 9 or that the creditor has received more than the legal rate of
 10 interest—above stated for the forbearance of the money or other
 11 things lent or sold, all such excess above legal interest shall be
 12 void, and the debtor shall be discharged from the payment of it,
 13 unless the creditor or one of them, if there be more than one
 14 will swear that he has not directly or indirectly willingly taken
 15 or received more than the legal rate of interest—and that by
 16 such bond, mortgage contract or assurance there is not reserved
 17 more than such legal rate of interest.

1834, 132, § 3.

SECT. 4. Nothing in this chapter shall extend to letting
 2 cattle, or other usages of the like nature in practice among
 3 farmers, or maritime contracts among merchants, as bottomry,
 4 insurance or course of exchange, as has been heretofore
 5 practiced.

1836, 132, § 3.

SECT. 5. Whoever on any such loan, shall in any manner pay
2 a greater sum or value than is by law allowed to the creditor,
3 may, or his personal representatives may, recover of the creditor
4 or his representatives by action at law the excess so received by
5 such creditor, whether in money or other property.

1836, 132, § 4.

SECT. 6. The preceding section shall not extend to bills of
2 exchange or promissory notes, payable to order or bearer, in
3 the hands of an endorsee or holder who shall have reserved the
4 same in good faith and for a valuable consideration, and who
5 had not at the time of discounting such bill or note or paying
6 such consideration actual notice that the same had been given
7 for a usurious consideration, or upon a usurious contract.

1836, 132, § 4.

SECT. 7. In a suit brought where more than legal interest
2 shall be reserved or taken, the party so reserving and taking
3 shall recover no costs, but shall pay costs to the defendant,
4 provided the damages shall be reduced by the oath of any one
5 of the defendants (where there are more than one) by reason
6 of such usurious interest.

1836, 132, § 5.

SECT. 8. The action mentioned in the fifth section of this
2 chapter, must be commenced within one year next after the
3 payment of the money or property therein mentioned, or the
4 same will be barred.

CHAPTER 70.

OF THE STANDARD WEIGHT OF POTATOES.

Sect. 1. Fixes the standard weight of potatoes.

2. To be weighed on request.

3. Penalty for refusing to weigh.

SECT. 1. The standard weight of a bushel of potatoes in good
2 order and fit for shipping, shall be sixty-four pounds.

1835, 181, § 1.

SECT. 2. Whenever potatoes are sold, the measure shall be
2 ascertained by weight as aforesaid, when the vender or vendee
3 shall so request.

1835, 181, § 2.

SECT. 3. Any vender or vendee of potatoes, when requested,
2 who shall refuse to conform to the foregoing provisions, shall
3 forfeit for each offence five dollars for every hundred bushels and
4 in the same proportion for any greater or less quantity to the
5 person who shall prosecute for the same, within thirty days after
6 the offence was committed.

1835, 181, § 2.

CHAPTER 71.**OF MEASURERS OF SALT, CORN AND GRAIN.**

SECT. 1. Aldermen of cities and selectmen of towns are
2 authorized to appoint measurers of salt, corn and grain in their
3 respective cities or towns, to hold their office for one year, who
4 shall be under oath, and receive such fees of the purchaser, as
5 the aldermen or selectmen, shall from time to time establish;—
6 and in every contract made in this State for the sale and delivery
7 of salt by the hogshead, such hogshead shall consist of eight
8 bushels. 1836, 208, § 1. 1829, 419.

SECT. 2. Whenever the buyer or seller shall request, all salt,
2 corn or grain, in cities or towns, where such sworn measurers
3 reside, shall be measured by them. 1834, 208, § 2.

CHAPTER 72.**OF THE SALE OF RYE AND INDIAN MEAL.**

The standard weight of all rye and indian meal offered for sale,
2 shall be fifty pounds per bushel. 1836, 247.

CHAPTER 73.**OF THE STANDARD WEIGHT OF RUTA BAGA AND MANGEL
WURTZEL.**

SECT. 1. The standard weight of all ruta бага and mangel
2 wurtzel in good order and fit for market, shall be sixty-four
3 pounds for a bushel, and the measure shall so be determined
4 when either the vender or vendee shall request it.

SECT. 2. If any vender or vendee shall wilfully refuse to con-
2 form to the provisions of this chapter shall forfeit five dollars
3 for every one hundred bushels; and in the same proportion for
4 a greater or less quantity.

CHAPTER 74.

OF PREVENTION OF FRAUD IN THE SALE OF OILS.

- Sect.* 1. What shall be deemed to be sperm oil.
2. Damages for the adulteration of oil.
3. Penalty for the same.

SECT. 1. All oils sold under the names of sperm, summer, fall and winter oils, shall be deemed to be pure sperm oil; and the test of pure sperm oil is hereby declared to Southworth's oleometer. 1833, 60, § 1.

SECT. 2. All oils sold under the said names, which shall be adulterated from pure sperm oil, shall be deemed whale oil, and the vender shall be liable to the purchaser for the difference in value, between pure sperm oil and whale oil, unless the adulteration is made known to the purchaser at the time of sale, to be recovered before the proper court or a justice of the peace. 1833, 60, § 2.

SECT. 3. Whoever shall sell any oil commonly known under the names specified in the first section, which has been adulterated by a mixture of whale oil, inferior oil, spirits of turpentine or other matter, without disclosing the full amount of adulteration to the purchaser shall forfeit fifteen dollars for every such offence to any person who shall sue for the same. 1833, 60, § 3.

CHAPTER 75.

OF HAWKERS, PEDLARS, AND OWNERS OF CERTAIN HORSES.

- Sect.* 1. Penalty for peddling certain goods and articles and to whom.
2. Mode of recovering same penalty and forfeiture.
3. Certain articles may be sold, &c.
4. County commissioners may license tin venders.
5. Persons licensed to have his name on his carriage, &c. and penalty for neglect.
6. Duty on stud horses, payable annually.
7. Owner of such a horse to publish notice that duty is paid.
8. Owners duty on arrival in any town, with such horse.
9. Town clerk's duty as to certificate filed by owner.
10. Effect of the payment of duty in one town, condition, &c.
11. Penalty for violating the provisions in the 11th section.
12. Horse may be sold on non-payment of the duty.

SECT. 1. Every hawker, pedlar or petty chapman or other going from town to town on foot or with a horse, carriage or otherwise, carrying to sell or exposing to sale any feathers, indigo, tin ware, books, medicines, nostrums, essences or any

5 other goods or merchandize, shall forfeit a sum not exceeding
6 fifty dollars nor less than twenty dollars, to be recovered by
7 complaint or indictment, and all the articles and merchandize
8 aforesaid, one half to the town where the offence is committed,
9 and the other half to the prosecutor. 1821, 171, § 1.

SECT. 2. Any justice on complaint made to him, may cause
2 the arrest of the party accused and the seizure of such goods
3 and detain the same until trial, and in case of conviction of the
4 offender, the same shall be decreed forfeited to the uses afore-
5 said, and sold in the same manner as goods seized on execution
6 for debt. 1821, 171, § 1.

SECT. 3. Nothing in the preceding section shall prevent any
2 person from vending any farming utensils or wooden wares or
3 any articles of domestic manufacture, made principally of wood,
4 or from selling or marketing any fish, fruits, provisions, garden
5 seeds, combs, leather shoes or potter's earthen ware. 1821, 171, § 1.

SECT. 4. The county commissioners may license any person
2 in their county to sell tin ware for one year from the time of
3 application therefor, on his producing a certificate from the
4 selectmen of the town where he resides, that he is of good moral
5 character and a receipt also from the county treasurer, that he
6 has deposited in the county treasury ten dollars for the use of
7 the State on condition of his obtaining such license; and the
8 person so licensed, may personally vend any such tin ware, as
9 though this law had not been passed. 1821, 171, § 2.

SECT. 5. Every person so licensed, shall have his name
2 printed in large letters, at least one inch wide, and also the
3 words "licensed by C. C." and also the name of the county
4 where the license was granted, in some conspicuous place on
5 every carriage employed by him—for conveyance of such ware;
6 and he shall also exhibit the certificate of his license, when
7 required by any justice of the peace, sheriff, selectman or con-
8 stable, within the limits of their respective jurisdiction; and if
9 he shall fail in either of the foregoing particulars, he shall for-
10 feit ten dollars to any person who shall sue for the same. 1821, 172, § 3.

SECT. 6. The owner of every stud horse two years old or
2 more which is kept for the use of mares in any town in the
3 State shall pay thirty dollars annually to the treasurer of such
4 town. 1836, 226.

SECT. 7. The owner or keeper of any stud horse, kept for the
2 use before mentioned, shall publish in every hand bill or notice
3 which he may publish or post up, giving notice of said horse,
4 the receipt of the treasurer, to whom the said tax had been paid.
1839.

SECT. 8. Whenever any person shall bring any stud horse
2 into the State, with intent to keep him for the use of mares, he
3 shall bring a certificate of the mayor, selectmen or assessors and
4 countersigned by the clerk of the city, town or plantation,

5 where the horse had been previously owned and kept stating
6 the name of the owner, the name of the horse, with a descrip-
7 tion of his color, pedigree and age; which certificate he shall
8 lodge with the clerk of the town, where he may stand for the
9 purpose aforesaid. 1836, 226, § 2.

SECT. 9. When all the before named provisions have been
2 complied with, the clerk shall file the certificate and make an
3 exact record of the doings thereon, and then on request, shall
4 give an attested copy thereof to such person, after which he
5 may keep such stud horse in said town for the above purposes.

1836, 226, § 2.

SECT. 10. The payment of said duty in any one town in the
2 State shall be available in any other, but if the owner or keeper of
3 such horse shall refuse to exhibit such certificate to any person,
4 threatening to prosecute him, he shall in all cases be subject to
5 costs of prosecution. 1836, 226, § 2.

SECT. 11. If any person shall own or keep a stud horse, for
2 the use of mares, contrary to the foregoing provisions, he shall
3 forfeit and pay a sum not less than fifty nor more than seventy-
4 five dollars, one half to the use of the complainant, and the
5 other half to the use of the county where the cause shall be
6 tried. 1836, 226, § 3.

SECT. 12. Whenever the owner or keeper of such stud horse
2 kept for the above named purpose, shall refuse to pay said duty
3 of thirty dollars, such horse shall be taken and sold by the
4 treasurer or the collector of the town, at public auction and
5 after the amount of said duty and the expenses of sale shall
6 have been deducted from the proceeds of the sale, the balance,
7 if any, shall be paid to such owner or keeper. 1839.

