

# MAINE STATE LEGISLATURE

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REVISION II.

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REPORT

OF THE

COMMISSIONER

APPOINTED TO

REVISE THE PUBLIC LAWS

OF THE

STATE OF MAINE.

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REGULATIONS CONNECTED WITH TRADE.

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TITLE III.

Augusta:  
FULLER & FULLER, PRINTERS TO THE STATE.

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1856.



# TITLE THIRD.

## REGULATIONS CONNECTED WITH TRADE.

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32. Notaries public, protests, days of grace, and demand on notes and bills.  
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### Chapter 31.

#### PRINCIPAL, FACTORS AND AGENTS.

- Sect.* 1. How far shipper, factor or agent shall be considered the owner of goods under their control.  
2. Not to extend to antecedent demands against the agent.  
3. Rights of the true owner in such cases.  
4. Counterfeiting trade marks.  
5. Selling with counterfeited marks.

SECT. 1. Every person, in whose name any merchandise shall be shipped, 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 merchandise, and every such factor or agent not having the documentary evidence of title, who shall be entrusted with the possession of any merchandise for the purpose of sale, or as a security for any advances to be made thereon, shall be deemed to be the true owner thereof, so far as to give validity to any lien or contract made by such shipper or agent with any other person for the sale or disposition of the whole, or any part of such merchandise, any money

*How far shipper, factor or agent shall be considered the owner of goods under their control.*

**CHAP. 31.**

R. S., c. 43, § 1, 2.

Not to extend to antecedent demands against the agent.

R. S., c. 43, § 3.

Rights of the true owner in such cases.

R. S., c. 43, § 4.

Counterfeiting trade marks.

1856, c. 231, § 1.

Selling with counterfeited marks.

Idem, § 2.

13 advanced, or negotiable instrument, or other obligation in  
 14 writing, given by such person upon the faith thereof.

SECT. 2. Every person, who shall take such merchandise  
 2 in deposit from such agent as security for any antecedent  
 3 demand, shall not acquire thereby or enforce any right or  
 4 interest in the same other than might have been enforced  
 5 by such agent at the time of such deposit.

SECT. 3. But the true owner of any such merchandise,  
 2 upon re-payment of the money so advanced, restoration of  
 3 the security so given, or satisfaction of all legal liens, may  
 4 demand and receive his property, or recover the balance  
 5 remaining as the produce of the legal sale thereof, after  
 6 deducting all proper claims and expenses thereon.

SECT. 4. Every person who shall knowingly and willfully  
 2 forge or counterfeit, or cause or procure to be forged or  
 3 counterfeited any representation, likeness, similitude, copy  
 4 or imitation of the private stamps, wrappers, labels or trade  
 5 marks usually affixed by any mechanic or manufacturer to,  
 6 and used by such mechanic or manufacturer, on, in or about  
 7 the sale of any goods, wares or merchandise, with intent to  
 8 deceive or defraud the purchaser or manufacturer of any  
 9 goods, wares or merchandise, whatsoever, upon conviction  
 10 thereof shall be deemed guilty of a misdemeanor, and shall  
 11 be punished by fine not more than two hundred dollars, or  
 12 by imprisonment in the county jail for a term not more than  
 13 one year.

SECT. 5. Every person who shall vend any goods, wares  
 2 or merchandise, having thereon any forged or counterfeit  
 3 stamp, label, or trade mark, imitating, resembling, or pur-  
 4 porting to be the stamp or label or trade mark of any me-  
 5 chanic or manufacturer, knowing the same to be forged or  
 6 counterfeited, and resembling, or purporting to be imitations  
 7 of the stamp label or trade mark of such mechanic or manu-  
 8 facturer, without disclosing the fact to the purchaser thereof,  
 9 shall, upon conviction, be deemed guilty of a misdemeanor,  
 10 and shall be punished by imprisonment in the county jail for  
 11 a term not exceeding one year, or by fine not more than  
 12 five hundred dollars.

**Chapter 32.**CHAP. 32.**NOTARIES PUBLIC, PROTESTS, DAYS OF GRACE, AND DEMAND ON NOTES AND BILLS.****NOTARIES PUBLIC AND PROTESTS.**

- Sect.* 1. Notary's seal.  
 2. His duty as to protests of losses by sea or land, and record and copies thereof.  
 3. Also, as to demand and notice on negotiable notes and bills, and in other respects, and record thereof.  
 4. Copies and certificates under his seal shall be legal evidence of all facts therein stated.  
 5. When his office is vacated his records to be deposited with the clerk of the courts.  
 6. Penalty for destroying, defacing or concealing such records.  
 7. Duties of clerks relating thereto, and their fees.  
 8. Fees for protest of notes or bills, and appropriation of penalties.

**DAYS OF GRACE.**

9. Days of grace on notes and bills, and changes thereof on account of Sunday, fast, thanksgiving, fourth of July, and Christmas.

**DEMAND.**

10. Demand on note payable at time and place certain.

*Notaries public and protests.*

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

Notary's seal.

R. S., c. 44, § 3.

SECT. 2. It shall be his duty, when requested, to enter on  
 2 record all losses or damages sustained or apprehended by  
 3 sea or land, and also all averages, and such other matters,  
 4 as by mercantile usage appertain to his office; and grant  
 5 warrants of survey on vessels; and all facts, extracts from  
 6 documents, and circumstances, so noted, shall be signed and  
 7 sworn to by all the persons appearing to protest; and he  
 8 shall note extend and record the protest so made; and  
 9 shall grant authenticated copies thereof under his signature  
 10 and notarial seal to those, who request and pay for the  
 11 same.

His duty as to protests of losses by sea or land, and record and copies thereof

R. S., c. 44, § 4, 5.

SECT. 3. He may also in behalf of any person interested  
 2 present any bill of exchange or other negotiable paper for  
 3 acceptance or payment to any party, who may be liable  
 4 therefor; notify all endorsers or other parties to such bill  
 5 or paper; record and certify all contracts usually recorded  
 6 or certified by such notaries; take depositions in the same  
 7 manner, that any justice of the peace and quorum may  
 8 legally do; certify country products, and in general do all  
 9 acts to be done by notaries public by the usages of mer-  
 10 chants and authorized by the laws of the state; and shall

Also, as to demand and notice on negotiable notes and bills, &amp;c.

CHAP. 32.

R. S., c. 44,  
§ 5, 6.

Copies and certificates under his seal shall be legal evidence, &c. R. S., c. 44, § 6, 12.

When his office is vacated, his records to be deposited with the clerk of the courts.

R. S., c. 44,  
§ 7, 8, 11.

Penalty for destroying, defacing or concealing such records.

R. S., c. 44, § 9.

Duties of clerks relating thereto, and their fees.

R. S., c. 44, § 10.

Fees for protest of notes or bills, and appropriation of penalties.

Idem, § 14.

Days of grace on notes and bills, and changes thereof on account of Sunday, fast, thanksgiving, fourth of July, and Christmas.

11 record at length in a book of records all acts, protests,  
12 depositions, and other things, by him noted or done in his  
13 official capacity.

SECT. 4. And all copies or certificates by him granted  
2 shall be under his hand and notarial seal, and shall be  
3 received as legal evidence of such transaction and of all the  
4 facts therein contained in all courts in this state.

SECT. 5. On the resignation or removal from office of any  
2 notary public his records shall be deposited with the clerk of  
3 the judicial courts in the county for which he was appointed;  
4 and by a neglect for three months to comply with the above  
5 requisition on his part, or if he be deceased, on the part of  
6 his executor or administrator, for three months after the  
7 acceptance of his trust, either shall forfeit not less than  
8 fifty nor more than five hundred dollars.

SECT. 6. If any person shall knowingly destroy, deface, or  
2 conceal, any such records, he shall forfeit and pay not less  
3 than two hundred nor more than one thousand dollars, and  
4 shall be liable for damages to any person injured in an action  
5 on the case.

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

SECT. 8. For each protest of a bill or note, notifying par-  
2 ties, making his certificate thereof in due form, and record-  
3 ing his proceedings, a notary public shall be entitled to one  
4 dollar and fifty cents and no more; and all penalties herein  
5 provided shall accrue half to the state and half to the per-  
6 son suing therefor.

*Days of grace.*

SECT. 9. Whenever any promissory note, inland bill of  
2 exchange, draft or order for the payment of money, payable  
3 at a future day, or at sight, and not on demand, shall become  
4 payable in this state, the maker of any such note and the  
5 acceptor of any such bill of exchange, respectively, shall be  
6 entitled to a grace of three days, unless the third day hap-  
7 pens to be on the Lord's day, a day of public fast or thanks-  
8 giving appointed by the governor and council, the fourth  
9 day of July, or Christmas; in which excepted cases a grace  
10 of only two days shall be allowed. If the fourth day of July

11 or Christmas should happen to be Monday, and the third  
 12 day of grace on any such note, bill, or draft, should happen  
 13 on the same day; or if the fourth day of July or Christmas,  
 14 should happen on Saturday, and the following Sunday should  
 15 be the third day of grace, an additional day of grace shall  
 16 be allowed on such note, bill or draft.

R. S., c. 44,  
 § 13, 14.  
 1852, c. 249.  
 1855, c. 113.

### *Demand.*

SECT. 10. In an action on a promissory note payable at a  
 2 place certain, either on demand, or on demand at or after a  
 3 time specified therein, the plaintiff shall not be entitled to  
 4 recover, unless he shall prove a demand made at the place  
 5 of payment prior to the commencement of the suit.

Demand on note  
 payable at time  
 and place  
 certain.

1846, c. 218.

## Chapter 33.

### LIMITED PARTNERSHIPS.

- Sect. 1. To what kinds of business applicable and of what persons to be composed.  
 2. Certificate to be signed, and the particulars to be therein stated.  
 3. Certificate to be acknowledged and recorded, and where.  
 4. Liability for any misstatement therein.  
 5. Publication of such partnership, and mode of renewing it.  
 6. Special partners not to be named, or to act.  
 7. Capital not to be reduced below the amount stated in the certificate, and liability of partners to refund moneys withdrawn or divided.  
 8. In whose names suits, by and against such partnership, may be brought.  
 9. Voluntary dissolution within the time specified and notice thereof.  
 10. In cases not otherwise provided for herein, limited partners to be same as general. Equity jurisdiction of the court under this chapter.

SECT. 1. Limited partnerships for the transaction of mer-  
 2 cantile, mechanical, or manufacturing, business, but not for  
 3 banking or insurance, may be formed upon the following con-  
 4 ditions and liabilities to consist of one or more persons,  
 5 who shall be called general partners, and who shall be  
 6 jointly and severally responsible, as general partners now  
 7 are by law, and of one or more persons, who shall con-  
 8 tribute a specific sum in actual cash payment as capital to  
 9 the common stock, who shall be called special partners, and  
 10 who shall not be liable for the debts of the partnership  
 11 beyond the sum so contributed by each to such capital.

To what kinds of  
 business appli-  
 cable and of  
 what persons to  
 be composed.

R. S., c. 45,  
 § 1, 2.

SECT. 2. Persons forming such a partnership shall sign a  
 2 certificate, which shall contain the following particulars:  
 3 *First*—The name of the firm, under which such partner-  
 4 ship shall be conducted.

Certificate to be  
 signed, and the  
 particulars to be  
 therein stated.



CHAP. 33.

5 *Second*—The name and place of residence of each one of  
6 the general and each one of the special partners.

7 *Third*—The general nature of the business to be trans-  
8 acted and the amount of capital, which each one of the  
9 special partners has contributed.

10 *Fourth*—The time when the partnership shall commence,  
11 and when it shall cease.

R. S., c. 45, § 3.

Certificate to be  
acknowledged  
and recorded,  
and where.

SECT. 3. Such partnership shall not be considered as  
2 formed, until such certificate shall have been acknowledged  
3 by all the partners before a justice of the peace and recorded  
4 in the registry of deeds for each county or district, where  
5 such partnership shall have an established place of business,  
6 in a book to be kept for that purpose open to public inspec-  
7 tion.

R. S., c. 45, § 4, 5.

Liability for any  
misstatement  
therein.

SECT. 4. If any statement shall be made in such certificate,  
2 which may mislead third persons, or be intentionally false,  
3 all the persons interested in such partnership shall be liable  
4 for all the engagements thereof, as general partners, to any  
5 person so deceived or injured.

R. S., c. 45, § 6.

Publication of  
such partnership,  
and mode of  
renewing it.

SECT. 5. After such registry the partners shall cause a  
2 copy of the certificate above mentioned to be published in a  
3 newspaper printed in the county, in which the principal place  
4 of business is situated; and if there is no such paper printed  
5 in that county, then one printed in an adjoining county, or  
6 in the state paper, for six weeks successively, the first pub-  
7 lication to be made within twenty days thereafter; and if  
8 not so published, or if upon every renewal or continuance of  
9 such partnership beyond the time originally fixed for its  
10 duration, a certificate shall not be made, signed, acknowl-  
11 edged, recorded, and published, in the manner required at  
12 the original formation of such partnership, the same shall be  
13 deemed a general one.

R. S., c. 45,  
§ 7, 8, 9.

Special partners  
not to be named,  
or to act.

SECT. 6. The business of the partnership shall be con-  
2 ducted under a firm, in which no names shall be used, but  
3 those of the general partners without the word "company"  
4 or any other general term; and the general partners only  
5 shall transact business; and if the name of any special part-  
6 ner shall be used in the firm with his consent and privity, or  
7 if he shall make any contract respecting the concerns of the  
8 partnership with any person, except the general part-  
9 ners, he shall be deemed and treated as a general partner  
10 as to such contract.

R. S., c. 45,  
§ 10, 11.

Capital not to be  
reduced below  
the amount

SECT. 7. During the continuance of any such partnership  
2 no part of the capital stock shall be withdrawn therefrom,

## CHAP. 34.

3 nor any division of interest or profits be made, so as to  
 4 reduce such capital stock below the sum stated in the cer-  
 5 tificate above mentioned; and if during the continuance or  
 6 at the termination of the partnership, the property shall not  
 7 be sufficient to pay the partnership debts, then the special  
 8 partners shall be severally answerable for all sums by them  
 9 in any way received, withdrawn or divided, with interest  
 10 thereon from the time, they were so respectively withdrawn  
 11 notwithstanding the provision in section ten.

stated in the  
 certificate, &c.

R. S., c. 45,  
 § 12, 13.

SECT. 8. All suits respecting the business of such part-  
 2 nership shall be commenced and prosecuted by and against  
 3 the general partners only, except in those cases in which  
 4 provision is herein before made, that special partners shall  
 5 be deemed general partners, and special partnerships gen-  
 6 eral partnerships; in which cases all the partners deemed  
 7 general partners may join or be joined in such suits.

In whose names  
 suits, by and  
 against such  
 partnership, may  
 be brought.

R. S., c. 45, § 16.

SECT. 9. No voluntary dissolution of such partnership  
 2 shall take place before the time specified in the certificate  
 3 before named, unless a notice of such dissolution be recorded  
 4 in each registry, in which the original certificate, or certifi-  
 5 cate of renewal or continuance, was recorded, and published  
 6 in such paper, as is directed in the fifth section.

Voluntary disso-  
 lution within the  
 time specified  
 and notice  
 thereof.

R. S., c. 45, § 17.

SECT. 10. In all cases not otherwise provided for herein  
 2 the members of limited partnerships shall be subject to the  
 3 same legal liabilities, and entitled to all the legal immuni-  
 4 ties, which are incident to general partnerships; and the  
 5 supreme judicial court may hear and determine in equity all  
 6 questions between co-partners in any partnership formed by  
 7 virtue of this chapter and between said co-partners and any  
 8 creditors of the firm.

In cases not  
 otherwise pro-  
 vided for herein,  
 limited partners  
 to be same as  
 general, &c.

R. S., c. 45, § 18.

## Chapter 34.

### AUCTIONS AND AUCTIONEERS.

- Sect. 1.* Municipal officers to license auctioneers and keep a record thereof.
2. Appeal to county commissioners in case of refusal.
  3. Auctioneers to keep particular account of all goods sold, and pay to town a per cent. on goods voluntarily sold for benefit of non-residents, under penalty.
  4. Penalty for allowing any one not a legal voter in the town, to act under him in sales.
  5. Penalty for knowingly receiving goods of minors or servants, and for selling his own before sunrise and after sunset.
  6. Real estate lying in two towns may be sold by auctioneer of either. Penalty for selling beyond or without a license.

**CHAP. 34.**

*Sect. 7.* Penalty for knowingly permitting any person to sell goods, contrary to law, in any building or appurtenances.

8. Exceptions as to sales by sheriffs and other officers.

9. Fines, how recovered and appropriated, and duty of sheriffs and other officers to prosecute therefor.

Municipal officers to license auctioneers and keep a record thereof.

**SECT. 1.** The municipal officers of any town may license any suitable inhabitants of the county in which such town may be situated, by a writing under their hands to be auctioneers therein and in any other town in said county, where there is no licensed auctioneer, for one year; and shall record every such license in a book kept by them for that purpose.

1843, c. 24.  
R. S., c. 46,  
§ 1, 2.

Appeal to county commissioners in case of refusal.

**SECT. 2.** If such officers shall unreasonably refuse or neglect, after application made in writing to them by any person desirous of obtaining such license, such applicant after having given them ten days notice may apply to the county commissioners, who are hereby authorized after a hearing of the parties to grant such license, if they judge it reasonable; *provided* such applicant shall give bond to such officers to pay all costs arising in consequence of such application to the commissioners.

R. S., c. 46, § 3.

Auctioneers to keep particular account of all goods sold, &c.

**SECT. 3.** Every person licensed as aforesaid shall keep a fair and particular account of all goods and chattels by him sold stating, of whom they were received, and to whom the same were sold; and if said goods are sold voluntarily for the benefit of parties residing out of the state, he shall deduct two and a half per cent. from the gross amount of the sales for the use of the town, where the sale is made, and pay the same to the treasurer thereof within ten days after the sale; and in default thereof he shall be liable to a fine of not less than fifty nor more than three hundred dollars, and shall forfeit his license.

R. S., c. 46, § 5.  
1853, c. 23, § 3.

Penalty for allowing any one not a legal voter in the town, to act under him in sales.  
1853, c. 23,  
§ 1, 2.

**SECT. 4.** No auctioneer shall allow any person, who is not a legal voter in the town, from which he received his license, to act for or under him in any sales by public auction under penalty of fifty dollars for each offense; and any such person so acting shall be subject to the same penalty.

Penalty for knowingly receiving goods of minors or servants, &c.

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

R. S., c. 46, § 4.

Real estate lying in two towns may be sold by

**SECT. 6.** Any parcel of real estate lying partly in one town and partly in another may be sold by an auctioneer of either;

3 but if any auctioneer licensed as aforesaid shall sell or offer  
4 to sell any real or personal property at public auction in  
5 any other towns than those authorized by his license, or if  
6 any person shall sell without a license, he shall forfeit not  
7 exceeding six hundred dollars.

SECT. 7. If the tenant or occupant of any building having  
2 actual possession and control of the same shall knowingly  
3 permit any person to sell any goods or chattels at public  
4 auction contrary to any of the provisions of this chapter in  
5 such building or in any apartment or yard appurtenant to  
6 the same, he shall forfeit not exceeding six hundred nor less  
7 than one hundred dollars.

SECT. 8. Nothing in any of the preceding sections shall  
2 extend to sales made by sheriffs, deputy sheriffs, coroners,  
3 constables or collectors of taxes, executors or administrators,  
4 or any other person, who may be authorized to sell goods  
5 chattels or lands by order of any court or judge of probate.

SECT. 9. All fines imposed by this chapter may be recov-  
2 ered by indictment in any court proper to try the same; and  
3 it shall be the especial duty of all city marshals or their  
4 deputies, all sheriffs, constables and police officers, to make  
5 immediate complaint for every offense against the provisions  
6 hereof; and one-half of all fines shall be for the use of the  
7 complainant, and the other half for the use of the town  
8 where the offense is committed.

### CHAP. 35.

auctioneer of  
either. Penalty  
for selling, &c.  
R. S., c. 46,  
§ 8, 9.

Penalty for  
knowingly per-  
mitting any  
person to sell  
goods, contrary  
to law, &c.

R. S., c. 46, § 10.

Exceptions as to  
sales by sheriffs  
and other  
officers.

R. S., c. 46, § 6.

Fines, how  
recovered and  
appropriated,  
&c.

1853, c. 23, § 4.

## Chapter 35.

### PAWNBROKERS AND INTELLIGENCE OFFICES.

#### PAWNBROKERS.

- Sect. 1. License and removal of pawnbrokers, and penalty for acting without license.  
2. To keep an accurate and particular account of all business done under a penalty.  
3. Rate of interest fixed at twenty-five per cent. on loan of twenty-five dollars, and six on larger.  
4. Time and mode of selling pawned property, and notice thereof, fixed under a penalty.  
5. Penalty for not paying over proceeds of sale, after deducting amount due on loan.

#### INTELLIGENCE OFFICES.

6. Municipal officers may keep intelligence offices. Penalty for keeping such office without license.  
7. Penalties, how recovered and appropriated.

## CHAP. 35.

*Pawnbrokers.*

License and  
removal of  
pawnbrokers,  
&c.

1855, c. 152,  
§ 1, 2.

To keep an  
accurate and  
particular  
account of all  
business done,  
under a penalty.

1855, c. 152,  
§ 3, 4.

Rate of interest  
fixed at twenty-  
five per cent. on  
loan of twenty-  
five dollars,  
and six on  
larger.

1855, c. 152, § 5.

Time and mode  
of selling  
pawned  
property, and  
notice thereof,  
fixed under a  
penalty.

1855, c. 152,  
§ 6, 7.

Penalty for not  
paying over  
proceeds of sale,  
&c.

1855, c. 152, § 8.

SECT. 1. The municipal officers of any town may grant  
2 licenses to persons of good moral character to be pawnbro-  
3 kers therein for one year unless sooner removed by said  
4 officers for a violation of law regulating their business; and  
5 no person shall carry on said business without such license  
6 under a penalty not exceeding one hundred dollars.

SECT. 2. Every pawnbroker shall keep a book, in which  
2 he shall enter the date, duration, amount and rate of inter-  
3 est, of every loan made by him; an accurate account and  
4 description of the property pawned, and the name and resi-  
5 dence of the pawner, and at the same time deliver to said  
6 pawner a written memorandum signed by him containing  
7 the substance of the above entry, and at all reasonable  
8 times submit said book to the inspection of any of the offi-  
9 cers aforesaid; and for every violation of this section he  
10 shall forfeit twenty dollars.

SECT. 3. No pawnbroker shall directly or indirectly receive  
2 any rate of interest greater than twenty-five per cent. a year  
3 on a loan not exceeding twenty-five dollars, or than six per  
4 cent. on a larger loan made upon property pawned, under a  
5 penalty of one hundred dollars for each offense.

SECT. 4. No pawnbroker shall sell any property pawned  
2 until the same has remained in his possession three months  
3 after the expiration of the time, for which it was pawned;  
4 and all such sales shall be at public auction by a licensed  
5 auctioneer and after notice of the time and place of sale,  
6 the name of the auctioneer, and a description of the prop-  
7 erty to be sold shall be published in a newspaper in the  
8 town, where the property is pawned, if any, and if not,  
9 posted in two public places in the same at least two weeks  
10 before the sale; and all sales of such property otherwise  
11 made shall be wholly void, and the pawnbroker undertaking  
12 to make the same shall forfeit twenty dollars for every such  
13 offense.

SECT. 5. After deducting from the proceeds of any sale as  
2 aforesaid the amount of the loan, the interest then due, and  
3 the proportional part of the expenses of sale, such pawn-  
4 broker shall pay the balance to the person entitled to  
5 redeem such property, if no sale had been made, and if not  
6 so paid on demand he shall forfeit double the amount so  
7 retained to be recovered by complaint or indictment, one  
8 half to the use of the pawner, and the other to the use of  
9 the state.

*Intelligence offices.*

## CHAP. 36.

SECT. 6. The municipal officers of any town may upon  
 2 payment of one dollar each grant licenses to suitable per-  
 3 sons for one year, unless sooner revoked after notice and  
 4 for cause, to keep offices for the purpose of obtaining  
 5 employment for domestics, servants, or other laborers,  
 6 except seamen, or of giving information relating to the  
 7 same, or of doing the usual business of intelligence offices;  
 8 and no person shall keep such an office, without being so  
 9 licensed under a penalty not exceeding fifty dollars for  
 10 every day it shall be so kept.

Municipal officers may license intelligence offices, &c.

1854, c. 105,  
 § 1, 2.

SECT. 7. The penalties provided in this chapter may be  
 2 recovered by complaint or indictment, in any court of com-  
 3 petent jurisdiction for the use of the state.

Penalties, how recovered and appropriated, 1854, c. 105, § 1, 1855, c. 152, § 2, 4, 5, 7.

**Chapter 36.****PILOTS, SHIP OWNERS, WRECKS AND SHIPWRECKED GOODS, LIGHTERS AND HARBORS.****PILOTS.**

*Sect.* 1. Appointment, oath and bond of pilots.

2. Their duty to pilot inward and outward bound vessels, but master may pilot his own vessel.
3. Governor and council to fix their fees, and hear complaints against them, and suspend or remove.
4. Liable for all damage to vessels caused by their fault.

**SHIP OWNERS.**

5. Ship owners' liability to freighters for acts of master and crew, payment to same pro rata, and equity power of court therefor.
6. Charterer deemed the owner, and responsible to the real owner.

**WRECKS AND SHIPWRECKED GOODS.**

7. Appointment, oath and bond of commissioners of wrecks and the remedy on said bonds.
8. Their powers and duties.
9. Penalty for disobeying order of commissioner, and how recovered and appropriated.
10. All property to be inventoried and delivered to owner, on payment of fees and expenses.
11. Commissioner to decide compensation of other persons.
12. Appeal to judge of probate allowed in certain cases, and his power to decide and enforce his decision.
13. Penalty for intermeddling with such property after arrival of commissioner without authority.
14. Commissioner to publish all the particulars of the wreck under a penalty.
15. When property may be sold to pay custom house duties, and to prevent its perishing, and notice of sale.
16. Property to be accounted for to the state treasurer, after one year, and liability for neglect to do so.
17. Treasurer to allow commissioner just compensation, and how ascertained.

## LIGHTERS AND HARBORS.

- Sect. 18. Lighters, carrying stone, sand, or gravel, shall be marked, and marks inspected and renewed yearly.
19. Penalty for using lighters without marks, or falsely marking them.
20. Municipal officers annually to appoint inspectors, and regulate their fees.
21. When capacity of lighters has been altered, they shall be inspected and marked anew.
22. Penalty for throwing ballast into any road, port or harbor, and for taking it from land without consent of owner, and how recovered and appropriated.

*Pilots.*

Appointment,  
oath and bond  
of pilots.

SECT. 1. The governor with advice of council may appoint  
2 pilots for any port, in which a majority of the ship owners  
3 and masters apply in writing therefor and recommend suit-  
4 able persons; and give to each of them branches or war-  
5 rants for the execution of the duties of their office; and  
6 they shall before entering upon the same be duly sworn,  
7 and give bond to the treasurer of state in the sum of five  
8 thousand dollars for the faithful performance thereof.

R. S., c. 47,  
§ 1, 2.

Their duty to  
pilot inward and  
outward bound  
vessels, &c.

SECT. 2. Such pilots are authorized and directed to take  
2 charge of all vessels drawing nine feet of water and upwards  
3 bound into, and of all such vessels, except coasting and fish-  
4 ing vessels, bound to sea out of any of said ports, and shall  
5 pilot the same into or out of the port assigned them, first  
6 showing to the master thereof his branch and informing  
7 him of his fees; but any master may pilot his own vessel  
8 without being subject to pay therefor.

R. S., c. 47,  
§ 3, 6.

Governor and  
council to fix  
their fees, and  
hear complaints  
against them,  
and suspend or  
remove.

SECT. 3. The governor and council may fix the fees of  
2 pilotage; specify the same in the warrant of each pilot;  
3 transmit to each collector of customs in said ports a schedule  
4 thereof to be hung up by him for public inspection; and are  
5 empowered to hear and determine all complaints against  
6 such pilots for misconduct, and may suspend or remove them  
7 and appoint others in their room.

R. S., c. 47,  
§ 4, 7.

Liable for all  
damage to ves-  
sels caused by  
their fault.

R. S., c. 47, § 5.

SECT. 4. If any vessel while under the charge of such  
2 pilot shall be lost, run aground, or cast away, through his  
3 fault, he shall be liable to pay to the owner or insurer a just  
4 compensation for any damage thereby sustained.

*Ship owners.*

Ship owners'  
liability to  
freighters for  
acts of master  
and crew, &c.

SECT. 5. No ship owner shall be answerable beyond the  
2 amount of his interest in the vessel and freight for any  
3 embezzlement, loss, or destruction, by the master and  
4 mariners of any property put on board of such vessel; nor  
5 for any act of theirs without his privity or knowledge; but

6 if several owners of property on the same voyage shall  
 7 suffer damage as aforesaid, and the whole vessel and her  
 8 freight for the voyage shall not be sufficient to compensate  
 9 each of them, they shall receive compensation from the  
 10 owner of the vessel in proportion to their respective losses,  
 11 and for that purpose they and the owner of the vessel or  
 12 any of them may prosecute a bill in equity for discovery  
 13 and payment of the sum, for which said owner may be liable  
 14 to the parties entitled thereto.

R. S., c. 47,  
 § 8, 9.

15 SECT. 6. For the purposes of the preceding section the  
 16 charterer of any vessel navigating the same at his own  
 17 expense shall be deemed the owner; and if any loss shall  
 18 happen to any person from the causes therein mentioned,  
 19 and the same shall be compensated from the freight or ves-  
 20 sel, the owner thereof may recover the amount from the  
 21 charterer.

Charterer  
 deemed the  
 owner, and  
 responsible to  
 the real owner.

R. S., c. 47, § 10.

#### *Wrecks and shipwrecked goods.*

22 SECT. 7. The governor with the advice of council may  
 23 appoint in counties, where needed, commissioners of wrecks  
 24 and shipwrecked goods removable at pleasure; each to be  
 25 duly sworn and to give bond to the judge of probate for his  
 26 county for the faithful discharge of his duties; and any per-  
 27 son interested may have the same remedy for the breach of  
 28 such bond, as is given on administrators' bonds.

Appointment,  
 oath and bond  
 of commissioners  
 of wrecks and  
 the remedy on  
 said bond.

R. S., c. 49,  
 § 1, 2.

29 SECT. 8. Every such commissioner immediately on receiv-  
 30 ing information of any shipwreck, or of finding any ship-  
 31 wrecked property of any kind to the amount of one hundred  
 32 dollars on any of the shores or waters within his county,  
 33 shall repair to the place, where the said property may be  
 34 found, and in case the same shall not be in the custody of  
 35 any owner or agent, he shall take charge thereof, and shall  
 36 secure and preserve the same for the owner.

Their powers  
 and duties.

R. S., c. 49, § 3.

37 SECT. 9. The commissioner in such case may employ as  
 38 many persons, as he shall think necessary, to assist in pre-  
 39 serving the property; appoint guards to receive the same;  
 40 suppress all tumults and disorders; and if any person shall  
 41 disobey any lawful order of the commissioner, he shall for-  
 42 feit for each offense a sum not exceeding ten dollars to be  
 43 recovered in an action on the case in the name of the com-  
 44 missioner to the use of the town.

Penalty for  
 disobeying order  
 of commissioner,  
 and how recov-  
 ered and  
 appropriated.

R. S., c. 49, § 4.

45 SECT. 10. The commissioner shall on every such occasion  
 46 take an inventory of all the property, that shall come to

All property to  
 be inventoried



CHAP. 36.

and delivered to  
owner, &c.

3 his possession; and when required by any person interested,  
4 make oath to its truth; and shall deliver a copy thereof, if  
5 required, together with all the said property to the person  
6 lawfully authorized to receive it; *provided* there shall be  
7 first paid or secured to him a reasonable compensation for  
8 his services, and such custom-house duties and other charges,  
9 if any, as he shall have paid or become liable to pay on  
10 account of the property in question.

R. S., c. 49, § 5.

Commissioner  
to decide  
compensation of  
other persons.

SECT. 11. No person interested in any such property shall  
2 be held to pay to any person, other than a commissioner,  
3 any compensation for services or expenses in taking or  
4 securing the property, unless it be for property taken or  
5 secured before the arrival of the commissioner: in which  
6 case the commissioner shall upon due hearing of all parties  
7 interested determine the amount of compensation by his  
8 award in writing; which shall be final, unless the sum  
9 awarded to any party shall exceed fifty dollars.

R. S., c. 49, § 6.

Appeal to judge  
of probate  
allowed in  
certain cases,  
and his power to  
decide and  
enforce his  
decision.

SECT. 12. If the commissioner and the party interested  
2 disagree respecting the charges of the commissioner, or if  
3 the award aforesaid exceed fifty dollars, any party aggrieved  
4 may appeal to the judge of probate for the county where  
5 the property is situated; who shall either in vacation or  
6 term time on due notice decide the case in a summary man-  
7 ner, and issue under the seal of the court such process, as  
8 may be necessary to carry his decision into effect.

R. S., c. 49, § 7.

Penalty for  
intermeddling  
with such prop-  
erty after  
arrival of com-  
missioner  
without  
authority.

SECT. 13. If any person, after the arrival of the commis-  
2 sioner and without his direction or that of some per-  
3 son interested shall take detain or intermeddle with  
4 any such property, he shall forfeit not exceeding one thou-  
5 sand dollars for each offense to be recovered in an action  
6 of debt by the commissioner or any person interested to his  
7 own use.

R. S., c. 49, § 8.

Commissioner to  
publish all the  
particulars of  
the wreck under  
a penalty.

SECT. 14. The commissioner shall, as soon as practicable,  
2 publish all the facts and particulars of the shipwreck and of  
3 the property found in such manner as shall be best for the  
4 information of all parties; and in case of neglect shall for-  
5 feit fifty dollars to the interested party first suing therefor  
6 in an action of debt.

R. S., c. 49, § 9.

When property  
may be sold to  
pay custom  
house duties,  
and to prevent  
its perishing,  
and notice of  
sale.

SECT. 15. He may dispose of so much of the property by  
2 public auction within thirty days after taking it, as may be  
3 necessary to pay the duties thereon to the custom house;  
4 and whenever necessity requires it, may in the same way  
5 sell such as is perishable, giving reasonable public notice  
6 and if practicable in a public newspaper.

R. S., c. 49,  
§ 10, 11.

SECT. 16. If no person interested shall appear within one  
 2 year after such property shall have been taken into custody  
 3 and establish his claim thereto, the commissioner shall pre-  
 4 sent under oath to the treasurer of the state an inventory  
 5 of the property; and if sold, an account of the sales with  
 6 an account of all moneys paid by him as duties and expenses  
 7 on the same; and he shall pay and deliver to the treasurer  
 8 the balance of such accounts with all the property remaining  
 9 in his hands for the use of the state; and if he shall neglect  
 10 to do so for sixty days after the expiration of said year, the  
 11 treasurer shall cause a suit therefor to be commenced and  
 12 prosecuted to final judgment for the use of the state.

R. S., c. 49,  
 § 12, 14.

SECT. 17. The treasurer may make to the commissioner  
 2 on the settlement of his account as aforesaid such compen-  
 3 sation for his services and expenses, as shall be just; to be  
 4 ascertained in case of disagreement between them, as pro-  
 5 vided in section twelve.

Treasurer to  
 allow commis-  
 sioner just  
 compensation,  
 and how  
 ascertained.  
 R. S., c. 49, § 13

#### *Lighters and harbors.*

SECT. 18. Every boat or lighter employed in carrying  
 2 stones sand or gravel shall be marked at light water mark  
 3 and at least at five other places, with figures four, twelve,  
 4 sixteen, twenty-four, and thirty, legibly made on the stem  
 5 and stern post thereof; which figures shall express the  
 6 weight such boat or lighter is capable of carrying, when the  
 7 lower part of the respective numbers shall touch the water,  
 8 in which it shall float; and such marks shall be inspected  
 9 yearly, and when found illegible in whole or in part, they  
 10 shall be renewed.

Lighters, carry-  
 ing stone, sand  
 or gravel, shall  
 be marked, and  
 marks inspected  
 and renewed  
 yearly.

R. S., c. 48, § 1.

SECT. 19. The master or owner, who shall use without  
 2 such marks; and any person, who shall falsely mark any  
 3 such boat or lighter, shall forfeit fifty dollars to be recov-  
 4 ered by any person suing therefor in an action of debt.

Penalty for  
 using lighters  
 without marks,  
 or falsely  
 marking them.  
 R. S., c. 48,  
 § 2, 3.

SECT. 20. The municipal officers of every town, where  
 2 boats and lighters are employed for the purposes aforesaid,  
 3 shall annually appoint in April or May some suitable person  
 4 to examine and ascertain the capacities of all such boats  
 5 and lighters, and mark the same as above prescribed, who  
 6 shall be duly sworn to perform such duties; and said officers  
 7 shall establish and regulate the fees therefor.

Municipal offi-  
 cers annually to  
 appoint inspect-  
 ors, and regulate  
 their fees.

R. S., c. 48,  
 § 4, 6.

SECT. 21. Whenever such inspector shall think, that the  
 2 burden or capacity of any such boat or lighter has been  
 3 altered by repairs or otherwise, he shall forthwith ascertain  
 4 the same anew, and mark it accordingly.

When capacity  
 of lighters has  
 been altered,  
 &c.  
 R. S., c. 48, § 5.

**CHAP. 37.**

Penalty for  
throwing ballast  
into any road,  
port or harbor,  
&c.

R. S., c. 48,  
§ 7, 8.

**SECT. 22.** No master of any vessel shall throw overboard  
2 any ballast in any road port or harbor on penalty of sixty  
3 dollars; and no person shall take any stone or other bal-  
4 last from any island beach or other land without consent of  
5 the owner under a penalty of not exceeding seven dollars  
6 for each offense to be recovered in an action of debt by any  
7 person suing therefor, one half to his own use and the other  
8 to the use of the town, where the offense is committed.

**Chapter 37.****ASSAYERS OF ORES AND METALS.**

*Sect. 1.* Assayers, their appointment, oath, duty and compensation.

Assayers, their  
appointment,  
oath, duty and  
compensation.

**SECT. 1.** The governor with advice of council may appoint  
2 one or more suitable persons to be assayers; and they shall  
3 be duly sworn, and shall assay such ores, metals, and other  
4 substances, requiring chemical analysis, as may be offered  
5 for that purpose and give a certificate thereof; for which  
6 they shall receive a reasonable compensation from their  
7 employers.

1854, c. 79,  
§ 1, 2.

**Chapter 38.****INSPECTION AND SALE OF AGRICULTURAL PRODUCTIONS, AND MARKING SHEEP.****BEEF AND PORK.**

- Sect. 1.* Appointment, removal, oath and bond of inspector general of beef and pork.
2. He shall appoint deputies, and be liable for their misconduct, and they shall act in vacancy of his office.
  3. Deputies to be sworn and give bond to their principal.
  4. They shall not be concerned in the beef and pork business under a penalty.
  5. General duties of inspectors—must act within twenty-four hours.
  6. Not obliged to act till all charges paid or secured.
  7. Beef and pork to be packed in barrels and half barrels.
  8. The age of beef cattle, and how cut up.
  9. How to be assorted and branded. Mess beef, number one, prime, cargo, hearts and cheeks.
  10. May by request be packed and branded extra mess and navy mess.
  11. Mode of salting beef.
  12. The round, neck and chines may be reserved for jerking, smoking or other purposes. "Light salted" beef and pork may be packed by giving bond to inspector to save him harmless.
  13. Pork for exportation divided into seven sorts. What constitutes extra clear, clear, bone middlings, navy mess, number one, prime, cargo.
  14. Pork heads and feet, and mess pork.
  15. Pork, how salted—barrels, how branded, and their contents and materials.

*Sect. 16.* Dimensions of beef barrels and half barrels.

17. Also, of pork barrels and half barrels, and both kinds to be branded on bilge with manufacturer's name.
18. The brand of the inspector and owner.
19. Penalty for inspector branding packages not inspected by him, neglecting to perform his duty, or practicing fraud in his office.
20. Penalty for deputy inspecting out of his district, and for any other person fraudulently branding beef or pork.
21. Penalty for not branding beef reserved for exportation, under section twelve; feet, ears, faces, and other prohibited pieces of pork, shall not be exported under the brand "refuse" or any other.
22. Penalty for fraudulently mixing inspected beef and pork with uninspected.
23. Penalty for transporting out of the state, or shipping, selling or offering for sale beef and pork not inspected according to law. Master of vessel to produce certificate from inspector, and make oath to its truth before clearance.
24. Penalty for shipping, exporting or having on board uninspected salt beef or pork.
25. How the same may be seized.
26. The officer seizing to libel the same forthwith, and forfeiture, how appropriated.
27. Inspector general and deputies to make annual returns.
28. Inspector general may administer oaths.
29. By what scales beef and pork are to be weighed.
30. Municipal officers may appoint weighers of beef under oath.
31. Weigher's certificate.
32. Penalty for purchasing dead beef cattle without weighing, unless agreed.
33. Hides to be weighed and certified by inspector.
34. Penalties, how recovered and appropriated.

## BUTTER AND LARD.

35. Appointment, removal, oath and bond of inspector of butter and lard.
36. He shall appoint and be answerable for deputies, who shall be sworn and give bond to the principal.
37. Butter and lard not to be exported beyond New York, without inspection. Mode of inspection.
38. Vessels of butter and lard, how branded.
39. Dimensions and materials of the vessels. To be filled with brine, and weighed and marked.
40. No butter or lard to be exported unless collector is furnished with a certificate.
41. Form of the certificate, and oath of master or owner.
42. Affidavit of master or owner as to the place of intended exportation.
43. Effect of inspection in another state.
44. Penalty for unlawfully exporting or shipping butter and lard. Forfeiture and seizure of the same. Penalty for refusing to aid the officer in seizure.
45. Penalty for delay by inspector, for counterfeiting inspector's brand, and for taking out inspected butter and lard and putting in uninspected. Appropriation of penalties.
46. Inspectors and deputies to make annual returns.

## TOBACCO.

47. Appointment and oath of inspectors of tobacco.
48. How tobacco shall be inspected.
49. Same.
50. Mode of packing the same for exportation.
51. Casks to be weighed and marked by owner. Penalty for false mark.
52. Penalty for lading or receiving tobacco for unlawful exportation. Tobacco forfeited, and may be seized and libeled.
53. Penalty for neglect or fraud on part of inspector, and for branding tobacco not inspected by him, and for any other person branding tobacco, or shifting it after it is branded. Penalties, how recovered and appropriated.
54. Inspector's certificate to be produced before clearance.

## REVISION SECOND.

## ONIONS.

- Sect. 55. Appointment and oath of weighers of onions. No onions in bunches to be exported unless they come up to a certain weight.
56. Onions offered for sale, not so weighed, forfeited, and may be libeled.

## FLAX SEED.

57. Appointment and oath of inspectors of flax seed. Mode of inspecting seed.
58. How it shall be branded. None to be exported without inspection.
59. Certificate to be produced before clearance.
60. Penalty for lading or receiving seed on board for exportation, without inspection; and seed forfeited, and may be seized and libeled.
61. Penalty for inspector neglecting his duties, or practicing fraud, and for any person shifting the contents of inspected seed. Penalties, how recovered and appropriated.

## HOPS.

62. Appointment, oath and bond of inspector of hops. He shall appoint deputies, and be answerable for them. Their oath and bond.
63. What hops shall be deemed merchantable. Quality of the sacking.
64. Manner of inspecting and branding.
65. Certificate to be produced before clearance.
66. Form of oath for master or owner.
67. Penalty for attempting to export hops not inspected. The same forfeited, and may be seized. Penalty for refusing to aid officer in seizure. Proviso as to hops shipped coastwise.
68. Penalties for violations of law in relation to hops, and how recovered and appropriated.
69. Annual returns of inspectors and deputies.

## HAY.

70. How pressed hay, in bundles, shall be branded, and unless so branded, the same forfeited when offered for sale or shipping, and how appropriated.
71. How bales may be secured with boards. Weighers not to buy hay except for their own use.
72. Penalty for master of vessel taking hay on board not branded, and how recovered and appropriated.

## MEASURERS OF SALT, CORN AND GRAIN.

73. Appointment, oath and fees of measurers, and capacity of hogshead of salt. Measured by measurer, when buyer or seller request.

## WEIGHT OF POTATOES, RUTA BAGAS, SUGAR BEETS, RYE AND INDIAN MEAL, OATS AND HAIR.

74. The standard weight of these articles fixed, the right of buyer or seller to have them so measured, penalty for refusing, and appropriation thereof.

## BOUNTY ON SILK.

75. Treasurer of town to pay bounty on cocoons and silk raised therein, keep account thereof, and present the same to legislature for payment.

## MARKING SHEEP.

76. Owners of sheep may have a distinctive mark therefor, and cause it to be recorded by town clerk. His fees therefor.

*Beef and pork.*

- SECT. 1. The governor with advice of council, whenever
- 2 a vacancy shall occur, shall appoint some skillful person to
- 3 be inspector general of beef and pork removable at pleas-
- 4 ure; and he shall be sworn and give bond with sufficient
- 5 sureties in the sum of four thousand dollars to the treasurer

Appointment,  
removal, oath  
and bond of  
inspector general  
of beef and pork.

## CHAP. 38.

6 of state for the faithful discharge of his duties before en-  
7 tering thereon.

R. S., c. 50,  
§ 1, 2.

He shall appoint  
deputies, and be  
liable for their  
misconduct, &c.

SECT. 2. The inspector general shall appoint one or more  
2 deputies in every port in this state, whence beef and pork  
3 are exported, and a convenient number in the several coun-  
4 ties; and shall be responsible for their neglect or miscon-  
5 duct whilst acting under him; and whenever the office of  
6 inspector general shall become vacant, they may continue to  
7 discharge the duties of the office, until a successor shall be  
8 appointed; and they shall be held accountable to the state.

R. S., c. 50,  
§ 3, 4.

Deputies to be  
sworn and give  
bond to their  
principal.

SECT. 3. Every such deputy shall be duly sworn and give  
2 bond to the inspector general with sureties to his satisfac-  
3 tion for the faithful performance of his duty in a sum not  
4 less than three hundred nor more than one thousand dollars;  
5 and the bond shall be so expressed as to enure to the use  
6 of the state, for such time as the deputy may exercise his  
7 duties during a vacancy in the office of inspector general.

R. S., c. 50, § 5.

SECT. 4. No such inspector or deputy shall be concerned  
2 directly or indirectly in the beef or pork business, or in  
3 buying or selling it for barreling, so long as he shall hold  
4 such office. Any one violating the provisions of this section  
5 shall forfeit twenty dollars and forever after be disqualified  
6 from holding such office.

They shall not  
be concerned in  
the beef and  
pork business  
under a penalty.

1855, c. 168, § 3.

SECT. 5. The inspector general, within the county where  
2 he resides, or his deputy within the district for which he  
3 may be appointed, shall, as soon as may be within twenty-  
4 four hours after request, attend at any suitable place for the  
5 purpose of inspecting any quantity of beef or pork or both  
6 exceeding five barrels; and commence thereon, as soon as  
7 a convenient strong and secure place shall have been pro-  
8 vided by the party claiming such inspection and the key  
9 thereof lodged with him; and it shall be his duty to keep  
10 the said key, until such beef or pork shall be packed or re-  
11 packed salted coopered and branded, or otherwise prepared  
12 for exportation as provided in this chapter.

General duties  
of inspectors—  
must act within  
twenty-four  
hours.

R. S., c. 50,  
§ 6, 7.

SECT. 6. Such officer shall not be liable for neglecting or  
2 refusing to commence upon any inspection or other service,  
3 before all the charges for inspecting cutting salting cooper-  
4 ing and branding such beef or pork shall either be paid or  
5 satisfactorily secured to him.

Not obliged to  
act till all  
charges paid or  
secured.

R. S., c. 50, § 8.

SECT. 7. Whenever said inspector or his deputy shall have  
2 inspected and assorted any beef or pork, as hereinafter di-  
3 rected, he shall with the assistance if necessary of laborers  
4 and coopers in his employ, and for whose conduct he shall

Beef and pork to  
be packed in  
barrels and half  
barrels.

## CHAP. 38.

R. S., c. 50, § 9.

The age of beef  
cattle, and how  
cut up.

R. S., c. 50, § 10.

How to be  
assorted and  
branded, &c.

5 be responsible cut weigh pack salt and cooper said beef  
6 and pork in barrels or half barrels, as hereinafter required.

SECT. 8. No beef shall be packed or repacked in barrels  
2 or half barrels for exportation, unless it be of fat cattle not  
3 under two years old; and all such beef shall be cut into  
4 pieces, as nearly square as may be, and of not more than  
5 eight nor less than four pounds in weight, except where  
6 otherwise expressly provided.

SECT. 9. Excepting as provided in the tenth and twelfth  
2 sections, all beef which the inspector or his deputy shall on  
3 examination find to have been killed at a proper age, and  
4 otherwise good and merchantable, shall be by him divided  
5 into five different sorts for packing or repacking; to be de-  
6 nominated and branded respectively, mess, number one,  
7 prime, cargo, and hearts and checks.

8 Mess beef shall consist of oxen cows and steers well fat-  
9 tened of three years old and upwards and weighing six  
10 hundred pounds and upwards; the shin shoulder clod and  
11 neck shall be taken from the fore quarters, and the leg and  
12 the leg round from the hind quarters: and each barrel and  
13 half barrel containing beef of this description shall be  
14 branded on one of the 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 hun-  
17 dred pounds, and to average five hundred and twenty pounds  
18 without any necks or shanks. On one head of each barrel  
19 or half barrel containing beef of this description shall be  
20 branded, *number one*.

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

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

36 The hearts and cheek pieces of beef may be inspected and

37 packed as aforesaid, and shall be branded, *hearts and*  
38 *cheeks*.

CHAP. 38.

R. S., c. 50, § 11.

SECT. 10. The inspector or his deputy may also at the  
2 request of the owner or agent inspect and pack the follow-  
3 ing descriptions of beef, viz :

May by request  
be packed and  
branded, &c.

4 Oxen of four years old and upwards and weighing seven  
5 hundred pounds and upwards, excluding the same parts as  
6 for mess beef to be branded *extra mess* ; and

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

R. S., c. 50, § 12

SECT. 11. Every barrel of beef shall be well salted with  
2 seventy-five pounds of clean St. Ubes, Isle of May, Lisbon or  
3 Turk's Island salt, or eighty pounds of Liverpool salt, or  
4 other salt of equal quality, exclusive of a pickle made of fresh  
5 water as strong as salt will make it; and to each barrel of  
6 mess, extra, or navy beef, shall be added not more than four  
7 nor less than three ounces of saltpetre; and to each barrel  
8 of number one prime and cargo beef shall be added not more  
9 than three nor less than two ounces; and for every half bar-  
10 rel of beef of the different kinds one-half of the stated quan-  
11 tity of salt and saltpetre shall be used.

Mode of salting  
beef.

R. S., c. 50, § 13.

SECT. 12. Any person packing beef under the supervision  
2 of the inspector general or his deputy may reserve for  
3 smoking, jerking, or other purposes the round being that  
4 part of the leg cut from the hind quarter near to the edge  
5 bone, and the neck and chines of the fore quarter cut as  
6 provided in the tenth section; and the beef so reserved  
7 shall be at the disposal of the owner either for consump-  
8 tion, or to export in hogsheads or in any other mode of  
9 packing; and may put into each barrel of beef or pork a  
10 less quantity of salt than is provided in section eleven, and  
11 the same shall be branded "*light salted*;" but such person  
12 shall give a good and sufficient bond to the inspector or his  
13 deputy to save him harmless from all liabilities and costs  
14 in consequence of such light salting.

The round, neck  
and chines may  
be reserved for  
jerking, &c.

R. S., c. 40, § 14.  
1855, c. 168, § 1.

SECT. 13. Excepting as provided in the next section all  
2 pork packed or repacked in barrels or half barrels for  
3 exportation, shall be divided into seven different sorts to be  
4 denominated and branded, respectively, *extra clear*, *clear*,  
5 *bone middlings*, *navy mess*, *number one*, *prime*, and *cargo*

Pork for export-  
ation divided  
into seven sorts.  
What consti-  
tutes extra clear,  
clear, &c.



## CHAP. 38.

6 *pork*; and in all cases the following parts shall be taken  
7 out as refuse, viz: nose pieces or faces ears brains tail  
8 feet and lard.

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

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

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

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

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

41 Cargo pork shall consist of the merchantable parts of  
42 wholesome pork of quality inferior to prime pork, and there  
43 shall not be more than the merchantable parts of two car-  
44 casses of pork in one barrel; except where any of the legs  
45 are taken out the same number of shoulder pieces and no  
46 more may be added; the deficiency of weight to be made  
47 up in better parts of a carcass of pork.

SECT. 14. Barrels or half barrels filled with *pork heads*  
2 or *feet* shall be so branded; and the inspector general

R. S., c. 50, § 15.

Pork heads and  
feet, and mess  
pork.

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

R. S., c. 50,  
 § 16, 17.

SECT. 15. Every barrel of pork shall be well salted with  
 2 seventy pounds, and every half barrel with thirty-five pounds,  
 3 of clean coarse salt, exclusive of a strong pickle, except as  
 4 provided in section twelve; shall be branded on one of the  
 5 heads with the quality of the pork it contains; and each  
 6 barrel for exportation shall contain two hundred pounds;  
 7 and each half barrel one hundred pounds: and shall be  
 8 made of good seasoned rift white oak white ash, or maple  
 9 staves and headings, free from any defect.

Pork, how  
 salted—barrels,  
 how branded,  
 &c.

R. S., c. 50,  
 § 18, 19.

SECT. 16. The beef barrels shall measure not less than  
 2 sixteen or more than sixteen and a half inches between the  
 3 chimes; and be not less than twenty-eight nor more than  
 4 twenty-eight and a half inches long to be covered three-  
 5 fourths of the length with good oak, ash, elm, leverwood, or  
 6 walnut hoops, leaving one-fourth in the centre; the heads  
 7 and staves to be of a proper thickness; the hoops to be  
 8 well set and drove together.

Dimensions of  
 beef barrels and  
 half barrels.

9 The half barrels shall contain not less than fifteen nor  
 10 more than fifteen and a half gallons to be hooped in the  
 11 same manner as barrels.

R. S., c. 50, § 20.

SECT. 17. The pork barrels shall measure seventeen  
 2 inches and one-quarter between the chimes and contain not  
 3 less than thirty-one gallons nor more than thirty-one gal-  
 4 lons and one half; and be hooped in the same manner, as  
 5 beef barrels; and all the beef and pork barrels and half  
 6 barrels aforesaid shall be branded on the bilge with the  
 7 manufacturer's name.

Also, of pork  
 barrels and half  
 barrels, &c.

R. S., c. 50,  
 § 21, 22.

SECT. 18. Every barrel and half barrel of pork and beef,  
 2 packed or repacked for exportation, shall be branded with  
 3 the initials of the christian and the whole of the surname of  
 4 the inspector, who shall have inspected the same, with the  
 5 name of the town where, and the month and year, in full,  
 6 or intelligibly abridged, in which inspected, and the actual  
 7 weight in legible letters and figures with the addition of the  
 8 word, *Maine*. Every barrel or half barrel of beef, marked  
 9 extra mess, navy mess, number one, or prime, or of pork,  
 10 marked extra clear, clear, bone middlings, or navy mess,

The brand of  
 the inspector  
 and owner.

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R. S., c. 50,  
§ 23, 24.

Penalty for  
inspector brand-  
ing packages not  
inspected by  
him, &c.

R. S., c. 50,  
§ 25, 26.

Penalty for  
deputy inspect-  
ing out of his  
district, &c.

R. S., c. 50,  
§ 27, 28.

Penalty for not  
branding beef  
reserved for  
exportation,  
under section  
12, &c.

R. S., c. 50,  
§ 29, 30.

Penalty for  
fraudulently  
mixing inspected  
beef and pork  
with unin-  
spected.

R. S., c. 50, § 31.

Penalty for  
transporting out  
of the state, or  
shipping, selling  
or offering for  
sale beef and  
pork not  
inspected accord-  
ing to law, &c.

11 shall be branded with the name of the person, for whom the  
12 same was packed.

SECT. 19. Neither the inspector general nor his deputy  
2 shall brand any packages of beef or pork, other than those  
3 he has personally inspected, and has caused to be weighed  
4 and packed, as the law requires; nor his fees being duly  
5 tendered or secured to him, neglect to perform any duty  
6 pertaining to his office; nor be guilty of any fraud in the  
7 exercise thereof, under penalty of ten dollars for each  
8 offense.

SECT. 20. No such deputy shall inspect or brand any cask  
2 of beef or pork out of the district, for which he was ap-  
3 pointed, under penalty of fifty dollars; and no person, other  
4 than the inspector and his deputies, shall stamp or brand  
5 any cask of beef or pork with the intent, that the same shall  
6 pass as inspected and branded according to law, under pen-  
7 alty of twenty dollars for each offense.

SECT. 21. Whenever any beef shall be reserved for ex-  
2 portation agreeably to the provisions of the twelfth section,  
3 the hogshead or other package containing the same, when  
4 exported, shall be branded on one head with the name of  
5 the owner and of the town, where he resides, under the  
6 penalty of one dollar for each package not branded; and  
7 the feet ears and faces of pork, when separated from the  
8 check part of the head, or any other pieces herein prohibited,  
9 shall not be exported under the brand *refuse* or any other  
10 brand allowed for pork to be exported.

SECT. 22. If any person shall intermix, take out, or shift  
2 any beef or pork, out of any cask inspected or branded as  
3 hereby required, or shall put in any other beef or pork for  
4 sale or exportation with a fraudulent intent, he shall forfeit  
5 twenty dollars for each offense.

SECT. 23. No pork or beef, except hams reserved for  
2 pickling or smoking, packed in this state or imported into  
3 it in barrels half barrels or other casks not bearing the  
4 name and brand of an inspector of some one of the United  
5 States showing the quality and quantity thereof, shall be  
6 transported out of the state, or shipped, sold or offered for  
7 sale therein, under a penalty of ten dollars for each pack-  
8 age; nor shall any salted beef or pork be exported from the  
9 state, unless the master or owner of the vessel produces to  
10 the collector or other officer of the United States granting  
11 a clearance a certificate from the inspector general or his  
12 deputy, that the same has been inspected and branded

13 according to law, and each certificate shall express the  
14 number of barrels and half barrels of beef or pork of each  
15 sort; and, on producing such certificate, he shall take and  
16 subscribe the following oath before said officer, namely:

17 "I, A. B., master (or owner as the case may be) of the  
18 —, do swear, that according to the best of my knowledge  
19 and belief, the certificate, hereunto annexed, contains the  
20 whole quantity of salted beef (or pork as the case may be)  
21 on board the —, — master; and that no salted beef,  
22 or pork, is shipped on board the said vessel for the ship's  
23 company, on freight or cargo, but what is inspected and  
24 branded, according to the law of this state."

R. S., c. 50,  
§ 32, 33, 34,  
39, 40,  
1855, c. 168, § 2.

SECT. 24. If any person shall export or ship for exporta-  
2 tion out of this state any salted beef or pork not inspected  
3 and branded, as herein directed, every owner or shipper  
4 thereof privy to such offense shall forfeit six dollars, and the  
5 master of every vessel having on board such uninspected  
6 beef or pork, two dollars, for every such cask.

Penalty for  
shipping,  
exporting or  
having on board  
uninspected salt  
beef or pork.

R. S., c. 50, § 35.

SECT. 25. Any justice of the peace on complaint made to  
2 him, that any such beef or pork is put on board any vessel  
3 in his county for exportation, may issue his warrant directed  
4 to the proper officer requiring him to seize and secure the  
5 same for trial; or the inspector general or his deputy may  
6 on like information seize and secure the same for trial.

How the same  
be seized.

R. S., c. 50, § 36.

SECT. 26. The said officer, inspector general, or his dep-  
2 uty, thus having made seizure shall, as soon as may be, file  
3 a libel or information thereupon in any court proper to try  
4 the same; and if upon trial of such beef or pork it shall  
5 appear, that the same was thus shipped against the provis-  
6 ions hereof, it shall be liable to condemnation and forfeiture  
7 according to law; one-half to the use of the state and the  
8 other to the use of the officer seizing and prosecuting for  
9 the same.

The officer  
seizing to libel  
the same forth-  
with, and  
forfeiture, how  
appropriated.

R. S., c. 50, § 37.

SECT. 27. 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  
4 inspector general in the month of January annually shall  
5 make a return up to the first day of December into the  
6 office of the secretary of state of the whole number of bar-  
7 rels and half barrels inspected by him and his deputies the  
8 preceding year under each of the respective brands used by  
9 them; designating in the return the different sorts and  
10 places where inspected.

Inspector gen-  
eral and deputies  
to make annual  
returns.

R. S., c. 50, § 42.

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Inspector general may administer oaths. R. S., c. 50, § 43.

By what scales beef and pork are to be weighed.

R. S., c. 50, § 44.

Municipal officers may appoint weighers of beef under oath.

R. S., c. 50, § 45.

Weigher's certificate.

SECT. 28. The inspector general may administer the several oaths required of his deputies or of others pertaining to the business of his office.

SECT. 29. No beef or pork shall be weighed by the owners or keepers of any slaughter-houses, stores, or warehouses, or by persons under their control in the transaction of their business, in any greater quantity than fifty pounds, unless in scales and with weights, or by the vibrating steel yard invented by Benjamin Dearborn, the vibrating steel yard invented or improved by Samuel Hills, or the Fairbanks Scales, sealed according to law, under penalty of ten dollars.

SECT. 30. The municipal officers of every town, where beef cattle are sold for immediate consumption or for barreling, shall appoint one or more suitable persons not dealers in cattle to be weighers of beef, and they shall be duly sworn.

SECT. 31. All beef sold as aforesaid shall be weighed by the sworn weighers, and certificates of the weight of all the beef hide and tallow of each head of cattle shall be signed by said weighers, and delivered to the seller thereof in the form following, viz :

"This certifies, that I have duly weighed the cattle, bought by \_\_\_\_\_, of \_\_\_\_\_, from \_\_\_\_\_, of \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 18— :

Beef, . . .					
Hide, . . .					
Tallow, . .					
Total, . .					

R. S., c. 50, § 46.

Penalty for purchasing dead beef cattle without weighing, unless agreed.

R. S., c. 50, § 47.

Hides to be weighed and certified by inspector.

R. S., c. 50, § 48.

A. B., Sworn Weigher." SECT. 32. Any person, who shall purchase beef cattle for marketing or exportation not weighed pursuant to the foregoing provisions other than live cattle, and excepting, when the weight or mode of weighing shall be agreed upon expressly by the buyer and seller, shall forfeit thirty dollars for each offense.

SECT. 33. The inspector general and his deputies, either by themselves or by other persons by them appointed and who shall be duly sworn, shall weigh all hides taken from cattle slaughtered for barreling making reasonable deductions for tare and drainage ; and they shall give a certificate specifying the gross weight and the deductions made as aforesaid.

SECT. 34. All the foregoing fines and forfeitures not  
2 herein otherwise provided for may be recovered by action  
3 of debt or by complaint or indictment in any competent  
4 court, one-half to the person prosecuting, and the other to  
5 the town, where the offense is committed.

Penalties, how recovered and appropriated.

R. S., c. 50, § 41.

*Butter and lard.*

SECT. 35. The governor with advice of council, whenever  
2 a vacancy shall occur, shall appoint some skillful person to  
3 be inspector for the state of butter and lard removable at  
4 pleasure; and he shall be duly sworn and give a bond of  
5 one thousand dollars with sufficient sureties to the treasurer  
6 of state for the faithful discharge of his duties before enter-  
7 ing thereon.

Appointment, removal, oath and bond of inspector of butter and lard.

R. S., c. 53, § 2, 3.

SECT. 36. He shall then appoint in every seaport town  
2 where butter and lard are exported, and in such other places,  
3 as he may judge necessary, one or more deputies, for whom  
4 he shall be answerable; and each deputy shall be sworn  
5 and give to his principal a bond for five hundred dollars for  
6 the faithful performance of his duties.

He shall appoint and be answerable for deputies, &c.

R. S., c. 53, § 4, 5.

SECT. 37. No butter or lard shall be exported, except to  
2 a state east of New York, until it has been inspected in the  
3 following manner; the inspector or his deputy shall examine  
4 the casks, kegs, or firkins thereof, and with a hollow iron  
5 searcher from one side of the head of the same perforate  
6 from one head to the other, and thereby draw out so much  
7 of the butter or lard, as shall determine the quality of the  
8 whole, and see that it is preserved with a due proportion  
9 of good fine salt, and in all respects fit to be exported to  
10 any foreign market without danger of spoiling.

Butter and lard not to be exported beyond New York, without inspection. Mode of inspection.

R. S., c. 53, § 6, 7.

SECT. 38. Every vessel of butter and lard, which accord-  
2 ing to the inspector's best judgment appears good and  
3 merchantable, shall be distinguished according to the qual-  
4 ity either by the words first, second, or third; and all other  
5 by the word refuse; and it shall be branded in plain legible  
6 letters with the word, *Maine*, and the name of the town,  
7 where it was inspected, and also with the initial letters of  
8 the christian and the whole of the surname of the inspector;  
9 and also with the word *butter*, or *lard*, as the case may be.

Vessels of butter and lard, how branded.

R. S., c. 53, § 8.

SECT. 39. Every vessel, in which butter or lard shall be  
2 exported, except as mentioned in section thirty-seven, shall  
3 be made of sound and seasoned white oak or ash staves and  
4 heading full bound twelve and a half inches in length and

Dimensions and materials of the vessels. To be filled with brine, and weighed and marked.

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15 eight and a half inches in diameter in the head; or fifteen  
 16 inches in length and ten and a half inches diameter in the  
 17 head; twelve inches long and seven and a half inches diam-  
 18 eter in head, or ten inches long and six inches head; and  
 19 before any butter or lard shall be packed therein, they shall  
 20 be filled with strong brine, which shall remain therein three  
 21 days. As soon as the brine is emptied from such vessel, it  
 22 shall be weighed by the owner of the butter or lard, who  
 23 shall with a marking iron mark on one of the heads the full  
 24 weight thereof, and shall brand or imprint with a burning  
 25 iron the initials of his christian name and his surname at  
 26 large: and if he shall falsely mark the same, he shall forfeit  
 27 three dollars.

R. S., c. 53,  
 § 9, 10.

No butter or  
 lard to be  
 exported unless  
 collector is  
 furnished with a  
 certificate.

SECT. 40. No butter or lard shall be exported from this  
 2 state, except as aforesaid, unless the master or owner shall  
 3 produce to the collector or other officer authorized by law  
 4 to clear vessels a certificate from the inspector or his dep-  
 5 uty, that the same has been inspected and branded accord-  
 6 ing to law.

R. S., c. 53, § 11.

Form of certifi-  
 cate, and oath  
 of master or  
 owner.

SECT. 41. Each certificate shall express the number of  
 2 casks or firkins and their weight; and the master or owner  
 3 of the vessel, in which such butter and lard is so exported,  
 4 shall on producing such certificate take and subscribe the  
 5 following oath before the officer authorized as aforesaid:

6 "I, —, of —, do swear, that according to the best of  
 7 my knowledge and belief, the certificate, hereunto annexed,  
 8 contains the whole quantity of butter, (or lard, as the case  
 9 may be,) on board —, —, master, except such, if any,  
 10 as has been inspected elsewhere, and is not subject to rein-  
 11 spection, or such as is shipped, and to be exported to states  
 12 east of New York; and that no butter (or lard as the case  
 13 may be) is shipped on board such vessel, for the ship's com-  
 14 pany, on freight, or on cargo, but what is inspected and  
 15 branded, according to the law of this state, except as before  
 16 mentioned. So help me God."

R. S., c. 53, § 12.

Affidavit of  
 master or owner  
 as to the place  
 of intended  
 exportation.

SECT. 42. Whenever the master of a vessel having on  
 2 board any butter or lard not inspected, or the shipper or  
 3 owner of the same shall make oath in writing before any  
 4 magistrate, that the same has been shipped for the purpose  
 5 of being transported to some place in the United States  
 6 east of New York, and shall deliver such affidavit to the  
 7 inspector of butter and lard or his deputy when requested,  
 8 such butter and lard shall be presumed to be shipped for  
 9 such purpose; but if such affidavit shall not be so delivered

## CHAP. 38.

10 on request, the presumption shall be, that the same were  
 11 intended to be transported and delivered elsewhere; and  
 12 no damages shall be recovered against the inspector for  
 13 taking and detaining the same, till after such affidavit shall  
 14 be offered to the detaining officer.

R. S., c. 53, § 13.

SECT. 43. All butter and lard, which may have been  
 12 inspected in any other of the United States, may be exported  
 13 from any port in this state to any foreign port without  
 14 inspection in this state.

Effect of  
inspection in  
another state.

R. S., c. 53, § 14.

SECT. 44. If any person shall export or ship for export-  
 12 ation any butter or lard contrary to law, he shall forfeit five  
 13 dollars for each offense; and any justice of the peace by  
 14 his warrant to an officer may seize any such butter and lard,  
 15 and secure the same for trial as forfeited; and every per-  
 16 son refusing when required to aid such officer in executing  
 17 the warrant shall forfeit five dollars.

Penalty for  
unlawfully  
exporting or  
shipping butter  
and lard, &c.R. S., c. 53,  
§ 15, 16.

SECT. 45. If any inspector shall unreasonably refuse or  
 12 delay for the space of three hours to inspect any butter or  
 13 lard or to brand it when requested, he shall forfeit five  
 14 dollars; or if any person shall counterfeit, or fraudulently  
 15 use, any brand belonging to or proper to be used by any  
 16 inspector: or shall empty any cask, keg, or firkin of butter  
 17 or lard inspected and branded as aforesaid and put into it  
 18 any other butter or lard for exportation without cutting out  
 19 the said brands or marks, he shall forfeit ten dollars for each  
 20 offense; all the penalties aforesaid to be recovered by any  
 21 person suing therefor.

Penalty for  
delay by  
inspector, for  
counterfeiting  
inspector's  
brand, &c.R. S., c. 53,  
§ 17, 18, 19, 20.

SECT. 46. The inspector shall annually in January make  
 2 a return up to the first day of December preceding to the  
 3 office of the secretary of state of the number of casks of  
 4 different qualities branded by him and his deputies and the  
 5 weight of each kind; and his deputies shall make returns  
 6 to him, at such previous time as he may require.

Inspectors and  
deputies to  
make annual  
returns.

R. S., c. 53, § 21

*Tobacco.*

SECT. 47. The governor with advice of council, whenever  
 12 a vacancy shall occur, shall appoint some skillful and disin-  
 13 terested person to be inspector of tobacco in any seaport  
 14 or other exporting town, who shall be duly sworn to the  
 15 impartial performance of his duties.

Appointment  
and oath of  
inspectors of  
tobacco.R. S., c. 56,  
§ 1, 2.

SECT. 48. He shall inspect all tobacco intended to be ex-  
 12 ported from the state by land or water to any other of the  
 13 United States; he shall open every cask thereof and take

How tobacco  
shall be  
inspected.



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4 the casks from the tobacco, and with a sufficient instrument  
5 lift one-quarter, and then go through with the whole, until  
6 it shall be examined in four different parts, and see that it  
7 be properly dried, well cured, and not rotten or damaged,  
8 and of the weight and picked in the manner hereinafter men-  
9 tioned.

R. S., c. 56, § 3.

Same.

SECT. 49. Such part, as appears damaged and unfit for  
2 exportation, shall be burned; and on every cask containing  
3 the required quantity, which on inspection shall be found to  
4 be well cured and not damaged, he shall mark with a burn-  
5 ing iron the letters A P. with the name of the town, where  
6 it shall be thus approved, the name of the inspector at  
7 large, and the letter I. at the end denoting, that the same  
8 has been inspected and approved.

R. S., c. 56, § 4.

Mode of packing  
the same for  
exportation.

SECT. 50. No tobacco shall be exported from this state,  
2 until it has been inspected and approved as aforesaid and  
3 packed in straight casks; each cask being four feet and four  
4 inches long and two feet seven inches diameter at the head  
5 containing not less than nine hundred nor more than four-  
6 teen hundred pounds weight each; or if packed in half  
7 casks, each to contain not less than four hundred nor more  
8 than six hundred pounds weight, unless such casks of to-  
9 bacco shall appear to have been inspected and marked ac-  
10 cording to the laws of some other state.

R. S., c. 56, § 5.

Casks to be  
weighed and  
marked by  
owner, &c.

SECT. 51. Each cask, before any tobacco shall be packed  
2 therein, shall be weighed by the owner of the tobacco, who  
3 shall mark on one of the heads with a marking iron the full  
4 weight of it, and the initials of his name; and if he shall  
5 mark it falsely, he shall forfeit nine dollars for each cask.

R. S., c. 56, § 12.

Penalty for  
lading or  
receiving  
tobacco for  
unlawful  
exportation, &c.

SECT. 52. If any owner of tobacco or his agent shall lade,  
2 or any master receive, on board any vessel bound to any  
3 place without the state, any tobacco contrary to law, he  
4 shall forfeit the sum of thirty dollars; and all such tobacco  
5 shall be forfeited; and any justice of the peace may issue a  
6 warrant to any proper officer, and he may seize and secure  
7 such tobacco, so that it may be libeled and disposed of  
8 according to law.

R. S., c. 56,  
§ 7, 8.Penalty for  
neglect or  
fraud on part  
of inspector, &c.

SECT. 53. If any inspector shall be guilty of unlawful  
2 neglect or fraud in the inspection of tobacco, or brand any  
3 casks containing tobacco, which he has not inspected; if  
4 any person not a sworn inspector shall mark and brand  
5 casks of tobacco as above described; or after any cask of  
6 tobacco has been branded as aforesaid, shall shift the con-  
7 tents and put therein tobacco not inspected, he shall forfeit

8 fifteen dollars. The penalties aforesaid to be recovered by  
 9 action of debt in any competent court half to the use of the  
 10 state and half to the person suing therefor.

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R. S.; c. 56,  
 § 9, 10, 11, 14.

SECT. 54. No vessel having on board any tobacco in casks  
 2 shipped for exportation shall be cleared at the custom-house,  
 3 until the master or owner shall produce a certificate from  
 4 an inspector appointed and sworn as aforesaid, that the  
 5 said tobacco has been lawfully inspected.

Inspector's  
 certificate to be  
 produced before  
 clearance.

R. S., c. 56, § 13.

#### Onions.

SECT. 55. No onions in bunches shall be exported from  
 2 the state, unless they shall weigh as follows, viz: rareries  
 3 so called two and a half pounds, and onions from the seed  
 4 three and a half pounds, per bunch; and the municipal offi-  
 5 cers of each town, where onions are shipped, shall appoint  
 6 one or more suitable persons, who shall be duly sworn, to  
 7 weigh them and give certificates thereof.

Appointment  
 and oath of  
 weigher of  
 onions, &c.

R. S., c. 56,  
 § 15, 16.

SECT. 56. If any person shall expose for sale any onions  
 2 in bunches not so weighed and certified, he shall forfeit the  
 3 same; one-half of the proceeds to the use of the town, where  
 4 the offense was committed, and the other half to the person  
 5 suing therefor: and said officers may cause the same to be  
 6 libeled and sold according to law.

Onions offered  
 for sale, not so  
 weighed,  
 forfeited, and  
 may be libeled.

R. S., c. 56, § 17.

#### Flax seed.

SECT. 57. The governor with advice of council, whenever  
 2 a vacancy shall occur, shall appoint some skillful and disin-  
 3 terested persons to be inspectors of flax seed in seaport  
 4 towns, who shall be duly sworn, and shall inspect all flax  
 5 seed intended to be shipped for foreign exportation: they  
 6 shall open the casks containing it, and if necessary measure  
 7 and shift it into other casks, so as to ascertain that it is all  
 8 clean and unmixed with other seed.

Appointment  
 and oath of  
 inspectors of  
 flax seed. Mode  
 of inspecting  
 seed.

R. S., c. 57,  
 § 1, 2, 3.

SECT. 58. Every cask of cleansed seed containing seven  
 2 bushels and a peck, or half of that quantity, shall be marked  
 3 with a burning iron *Insp.*, with the name of the town where  
 4 inspected, and that of the inspector at large, and the letter  
 5 S. at the end thereof; and no flax seed shall be exported  
 6 from this state to any place without the United States,  
 7 except in the quantities and inspected in the manner afore-  
 8 said.

How it shall be  
 branded. None  
 to be exported  
 without  
 inspection.

R. S., c. 57,  
 § 4, 5.

SECT. 59. No vessel, on board of which any flax seed  
 2 shall be shipped for exportation, shall be cleared at the cus-

Certificate to be  
 produced before  
 clearance.

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R. S., c. 57, § 6.

Penalty for  
lading or  
receiving seed  
on board for  
exportation, &c.R. S., c. 57,  
§ 7, 8.Penalty for  
inspector  
neglecting his  
duties, or  
practicing  
fraud, &c.R. S., c. 57,  
§ 9, 10, 11.

3 tomhouse, till the master or owner thereof shall produce a  
4 certificate from such inspector, that such flax seed has been  
5 inspected as aforesaid; which certificate shall be granted  
6 without any fee.

SECT. 60. If the owner of any flax seed or his agent shall  
2 lade, or the master or any mariner receive, on board any  
3 vessel, any seed not inspected as aforesaid for the purpose  
4 of exportation, he shall forfeit twenty dollars for each  
5 bushel, and the seed shall be forfeited, and may be seized  
6 libeled and sold according to law.

SECT. 61. If any inspector shall be guilty of any fraud in  
2 the inspection of any flax seed, or in any way neglect or  
3 violate his official duties; or if any person, after a cask of  
4 seed has been duly inspected and stamped, shall shift the  
5 contents, and put in seed, that has not been inspected, he  
6 shall forfeit thirty dollars for each offense; the penalties of  
7 this and the preceding section to be recovered and disposed  
8 of as in section fifty-three.

*Hops.*Appointment,  
oath and bond of  
inspector of  
hops, &c.R. S., c. 58,  
§ 1, 2, 3, 4.What hops shall  
be deemed mer-  
chantable.  
Quality of the  
sacking.R. S., c. 58, § 5.  
1852, c. 231.Manner of  
inspecting and  
branding.

SECT. 62. The governor with advice of council, whenever  
2 a vacancy shall occur, shall appoint some suitable person in  
3 the respective counties of the state to be inspector of hops  
4 removable at pleasure; who shall be duly sworn, and give a  
5 bond of five hundred dollars with sufficient sureties to the  
6 treasurer of state for the faithful discharge of his official  
7 duties before entering thereon. He may also appoint dep-  
8 uties for his county, who shall be duly sworn and give bond  
9 to him for the faithful discharge of their duties, and for  
10 whom he shall be answerable.

SECT. 63. Hops shall be deemed merchantable that have  
2 been well picked free from stems and leaves and dried in a  
3 kiln by any artificial heat, that shall not injure them by  
4 smoke; and the sacking, in which they are packed, shall be  
5 firm and strong, and of such a texture as to receive the  
6 necessary marks; and each sack shall be marked with the  
7 name of the cultivator and the town in which he lives.

SECT. 64. The inspector or one of his deputies shall ex-  
2 amine the contents of every bale of hops intended to be  
3 exported so as to ascertain the quality; and if found to be  
4 merchantable and firmly packed at least ten days before in-  
5 spection and that the sacking is such as is before described,  
6 he shall distinguish the same by marking them with the

## CHAP. 38.

7 words, *first sort, second sort, third sort, or refuse*, according  
8 to their quality; and the year, the weight thereof, the in-  
9 itials of his christian, and the whole of his surname, and that  
10 of the county and the word *Maine*.

R. S., c. 58, § 6.

SECT. 65. Hops shall not be shipped from this state,  
2 unless the master or owner of the vessel shall produce to  
3 the collector or other person authorized to clear the same a  
4 certificate of the inspector or his deputy, that the same  
5 have been inspected according to law, and expressing the  
6 number of bales of each sort, and the weight of each.

Certificate to be  
produced before  
clearance.

R. S., c. 58, § 7.

SECT. 66. Any such master or owner on producing such cer-  
2 tificate shall take and subscribe the following oath, viz: "I  
3 do swear, that, according to my best knowledge and belief,  
4 the certificate hereto annexed contains the whole quantity  
5 of hops, on board the ———, of which ——— is master;  
6 and that there are no hops on board the said vessel, for the  
7 use of the ship's company, on freight, or on cargo, but what  
8 have been inspected and marked, according to the law of  
9 this state. So help me God."

Form of oath for  
master or owner.

R. S., c. 58, § 8.

SECT. 67. Every person, who shall export or ship for ex-  
2 portation any hops not inspected and marked as aforesaid,  
3 and the master of any vessel receiving the same, shall for-  
4 feit the sum of fifteen dollars for each bale, and any inspect-  
5 or may issue a warrant to the proper officer to go on  
6 board a vessel and seize any hops, which have not been in-  
7 spected and marked as aforesaid and secure the same as  
8 forfeited; and the officer may require all necessary assist-  
9 ance; and every person thus required to assist shall forfeit  
10 five dollars for refusal so to do; *provided*, that nothing  
11 herein shall apply to hops shipped and transported coast-  
12 wise within the state for the purpose of inspection; in  
13 which case a certificate of the owner shall accompany the  
14 same stating the owner's name, the number of packages, and  
15 to whom they are sent.

Penalty for  
attempting to  
export hops not  
inspected, &c.R. S., c. 58,  
§ 9, 10.

SECT. 68. If any inspector or deputy shall unreasonably  
2 delay the inspection and marking of hops when requested;  
3 be guilty of any fraud therein, or put his mark on any bale  
4 not inspected and found merchantable by him; or if any  
5 person not such officer shall alter or counterfeit any mark  
6 belonging to or proper to be used by such officer, or shall  
7 mark any bale with the letters or marks aforesaid, or shall  
8 mix uninspected hops with inspected, or empty any bale  
9 marked as aforesaid and put in other hops for sale or ex-  
10 portation without cutting out or obliterating the marks, he

Penalties for  
violations of law  
in relation to  
hops, and how  
recovered and  
appropriated.

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R. S., c. 58,  
§ 11, 12, 13,  
14, 15, 16.

Annual returns  
of inspectors  
and deputies.

R. S., c. 58, § 17.

11 shall forfeit ten dollars for each offense: all the penalties  
12 aforesaid to be recovered and disposed of as in section  
13 fifty-three. (a)

SECT. 69. Each inspector shall annually, in the month of  
2 January make return to the secretary of state of the whole  
3 number of bales marked by him of the different qualities,  
4 and the weight of each quality, making up his account to  
5 December first; and the deputies of the inspectors shall  
6 make seasonable returns to them.

*Hay.*

How pressed  
hay, in bundles,  
shall be branded,  
and unless so  
branded, the  
same  
forfeited, &c.

R. S., c. 64,  
§ 1, 2.

How bales may  
be secured with  
boards, &c.

R. S., c. 64,  
§ 4, 5.

Penalty for  
master of vessel  
taking hay on  
board not  
branded, &c.

R. S., c. 64, § 3.

SECT. 70. All hay pressed and put up in bundles for sale  
2 in this state shall be branded on the bands or boards en-  
3 closing the same with the first letter of the christian and  
4 the whole of the surname of the person putting up the same  
5 and with the name of the state and of the place, where such  
6 person shall live; and all pressed hay offered for sale or  
7 shipping, unless thus branded, shall be forfeited one-half to  
8 the use of the town, where the offense is committed, and the  
9 other half to the person libeling the same.

SECT. 71. Every bale of screwed or pressed hay may  
2 have four pieces of seasoned board not more than four  
3 inches wide or one inch thick to keep the hay in place; on  
4 one of which, or on one of the bands, shall be marked the  
5 weight of the bale; and no sworn weigher of hay shall pur-  
6 chase any hay, but what is necessary for his own use.

SECT. 72. If the master of any vessel shall take on board  
2 pressed hay not branded as aforesaid, he shall forfeit two  
3 dollars for each bundle so received to be recovered to the  
4 uses mentioned in section seventy.

*Measurers of salt, corn and grain.*

Appointment,  
oath and fees of  
measurers, &c.

R. S., c. 71,  
§ 1, 2.

SECT. 73. The municipal officers of towns are authorized  
2 annually to appoint measurers of salt, corn and grain therein,  
3 who shall be duly sworn and receive such fees from the pur-  
4 chaser, as said officers shall establish; and in every contract  
5 made in this state for the sale of salt by the hogshead, such  
6 hogshead shall consist of eight bushels; and, whenever the  
7 buyer or seller shall request, salt, corn, or grain, in places  
8 where such measurers live, shall be measured by them.

(a) The penalties for the different offenses vary; here all are the same, but it is not esteemed to be important.

*Weight of potatoes, ruta bagas, sugar beet, rye and Indian meal, oats, and hair.*

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SECT. 74. The standard weight of a bushel of potatoes in good order and fit for shipping shall be sixty pounds; of ruta baga, sugar beet, and mangel wurzel, in like condition sixty-four pounds; of rye and Indian meal fifty pounds; of oats thirty pounds or strike measure; and of hair used in masonry well dried and cleansed, eleven pounds; and the measure of each of these articles shall be determined as aforesaid at the request of the vender or vendee; and if either party shall refuse so to do, he shall forfeit five cents for each bushel to the person prosecuting therefor within thirty days.

The standard weight of these articles fixed, &c.

R. S., c. 70,  
§ 1, 2, 3,  
R. S., c. 72,  
§ 1, 2, 3,  
1849, c. 101,  
1848, c. 46,  
1852, c. 238.

*Bounty on silk.*

SECT. 75. The treasurers of the several towns shall pay a bounty of ten cents for every pound of cocoons, and one dollar for every pound of silk reeled from cocoons raised in this state to the person raising the same in such town on being furnished with satisfactory proof thereof; and such applicant shall make oath, that no bounty had been received by any person for such cocoons or silk; and said treasurers shall keep an account of the money so paid and present the same verified by his oath to the legislature next thereafter, and being found correct it shall be allowed and paid from the state treasury.

Treasurer of town to pay bounty on cocoons and silk raised therein, &c.

R. S., c. 68,  
§ 1, 2, 3, 4,  
1852, c. 263.

*Marking sheep.*

SECT. 76. All owners of sheep shall mark the same with some distinctive mark, by a cut in the ears, or a brand on some part of the animal, and cause such mark to be recorded by the clerk of his town in a book kept for that purpose paying the clerk eight cents therefor.

Owners of sheep may have a distinctive mark therefor, &c.  
1845, c. 162,  
§ 1, 2.

## Chapter 39.

### INSPECTION AND SALE OF MANUFACTURED ARTICLES.

#### LIME AND LIME CASKS.

- Sect. 1. Appointment and oath of inspectors and their deputies, and the amount of their bonds in different towns.
2. When and how lime shall be inspected and branded.
  3. Description of lime that may be sold or shipped, the dimensions and materials of the casks, and how branded, with the name of the manufacturer of the lime, and also of the casks.

- CHAP. 39.** *Sect. 4.* Penalty for inspector or deputy branding casks of lime not inspected by him, or not conformable to law, and for allowing another to use his brand, and for any person attempting to sell or ship any lime not lawfully branded, or skifting it after it is branded. Inspector or deputy liable for damages, and action may be against either.
5. Penalty for attempting to sell or buy lime casks not made conformable to law. Lien created on such casks for penalty and priority over other liens or sales.
  6. Penalties how recovered and appropriated; remedy on inspector's bond for unpaid judgment for penalty or damages on account of his misdoings.

**POT AND PEARL ASHES.**

7. Appointment, removal, and bond of inspector and his deputies.
8. Process of inspecting, packing and branding, and penalty for unreasonable delay or refusal to inspect.
9. Dimensions and materials of casks, and how manufacturer of ashes shall brand casks, and penalty for not doing it.
10. Penalty for attempting to transport such ashes without inspection. Power of inspector to search vessels and seize unbranded ashes as forfeited and libel the same. Penalty for obstructing such search and seizure.
11. Penalty for falsely branding cask of ashes and for shifting ashes after they are branded.
12. Appropriation of penalties and forfeited property.
13. Inspector and his deputies to make annual returns to the secretary of state.

**NAILS.**

14. Appointment, oath and bond of inspector and his deputies.
15. Process of inspecting and branding wrought nails. Inspector to give certificate.
16. Rule of progression in marking the number of nails to a pound.
17. Dimensions and materials of casks, and by what weight wrought nails shall be sold.
18. In what kind of casks cut nails and brads shall be packed, quality of the nails, and how the casks shall be branded.
19. Penalty for attempting to sell or ship brads, wrought or cut nails not inspected and branded, and for mixing waste with them, and for falsely marking the tare on the casks. Forfeiture and disposal of the nails.
20. Penalty for unreasonable delay of inspector to inspect nails.
21. Penalty for counterfeiting brands; marking nails therewith; destroying lawful marks, and shifting branded nails. Appropriation of penalties.
22. Inspectors to make annual returns. Deputies quarterly.

**PAPER.**

23. Mode of packing and marking paper.
24. Penalty for making, attempting to sell, or transporting paper not lawfully packed and stamped. Forfeiture of such paper, seizure, libel, and appropriation thereof.

**LEATHER, BOOTS AND SHOES.**

25. Manufacturer of leather, boots and shoes may stamp his name thereon, and it shall be a warranty. Penalty for fraudulently stamping such articles with the name of another.
26. Appointment, oath, duties and fees of inspectors of sole leather. Fees paid by buyer at last.
27. Mode of inspecting and stamping sole leather. Penalty for defacing, altering, or counterfeiting such marks, and appropriation thereof.

**OILS.**

28. What shall be deemed pure sperm oil. Penalty for selling adulterated oil for pure sperm, appropriation thereof, and liability to purchaser for damages.

*Sect. 29.* Appointment of provers of fire arms. Their duty to prove and mark all fire arms and give a certificate.

*30.* Penalty for selling or attempting to sell new and unused barrels before proved and for falsely altering the mark or certificate of a prover, and how recovered and appropriated.

*Lime and lime casks.*

*SECT. 1.* The governor with advice of council, whenever  
 2 a vacancy shall occur, shall appoint one resident citizen of the  
 3 town to be inspector of lime and lime casks therein to hold  
 4 his office for four years, unless sooner removed; and he  
 5 shall be duly sworn and give bond with sufficient sureties  
 6 for the faithful performance of his duties before entering  
 7 thereon to the treasurer of his county in the following  
 8 sums:

9 The inspector of Thomaston ten thousand dollars; of  
 10 Warren and Camden five thousand each; and of every other  
 11 town two thousand each, to be approved by the county com-  
 12 missioners in their respective counties; and each inspector  
 13 may appoint in his town as many deputies, as may be nec-  
 14 essary, for whom he shall be answerable, to be duly sworn  
 15 and give bond to their principal for one thousand dollars  
 16 with sufficient sureties.

*SECT. 2.* It shall be the duty of each inspector by himself  
 2 or deputy to inspect all lime manufactured in his town with  
 3 the casks therefor, at the time the same shall be filled at  
 4 the kiln, where it is burnt; see that in all respects the lime  
 5 and casks conform to law; and brand each cask, when filled  
 6 with such lime, on one of its heads with the name of the  
 7 town, where the lime was burnt, the initials of the christian  
 8 and the whole of the surname of the inspector or deputy,  
 9 and the word inspected.

*SECT. 3.* No lime manufactured in this state shall be sold,  
 2 exposed to sale, or shipped on board any vessel in casks,  
 3 but such as shall be well burnt and pure; contained in casks  
 4 made of sound and seasoned staves and heading, well fired  
 5 on the inside, with at least ten good and strong hoops on  
 6 each, not more than four of which shall be alderwood, well  
 7 driven and secured with nails, and duly inspected; the  
 8 staves of said casks to be made of sawed or rift timber, not  
 9 less than thirty inches in length, and half an inch thick on  
 10 the thinnest edge; each of the heads to be not less than  
 11 three-fourths of an inch thick, and well crozed in; each

Appointment and oath of inspectors and their deputies, and the amount of their bonds in different towns.

R. S., c. 51, § 1, 2, 3, 4, 5, 6.

When and how lime shall be inspected and branded.

R. S., c. 51, § 7.

Description of lime that may be sold or shipped, the dimensions and materials of the casks, &c.



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12 hoop to be not less than one inch wide in the narrowest  
 13 part; and each cask to be not less than twenty-six inches in  
 14 length between the heads; sixteen inches in width between  
 15 the chimes, and eighteen inches in the clear on the inside at  
 16 the bilge, at the time of inspection; and made in a work-  
 17 manlike manner to hold lime; and before any lime is in-  
 18 spected the manufacturer thereof shall brand on the head of  
 19 each cask in a legible manner the first letter of his christian  
 20 name and the surname at length with the letters "Man'r;"  
 21 and all lime casks shall be branded on the outside of the  
 22 bilge with the initials of the christian and the whole of the  
 23 surname of the manufacturer thereof.

1846, c. 213,  
 § 1, 2.  
 R. S., c. 51, § 10.  
 1850, c. 184,  
 § 1, 2, 3.

Penalty for  
 inspector or  
 deputy branding  
 casks of lime  
 not inspected by  
 him, &c.

SECT. 4. No inspector or deputy shall brand any casks of  
 2 lime, which were not inspected by him, or do not conform  
 3 in all respects to the provisions hereof, nor permit any other  
 4 person unlawfully to use his brands; and no person shall  
 5 sell, expose to sale, lade or receive, on board any vessel,  
 6 any lime in casks not made, inspected and branded according  
 7 to law; nor shift the contents of any lime cask branded as  
 8 aforesaid with intent to sell the same as inspected, under a  
 9 penalty of one dollar for each cask thus illegally dealt with;  
 10 and such inspector or deputy shall also be liable in an action  
 11 on the case to any party for all the damages, he may sustain  
 12 by such misdoings; and in case the misdoings are on the  
 13 part of a deputy, the action may be against him or his prin-  
 14 cipal.

R. S., c. 51,  
 § 8, 12, 13.  
 1846, c. 213, § 3.

Penalty for  
 attempting to  
 sell or buy lime  
 casks not made  
 conformable to  
 law, &c.

SECT. 5. No person shall sell, expose to sale, or purchase,  
 2 any lime cask not made in conformity to the provisions of  
 3 section three under a penalty of twenty cents for each cask;  
 4 and a lien is hereby created on all such casks for said pen-  
 5 alty and costs, and if an attachment shall be made for said  
 6 penalty within three months after it was incurred, it shall be  
 7 good against all prior attachments or a sale by the owner;  
 8 and the casks may be sold on execution in such action as in  
 9 common cases.

R. S., c. 51, § 11.  
 1850, c. 184,  
 § 1, 2, 3.

Penalties, how  
 recovered and  
 appropriated,  
 &c.

SECT. 6. All the penalties before mentioned may be  
 2 recovered by and to the use of any person suing therefor;  
 3 and when any judgment has been recovered against any  
 4 inspector or deputy for penalties or damages on account of  
 5 any misdoings in his office, and the execution issued thereon  
 6 has been returned unsatisfied, the creditor may avail himself  
 7 of the benefit of the inspector's bond to the county treas-  
 8 urer, who shall give him a copy thereof on request, in like  
 9 manner, as a judgment creditor of a sheriff or coroner may,

10 of the official bond of such officer given to the state treas-  
 11 urer.

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R. S., c. 51,  
 § 14, 15.

*Pot and pearl ashes.*

SECT. 7. The governor with advice of council, whenever  
 2 a vacancy shall occur, shall appoint some skillful person  
 3 removable at pleasure to be inspector of pot and pearl  
 4 ashes for the state, and he shall be duly sworn and give  
 5 bond for three thousand dollars with sufficient sureties  
 6 to the treasurer of state for the faithful discharge of his  
 7 duties before entering thereon; and he shall appoint dep-  
 8 uties in every seaport town, whence pot and pearl ashes  
 9 are exported, and in such other places, as he shall judge  
 10 necessary, for whom he shall be answerable, to be duly  
 11 sworn and give bond to their principal with sureties.

Appointment,  
 removal, oath  
 and bond of  
 inspector and  
 his deputies.

R. S., c. 52,  
 § 1, 2, 3, 4.

SECT. 8. The inspector or his deputy shall if necessary  
 2 sort pot and pearl ashes into first sort extra, first, second,  
 3 and third sorts; start the ashes out of the casks, and care-  
 4 fully try and inspect the same; put each sort by itself in  
 5 tight new casks well hooped and coopered, which he shall  
 6 distinguish into the sorts aforesaid with the words pot or  
 7 pearl ashes, as the case may be, his name, the place where  
 8 inspected, and the word *Maine* branded in plain letters on  
 9 each cask; and at the same time weigh the cask and mark  
 10 the weight with a marking iron on each head; and if he  
 11 shall unreasonably delay or refuse for the space of three  
 12 hours, when applied to, to inspect any such casks, he shall  
 13 forfeit five dollars.

Process of  
 inspecting,  
 packing and  
 branding, &c.

R. S., c. 52,  
 § 5, 8, 12.

SECT. 9. Every cask, in which such ashes shall be packed  
 2 for exportation, shall be made of sound and seasoned oak or  
 3 white ash staves and heading full bound, twenty-nine inches  
 4 long, and nineteen inches diameter in the head; and of such  
 5 weight in proportion to its contents, as will amount, as near  
 6 as may be, to fourteen per cent. tare thereon; and every  
 7 manufacturer of said ashes shall brand on each cask the  
 8 initials of his christian and the whole of his surname with  
 9 the name of the town where manufactured, before the same  
 10 shall be removed from the manufactory, under penalty of  
 11 one dollar for each cask.

Dimensions and  
 materials of  
 casks, &c.

R. S., c. 52,  
 § 6, 7.

SECT. 10. No person shall transport out of the state, or  
 2 receive for transportation, any such ashes, before the same  
 3 have been inspected and branded as aforesaid, under a pen-  
 4 alty of twenty dollars for each offense; and every inspector  
 5 shall have the power to enter with or without a warrant on

Penalty for  
 attempting to  
 transport such  
 ashes without  
 inspection, &c.

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R. S., c. 52,  
§ 9, 10, 11.  
1850, c. 199.

Penalty for  
falsely branding  
cask of ashes,  
&c.

R. S., c. 52,  
§ 13, 14.

Appropriation of  
penalties and  
forfeited  
property.

R. S., c. 52, § 15.

Inspector and  
his deputies to  
make annual  
returns to  
secretary of  
state.

R. S., c. 52, § 16.

Appointment,  
oath and bond  
of inspector and  
his deputies.

R. S., c. 55,  
§ 1, 2, 3, 4.

Process of  
inspecting and  
branding  
wrought nails,  
&c.

6 board any vessel within his limits and seize carry away and  
7 secure for trial all unbranded ashes found therein, as forfeited  
8 property, to be proceeded against according to law; and  
9 any person, who shall obstruct him in said search and seiz-  
10 ure, shall forfeit thirty dollars for each offense.

SECT. 11. If any person shall brand any cask of pot or  
2 pearl ashes manufactured by himself with the name of  
3 another; another's cask with his name; or with the brand  
4 of an inspector or his deputy, or shall in any way counter-  
5 feit any lawful brand; or shift any such ashes from a cask  
6 lawfully branded and put in others for sale or exportation  
7 without first cutting out said brand, he shall forfeit two hun-  
8 dred dollars.

SECT. 12. All the foregoing penalties under sixty dollars,  
2 shall be to the use of the person suing therefor; but all  
3 others shall be half to the person suing and half to the  
4 state, and all forfeited property shall be half to the seizing  
5 officer and half to the state.

SECT. 13. The inspector of pot and pearl ashes shall  
2 annually in January make a return up to the first of Decem-  
3 ber to the secretary of state's office of the number of casks  
4 thereof inspected by him or his deputies naming the num-  
5 ber of each brand and the weight of each specific quality;  
6 and the deputies shall make seasonable returns to the  
7 inspector to enable him to make his returns.

*Nails.*

SECT. 14. The governor with advice of council, whenever  
2 a vacancy shall occur, shall appoint some suitable person to  
3 be inspector of nails; and he shall be duly sworn and give  
4 bond to the state with sufficient sureties in such sum, as the  
5 governor and council direct, for the faithful discharge of his  
6 duties before entering thereon and appoint one or more  
7 deputies in any town, where they are necessary, who shall  
8 be duly sworn and give bond to the state same as the  
9 inspector.

SECT. 15. The inspector or his deputy shall on request  
2 inspect every cask of wrought nails by opening the same,  
3 turning out the nails, weighing them, and ascertaining the  
4 number necessary to make a pound, their quality, both as to  
5 the iron and workmanship; brand on the head of such cask  
6 the number therefor, the whole weight of the cask and nails,  
7 the weight of the cask only, the number of nails necessary  
8 to make a pound, the quality thereof, viz: *first sort, second*

9 *sort*, and *third sort*, or *refuse*; his own name at large and  
 10 the title of his office; and give a certificate expressing the  
 11 number of the cask, the whole weight, the weight of tare,  
 12 number of nails to a pound, and their quality.

SECT. 16. He need not brand the head of any cask con-  
 2 taining nails, thirty-five of which weigh more than a pound,  
 3 with the exact number to a pound; but beginning at thirty-  
 4 five he shall progress by fives and mark accordingly above  
 5 or below the exact number whichever is nearest to the fact.

SECT. 17. The inspector shall see that all casks are well  
 2 made of sound timber strong and lined at both heads; each  
 3 cask to have eight or more good hoops and to contain no  
 4 more than three hundred and fifty pounds of nails; bad  
 5 casks shall be condemned and deficient hoops shall be sup-  
 6 plied at the expense of the person applying for inspection;  
 7 and all wrought nails shall be sold by the pound or by real  
 8 thousands; delivering and receiving so many pounds for a  
 9 thousand as will produce ten net hundreds.

SECT. 18. Cut nails and brads shall be packed in strong  
 2 and seasoned casks and well hooped, no cask containing  
 3 more than three hundred pounds net free from waste pieces  
 4 of iron (unless refuse nails,) or fraudulent mixture increas-  
 5 ing the weight. The maker, who shall also be owner of  
 6 such nails, shall brand the initials of his christian name and  
 7 his surname at large on the side of the cask, the town where  
 8 he resides, and the true weight of the tare under it.

SECT. 19. No person shall sell, offer for sale, transport, or  
 2 lade or receive for transportation by land or water, any  
 3 wrought or cut nails or brads not inspected and branded, as  
 4 herein required, under a forfeiture equal to the value thereof;  
 5 and said articles shall be forfeited and may be seized and  
 6 disposed of according to law; and the owner shall forfeit one  
 7 dollar for each pound of waste mixed with nails or brads,  
 8 and for each pound of tare, more than is marked on the  
 9 cask.

SECT. 20. If any inspector on request shall unnecessarily  
 2 or unreasonably delay to make inspection of any casks of  
 3 nails, he shall forfeit for each offense the sum of four dol-  
 4 lars.

SECT. 21. If any other person shall counterfeit any  
 2 inspector's brand; mark any nails with the same; destroy  
 3 any lawful marks made by another, or shift any branded  
 4 nails for those not branded, or from one branded cask to  
 5 another; he shall forfeit twenty dollars for each offense; and

R. S., c. 55,  
 § 5, 7.

Rule of pro-  
 gression in  
 marking the  
 number of  
 nails to a pound.

R. S., c. 55, § 6.

Dimensions and  
 materials of  
 casks, and by  
 what weight  
 wrought nails  
 shall be sold.

R. S., c. 55,  
 § 8, 9.

In what kind of  
 casks cut nails  
 and brads  
 shall be packed,  
 &c.

R. S., c. 55, § 14.

Penalty for  
 attempting to  
 sell or ship  
 brads, wrought  
 or cut nails not  
 inspected and  
 branded, &c.

R. S., c. 55,  
 § 10, 11, 15, 17.

Penalty for  
 unreasonable  
 delay of  
 inspector to  
 inspect nails.  
 R. S., c. 55, § 12.

Penalty for  
 counterfeiting  
 brands; marking  
 nails therewith,  
 destroying  
 lawful marks,  
 &c.

CHAP. 39.

R. S., c. 55,  
§ 13, 16, 18.

Inspector to  
make annual  
returns. Deput-  
ties quarterly.

R. S., c. 55,  
§ 19, 20.

6 all the penalties aforesaid shall belong half to the person  
7 suing therefor, and half to the town where the offense is  
8 committed.

SECT. 22. The deputies shall make returns once in three  
2 months, and oftener if required, to the inspector, and he  
3 shall make return annually on the first day of January up to  
4 December first to the secretary of state, of the number of  
5 casks and weight of wrought and cut nails inspected by him  
6 and his deputies, specifying the different quantities of each.

*Paper.*

Mode of packing  
and marking  
paper.

R. S., c. 63,  
§ 1, 2.

Penalty for  
making,  
attempting to  
sell, or transport-  
ing paper not  
lawfully packed  
and stamped, &c.

R. S., c. 63,  
§ 3, 4, 5.

SECT. 23. All paper, except that of foreign manufacture,  
2 press, bonnet, and such as is usually sold by weight, made or  
3 offered for sale in this state shall be packed in parcels of  
4 two reams, reams, and half reams, at the rate of twenty  
5 quires to the ream, and twenty-four sheets to the quire;  
6 and on the wrapper of each parcel shall be legibly printed or  
7 stamped the name of the maker, his place of residence, and  
8 the quantity and quality of paper therein.

SECT. 24. If any person shall make, sell, offer for sale,  
2 transport out of the state, or place on board any vessel or  
3 carriage for transportation, any paper not packed and  
4 stamped as aforesaid he shall forfeit four dollars for each  
5 parcel, one-half to the county where the offense is commit-  
6 ted, and the other half to the person suing therefor; and all  
7 such paper shall be forfeited and be liable to be seized to  
8 the use of any person libeling it according to law within  
9 seven days after seizure.

*Leather, boots and shoes.*

Manufacturer of  
leather, boots  
and shoes may  
stamp his name  
thereon, &c.

R. S., c. 65,  
§ 1, 2.

Appointment,  
oath, duties and  
fees of inspectors  
of sole leather,  
&c.

SECT. 25. Every manufacturer of leather, and of boots and  
2 shoes, of any description, shall have the exclusive right of  
3 stamping them with the initials of his christian, and the  
4 whole of his surname; and such stamping shall be consid-  
5 ered a warranty that the article is merchantable, and well  
6 made of good materials; and if any person shall fraudu-  
7 lently stamp any such articles with the name or stamp of  
8 any other person, he shall be deemed guilty of a fraud, and  
9 on indictment and conviction shall be punished by a fine not  
10 exceeding twenty dollars, or imprisonment not exceeding  
11 six months.

SECT. 26. The municipal officers of each town, when they  
2 deem it expedient, shall appoint one or more suitable  
3 inspectors of sole leather, who shall be duly sworn and

4 receive such fees from their employer, as said officers shall  
5 establish; and when paid by the seller to be repaid to him  
6 by the buyer; and when requested shall go to any place in  
7 their town to inspect any sides of sole leather, which had  
8 not been previously inspected according to law in this  
9 state.

R. S., c. 65, § 3.

SECT. 27. Each inspector shall provide himself with a  
2 proper apparatus, with which he shall weigh and stamp  
3 every side of sole leather inspected by him with the weight  
4 thereof, his surname, and the name of his town; and on all  
5 sole leather made of good hides and in the best manner,  
6 the word, *best*, shall be stamped; on all made of such hides  
7 in a merchantable manner, the word, *good*; and on all other,  
8 the words *second*, or *third* quality, *damaged* or *bad*, accord-  
9 ing to the fact: and if any person shall counterfeit, alter or  
10 deface such mark, he shall forfeit twenty dollars for each  
11 offense half to the town and half to the person suing there-  
12 for.

Mode of inspect-  
ing and stamping  
sole leather, &c.

R. S., c. 65,  
§ 5, 6.

#### *Oils.*

SECT. 28. All oils sold under the names of sperm, sum-  
2 mer, fall, and winter oils, shall be deemed sold for pure  
3 sperm oil, the test of which is hereby declared to be South-  
4 worth's oleometer; and if any person shall sell any oils  
5 under said names, which are adulterated by the mixture of  
6 any inferior article whatever, without disclosing the full  
7 extent of adulteration to the purchaser, he shall forfeit fif-  
8 teen dollars for each offense to any person suing therefor;  
9 and all such oil so sold shall be deemed whale oil, and the  
10 seller shall be liable to the purchaser for the difference  
11 between pure sperm and whale oil to be recovered in an  
12 action on the case.

What shall be  
deemed pure  
sperm oil, &c.

R. S., c. 74,  
§ 1, 2, 3.

#### *Fire arms.*

SECT. 29. The governor with advice of council, whenever  
2 a vacancy may occur, or otherwise as he shall judge neces-  
3 sary, may appoint suitable persons to be provers of the bar-  
4 rels of all new or unused fire arms; and it shall be the duty  
5 of each prover to prove the strength of the barrels of all  
6 fire arms offered to him for that purpose in such manner as  
7 to satisfy him of their strength; and he shall in a permanent  
8 manner mark and number every barrel by him proved, and  
9 deliver to the applicant a certificate thereof in the following  
10 form:

Appointment of  
provers of fire  
arms, &c.

## CHAP. 40.

11 "I certify that on this — day of —, in the year 18—,  
 12 I proved for ——— a musket," (pistol or rifle)  
 13 "barrel," (as the case may be), "which is numbered and  
 14 marked, as in the margin, and that the same is good and  
 15 strong. A. B., *Prover of Fire Arms.*"

R. S., c. 62,  
 § 1, 2, 3.

Penalty for  
 selling or  
 attempting to  
 sell new and  
 unused barrels,  
 &c.

SECT. 30. If any person shall sell or offer for sale any  
 2 new or unused musket, rifle, or pistol barrel, without having  
 3 it proved, marked, and certified, as aforesaid, he shall forfeit  
 4 ten dollars for each barrel to any person suing therefor, or  
 5 by indictment to the use of the state; and if he shall falsely  
 6 alter the mark or certificate of any prover of fire arms, he  
 7 shall forfeit to the state not less than twenty nor more than  
 8 one hundred dollars to be recovered by indictment.

R. S., c. 6, § 4, 5.

## Chapter 40.

## FISH AND FISHERIES.

## FISH.

- Sect.* 1. Appointment, tenure of office, oath and bond of inspectors of fish.  
 2. Annual revision of such bonds. What to be done, if found insufficient.  
 3. Parties injured by misdoings of inspector to have remedy on his bond.  
 4. Any inspector of the county may act in towns where no inspector lives.  
 5. What kind of fish may be inspected for barreling; in what size casks to be packed and weight of each; proportions of salt; different qualities, and branding.  
 6. Dimensions, materials and branding of casks for pickeled fish.  
 7. In what casks small fish, whole, in dry salt, shall be packed, quantity of salt and how branded.  
 8. How smoked herrings shall be assorted.  
 9. Dimensions and materials of boxes therefor, to be filled with same kind of fish and branded. What herrings merchantable.  
 10. Owner of fish to furnish his own brand.  
 11. Penalty for selling or exporting uninspected or damaged fish. Exceptions.  
 12. On shipping, master or owner to furnish collector with inspector's certificate, and make oath. Form of oath.  
 13. Penalty for attempting to export uninspected fish; forfeiture and seizure thereof; to be taken to inspector for inspection and detained till charges paid. Penalty for refusing to aid in seizure.  
 14. Penalty for shifting or intermixing inspected fish; and for inspector marking fish out of his town, or not inspected by him, permitting others to use his brands or using them himself after his commission expires.  
 15. Inspectors to make annual returns, and penalty for neglect.  
 16. Penalties how recovered and appropriated.  
 17. Fees paid by seller at first, but repaid by buyer.

## FISHERIES.

18. Penalty for nonresidents taking certain fish in any way, for residents taking them with seine, for destroying shell fish, or setting nets across any stream. Exceptions.  
 19. Permits to take shell fish, menhaden, and lobsters for certain sum and with limitations. Inhabitants and fishermen may take shell fish, except oysters in June, July and August for their own use.

- Sect.* 20. All craft and apparatus employed in unlawful fishing liable to seizure to satisfy all fines and costs, but to be released on payment.
21. Any inhabitant may, by consent, plant oyster beds and have exclusive right to take the same. Trespassers liable to damage and subject to penalty.
22. On application of three persons, county commissioners shall examine dams and structures, and prescribe fishways, and cause record thereof on town books.
23. And build the same, if owner fails, after twenty days notice; and if owner shall not pay expenses thereof in thirty days, county to pay and have a lien on mills and other property to secure the same, and an action to recover of owner.
24. Party aggrieved by decision of county commissioners may appeal to S. J. Court.
25. Commissioners of Penobscot and Hancock to have joint jurisdiction of waters in those counties. In case of equal division they shall certify to S. J. Court.
26. Penalty for taking fish within certain limits between May 1 and July 15, and in Machias river between May 1 and October 1. Penalty for not stripping weirs by July 15 each year. Penalties, how recovered and appropriated.

## TROUT IN GOOSE POND.

27. Penalty for taking trout, except by hook and line, between September 1 and December 31, and how recovered and appropriated.

## FISH IN PENOBSCOT RIVER, BAY AND TRIBUTARIES.

28. Appointment, oath, tenure of office, annual meeting, and jurisdiction of fish wardens for said waters.
29. They shall decide what are suitable fishways through dams and other structures, notify owners to build same between July 15 and November 1.
30. Penalty for not making fishway, after twenty days notice. What may be shown in defense thereto.
31. Wardens to prescribe such fishway, and where fish may be taken. Penalty for taking fish within such limits or obstructing their passage from May 1 to July 15.
32. Penalty for taking fish in such waters between July 15 and April 1, and also between April 1 and July 15, except on certain days.
33. Weirs shall be made with a gate for passage of fish, and kept open. Penalty for not doing it. Weirs, when to be stripped.
34. Wardens to prevent unlawful taking of fish; prosecute for offenses; be paid as witnesses; visit dams and fishing apparatus; and when resisted require aid. Penalty for refusing.
35. Penalty for net or string of nets extending more than eighty fathoms in length and fifteen in depth.
36. Penalties, how recovered and appropriated.
37. Wardens to have two dollars a day, to be paid from county treasury.
38. Certain streams and towns exempt from provisions hereof.

## NEW MEADOWS RIVER.

39. Election, oath, and jurisdiction of fish wardens and their deputies in Brunswick and West Bath.
40. Penalty for taking fish in such waters from May 1 to September 1, except from sunrise Mondays to sunrise Fridays, and how recovered and appropriated.

## FISH IN GEORGES RIVER AND TRIBUTARIES.

41. Election, oath, and jurisdiction of fish wardens and their deputies in Thomaston, St. George, Cushing and Warreu.
42. Annual meeting of wardens. They shall have a hearing of parties on application of three persons, and decide which party shall pay cost.
43. Sections 26, 29, 31, 32, 33, 34 and 36 applicable to these waters, *mutatis mutandis*.
44. If fishway not made to satisfaction of wardens, in twenty days after notice, they shall open natural course of stream, and may rightfully go on adjacent land and open sluiceways at expense of owner, provided he shall refuse to do it. Such sluiceway to continue open from May 1 to July 15.



- CHAP. 40. Sect. 45. Wardens shall have two dollars, and deputies one dollar a day, to be paid from town treasury.
46. Privileges at Vaughan's mills and Batchelder's mills exempt therefrom. Exceptions in favor of town of Warren.

## KENNEBEC RIVER.

47. Time of taking fish limited, penalty.
48. Weirs, how constructed.
49. Fish committee chosen, duties, penalties.
50. Fish committee how paid.
51. Fines how recovered.

## PONDS IN KENNEBEC AND SOMERSET.

52. Nets, seines and weirs, prohibited, penalty.
53. Fish how to be taken, penalty.
54. Penalties how recovered.

## MOOSEHEAD LAKE.

55. Nets and seines prohibited.
56. Penalty and how recovered.

*Fish.*

SECT. 1. The governor with advice of council shall appoint  
 2 in each town where pickled fish or smoked alewives and her-  
 3 rings are cured or packed for exportation, one or more  
 4 persons skilled in the quality of the same to be inspectors  
 5 of such fish; who shall hold their offices during the pleasure  
 6 of the governor not exceeding seven years, be duly sworn,  
 7 and give bond to the treasurer of their respective towns  
 8 with sufficient sureties to the satisfaction of the municipal  
 9 officers in a sum of not less than five hundred nor more than  
 10 one thousand dollars for the faithful performance of his  
 11 duties before entering thereon.

SECT. 2. Such municipal officers shall at least once a year  
 2 examine the bonds given by said inspectors; and if that of  
 3 any inspector be not in their opinion sufficient, they shall  
 4 forthwith notify him; and if he shall for thirty days after  
 5 such notice neglect to give a bond satisfactory to them, they  
 6 shall give information thereof to the governor, whose duty  
 7 it shall be to remove such inspector from office.

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

Appointment,  
 tenure of office,  
 oath and bond of  
 inspectors of  
 fish.

R. S., c. 54,  
 § 1, 2,  
 1845, c. 134.

Annual revision  
 of such bonds,  
 &c.

R. S., c. 54, § 3.

Parties injured  
 by misdoings of  
 inspector to  
 have remedy on  
 his bond.

R. S., c. 54, § 4.

CHAP. 40.

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

Any inspector of the county may act in towns where no inspector lives. R. S., c. 54, § 5.

SECT. 5. Every inspector who shall inspect any kind of  
 2 fish pickled for barreling, shall see that they are in the first  
 3 instance well struck with salt or pickle, and preserved sweet,  
 4 free from rust, taint, or damage; and such of said fish as  
 5 are of good quality and in good order shall be packed in  
 6 tierces, barrels, half barrels, quarter barrels, and tenths  
 7 of barrels, or kids; each tierce containing three hundred  
 8 pounds; each barrel two hundred, and so in that propor-  
 9 tion; and the same shall be packed in good clean coarse  
 10 salt at the rate of thirty-five pounds for every two hundred  
 11 of fish, and each cask shall then be filled with clear strong  
 12 pickle and headed up; and, when the contents are free from  
 13 taint, rust, or damage, shall be branded by the inspector  
 14 with the name of the fish therein; and those of the best  
 15 quality not mutilated, and caught in the right season shall  
 16 be marked No. 1; the best and thickest of those that re-  
 17 main No. 2; and the residue No. 3; and No. 3 Block Island  
 18 mackerel so called shall also be marked with the word  
 19 *South*, and all mackerel less than ten inches long shall be  
 20 marked No. 3 small. The inspector shall also brand in  
 21 plain letters on the head of every such cask the weight, the  
 22 initials of his christian and his whole surname, the name of  
 23 his town and of the owner, the letters *Me.*, an abridgement  
 24 of the month, and the year in figures, when packed.

What kind of fish may be inspected for barreling, &c.

R. S., c. 54, § 6, 7, 8. 1843, c. 8.

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

Dimensions, materials and branding of casks for pickled fish.

R. S., c. 54, § 14.

**CHAP. 40.**

In what casks  
small fish,  
whole, in dry  
salt, shall  
be packed, &c.

R. S., c. 54, § 18.

How smoked  
herrings shall be  
assorted.

1849, c. 91, § 1.

Dimensions and  
materials of  
boxes therefor,  
&c.

1849, c. 91,  
§ 2, 3,  
R. S., c. 54, § 11,  
13, 17.

Owner of fish to  
furnish his own  
brand.

R. S., c. 54, § 12.

Penalty for  
selling or  
exporting un-  
inspected or  
damaged fish.  
Exceptions.

R. S., c. 54, § 19.

On shipping,  
master or owner  
to furnish col-  
lector with

SECT. 7. All small fish usually packed whole with dry salt shall be put in good casks of the size and materials aforesaid, packed closely therein and well salted; the casks to be filled full with the fish and the salt; putting no more salt with the fish, than is necessary for their preservation: and the inspector shall brand all such casks with the name and quality of the inspected fish as aforesaid.

SECT. 8. All smoked herring shall be sorted by the inspector according to their quality as follows: scaled herrings shall consist of all the largest, fattest, and best cured, fish of not less than seven inches in length; number one of well cured fish not less than six inches in length; and in both cases all those shall be taken out as refuse, which are belly broken, tainted, scorched, slack salted, or not sufficiently smoked.

SECT. 9. All boxes for packing smoked herrings shall be made of good sound boards sawed and well seasoned; the top, bottom, and sides, of boards not less than three-eighths of an inch thick, and the ends of boards not less than three-quarters of an inch thick; securely nailed; and seventeen inches in length, eight and one-half inches in breadth, and six inches in depth, in the clear; and each cask or box shall be filled with fish of the same kind and quality; and when inspected shall be marked on the top, by the inspector, as in section five; and if the box contain Magdalen herring, that word abridged shall be marked thereon; and no alewives or herring shall be considered merchantable, unless salted and smoked sufficiently to cure and preserve them, and then closely packed in boxes in clear and dry weather.

SECT. 10. The owner of all smoked and pickled fish, when required by the inspector, shall furnish a brand containing the initials of his christian and the whole of his surname for stamping the casks and boxes containing such fish.

SECT. 11. If any person shall sell in this state, or export therefrom any fish in casks or boxes, not inspected, packed and branded, as aforesaid, or any tainted or damaged fish, known to be such, except good and wholesome fish packed in kegs of less than ten gallons, or pickled, dry or smoked fish imported into this state from some other state or country lawfully inspected and branded there, he shall forfeit ten dollars for every hundred weight thus sold or exported.

SECT. 12. No pickled fish in casks, and no smoked alewives or herrings in boxes, shall be shipped from this state unless the master or owner of the vessel shall produce to

## CHAP. 40.

Inspector's  
certificate, &c.

4 the officer authorized to clear out the same, a certificate  
5 from the inspector, that the same have been inspected  
6 packed and branded according to law; and the certificate  
7 shall express the number of tierces, or casks, and the num-  
8 ber of boxes, thus shipped, the kind and quality of fish they  
9 contain, the name of the master and owner, and that of the  
10 vessel, into which such fish are received for exportation;  
11 and shall take and subscribe the following oath, before the  
12 officer authorized as aforesaid:

13 "I, A. B., do swear according to the best of my knowledge  
14 and belief that the certificate hereunto annexed contains the  
15 whole quantity of pickled fish packed in barrels or other  
16 casks, and of smoked alewives and herrings, on board the  
17 —, —, master; and that no pickled fish, or smoked  
18 alewives or herrings are shipped on board said vessel for  
19 the ship's company, or on freight or cargo, but what are  
20 inspected and branded according to the laws of this state  
21 or exempted by the provisions thereof. So help me God."

R. S., c. 54,  
§ 20, 21.Penalty for  
attempting to  
export unin-  
spected fish, &c.

SECT. 13. If any person shall lade or receive on board  
2 any vessel or other carriage for transportation from this  
3 state any pickled fish, or cured or salted whole fish packed  
4 or not packed, which has not been inspected and branded  
5 as aforesaid, except such as is described in the exception of  
6 section eleven, he shall forfeit at the rate of not less than  
7 five nor more than ten dollars for every hundred pounds  
8 thereof; and any justice of the peace may issue his warrant  
9 to the proper officer directing him to seize and secure any  
10 such prohibited fish and convey it to any inspector within a  
11 convenient distance for inspection; and every person refus-  
12 ing to give necessary aid in the service of such warrant,  
13 when required by the officer, shall forfeit five dollars to the  
14 person suing therefor in action of debt; and such inspector  
15 shall open, inspect, pack, and brand, such fish according to  
16 law and detain the same till all lawful charges of seizure  
17 and inspection shall be paid.

R. S., c. 54,  
§ 22, 23, 24.Penalty for  
shifting or  
intermixing  
inspected fish,  
&c.

SECT. 14. If any person shall take from a cask or box any  
2 pickled cured or smoked fish lawfully inspected and branded  
3 and substitute therefor or fraudulently intermix other fish;  
4 or any inspector shall mark any cask or box out of his town,  
5 or which he has not inspected packed and prepared himself  
6 according to law; permit other persons unlawfully to use  
7 his brands; or willfully and fraudulently use the same him-  
8 self after the expiration of his commission, he shall forfeit  
9 twenty dollars for each cask or box so dealt with.

R. S., c. 54,  
§ 25, 26,  
1844, c. 83,  
1849, c. 91, § 4.

SECT. 15. The several inspectors of fish shall annually in

Inspectors to  
make annual

**CHAP. 40.**

returns, and  
penalty for  
neglect.

2 January make a return under oath into the office of the sec-  
3 retary of state of all fish by them inspected up to the first  
4 day of December preceding, designating the number of boxes,  
5 barrels, or casks, the various sorts, and the place of inspec-  
6 tion; and if they neglect to do so, they shall forfeit not less  
7 than thirty nor more than one hundred dollars for each  
8 offense one half to the use of the state and the other to the  
9 person suing therefor.

R. S., c. 54,  
§ 27, 28.

Penalties, how  
recovered and  
appropriated.

SECT. 16. All the penalties aforesaid not otherwise herein  
2 appropriated may be recovered in an action of debt half to  
3 the use of the person suing therefor, and half to the town  
4 where the offense is committed.

R. S., c. 54, § 29.

Fees paid by  
seller at first,  
but repaid by  
buyer.

SECT. 17. The fees of inspectors in all cases shall be paid  
2 in the first instance by the owner of the fish; but he may  
3 recover the same of the person purchasing or receiving it in  
4 addition to the price thereof.

R. S., c. 54, § 30.

*Fisheries.*

Penalty for  
non residents  
taking certain  
fish in any way,  
&c.

SECT. 18. No person not a resident of this state shall set  
2 or use any net, weir, seine, or other machine, in any of the  
3 waters of the state for the purpose of taking salmon, shad,  
4 mackerel, shell-fish, lobsters, herrings, alewives, menhaden,  
5 or pogies; nor shall residents set or use any seine for  
6 the purpose of taking mackerel, menhaden or pogies; but a  
7 net for meshing menhaden of only one hundred and twenty-  
8 five meshes deep shall not be deemed a seine; nor shall any  
9 person take or otherwise willfully destroy any shell fish or  
10 obstruct their growth in their beds; or set any net cross-  
11 wise of said waters but only length-wise, under a penalty of  
12 not less than twenty nor more than five hundred dollars;  
13 except as hereinafter provided.

R. S., c. 61,  
§ 1, 2, 3, 4, 7,  
1848, c. 81,  
§ 1, 3,  
1852, c. 239,  
§ 1, 3,  
1855, c. 138,  
§ 1, 2.

Permits to take  
shell fish,  
menhaden, and  
lobsters for  
certain sum and  
with limitations,  
&c.

SECT. 19. The municipal officers of towns may grant per-  
2 mits in writing to residents of the state to take within their  
3 towns shell-fish, menhaden or pogies, and to those not resi-  
4 dents to take the same and also lobsters, on the payment of  
5 such sum for the use of their town, as shall be agreed upon,  
6 specifying therein the quantity to be taken or the time to  
7 fish, the number of persons to be employed, and the pur-  
8 poses for which the fish may be used; but without any such  
9 permit any inhabitant within his own town may take shell fish,  
10 except oysters in June July and August, for the consump-  
11 tion of his family; and any fisherman may take any where  
12 such fish, except oysters in said three months, suitable for  
13 bait and necessary for his use not exceeding seven bushels  
14 in the shell.

R. S., c. 61,  
§ 5, 6,  
1848, c. 81,  
§ 1, 3,  
1852, c. 239, § 1.

SECT. 20. All vessels, boats, craft, and apparatus of every  
 2 kind, employed in unlawful fishing, or having on board any  
 3 such fish unlawfully taken, shall be liable for any fines and  
 4 costs herein provided for; and any person may seize and  
 5 detain said property not exceeding twenty-four hours, in  
 6 order that the same may be attached and taken by due pro-  
 7 cess of law to satisfy any judgment, that may be recovered;  
 8 but said property shall at any time be released on payment  
 9 by the owner or master of the fine costs and reasonable  
 10 expenses.

CHAP. 40.  
 All craft and  
 apparatus  
 employed in  
 unlawful fishing,  
 liable to seizure,  
 &c.

R. S., c. 61, § 8.  
 1848, c. 81, § 2.  
 1852, c. 239, § 4.  
 1855, c. 138, § 3.

SECT. 21. Any inhabitant of this state by obtaining the  
 2 consent of the adjacent riparian proprietors may plant oys-  
 3 ters below low water mark in any of the navigable waters  
 4 of the state in places, where there is no natural oyster bed;  
 5 enclose such ground with stakes set at suitable distances  
 6 and extending at least two feet above high water mark, but  
 7 so as not to obstruct the free navigation of such waters,  
 8 and have the exclusive right of taking such oysters; and if  
 9 any person shall trespass on such enclosure or in any way  
 10 injure such oyster beds, he shall be liable in an action of  
 11 trespass for all the damage; or if he shall take any oysters  
 12 therein without the consent of the owner, he shall forfeit  
 13 not exceeding twenty-five dollars or be confined in jail not  
 14 exceeding three months.

Any inhabitant,  
 may by consent,  
 plant oyster beds  
 and have exclu-  
 sive right to the  
 same, &c.

1849, c. 142,  
 § 1, 2.

SECT. 22. On the written application of three or more  
 2 responsible persons, who shall be held to pay all the  
 3 expenses, if the decision is against them, the county com-  
 4 missioners shall from time to time examine all dams and  
 5 structures in rivers or their tributaries, in which salmon  
 6 shad and alewives abound; and after written notice to one  
 7 or more of the parties interested and a hearing shall decide,  
 8 what would be a suitable fishway in said structure, not  
 9 exceeding one foot in fifteen of the width of the water at  
 10 that place, and define in writing the limits of such fishway  
 11 and cause the same to be entered on the records of the  
 12 town, where it is situated.

On application  
 of three persons,  
 county commis-  
 sioners shall  
 examine dams,  
 &c.

R. S., c. 61,  
 § 10, 13.

SECT. 23. If the owner of such structure after twenty  
 2 days notice published in a newspaper in the county, if any,  
 3 otherwise in the state paper, shall not build such fishway,  
 4 the commissioners shall build it, and notify the owner of the  
 5 expenses thereof, and if he shall not pay the same within  
 6 thirty days to the county treasurer, the treasurer shall pay  
 7 it, and the county shall have a lien on the mills and other  
 8 property situated on such structure, whether belonging to

And build the  
 same, if owne  
 fails, after  
 twenty days  
 notice, &c

## CHAP. 40.

9 said owner or not, commencing from the opening of said  
 10 fishway, and the county attorney shall recover of said owner  
 11 in an action on the case in the name of the county all such  
 12 expenses with costs and twelve per cent. interest on the  
 13 amount so paid.

R. S., c. 61,  
 § 11, 12.

Party aggrieved  
 by decision of  
 county com-  
 missioners may  
 appeal to  
 S. J. Court.

SECT. 24. Any person aggrieved by the decision of the  
 2 commissioners in such cases may appeal to the supreme  
 3 judicial court, which may reverse, modify, or confirm such  
 4 decision. The party appealing shall recognize, as in other  
 5 cases of appeal; and if he does not prosecute the same, the  
 6 decision of the commissioners shall be final and in full  
 7 force.

R. S., c. 61, § 16.

Commissioners  
 of Penobscot and  
 Hancock to have  
 joint jurisdiction  
 of waters in  
 those counties,  
 &c.

SECT. 25. The county commissioners of Hancock and  
 2 Penobscot shall have joint jurisdiction of the rivers and  
 3 streams within the limits of their respective counties; and  
 4 in case said commissioners are equally divided in opinion,  
 5 they shall certify that fact to the supreme judicial court at  
 6 the next term thereof holden in the county, where the dam  
 7 or other structure complained of is situated; and the decision  
 8 of said court thereon shall be final.

R. S., c. 61, § 17.

Penalty for  
 taking fish  
 within certain  
 limits between  
 May 1 and July  
 15, &c.

SECT. 26. If any person shall take any salmon, shad, or  
 2 alewives, in any such fishway or within twenty feet on each  
 3 side thereof extending and keeping the same width fifty feet  
 4 above or below such dam or other structure, or shall by  
 5 placing impediments in or near such fishway hinder the pas-  
 6 sage of said fish through the same between the first day of  
 7 May and the fifteenth day of July, or in the Machias river  
 8 between said day of May and the first day of October, he  
 9 shall forfeit not less than five nor more than ten dollars for  
 10 each offense; and all weirs in any river or stream shall be  
 11 annually stripped, so as to admit a free passage of fish  
 12 through them by the fifteenth day of July under a penalty  
 13 of not less than five nor more than ten dollars for each day,  
 14 the same shall be neglected; and all the penalties herein  
 15 named may be recovered in an action of debt in the name  
 16 and to the use of the county, or in the name of any person  
 17 suing therefor, half to his own use and half to the use of  
 18 the town where the offense is committed.

1852, c. 239, § 5.  
 R. S., c. 61,  
 § 14, 15, and  
 1842, c. 8, and  
 c. 31, § 5.

*Trout in Goose pond.*

SECT. 27. If any person shall take or destroy, except by  
 2 hook and line, any trout in Goose pond in the towns of  
 3 Swanville Prospect and Frankfort between the first day of  
 4 September and the last day of December, he shall forfeit

Penalty for  
 taking trout,  
 except by hook  
 and line, &c.

5 three dollars for each trout to be recovered by an action of  
 6 debt, half to the town where the offense is committed, and  
 7 half to the person suing therefor.

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1843, c. 22.

*Salmon, Shad, and Alewives, in Penobscot river, bay and  
 tributaries.*

SECT. 28. The governor with advice of council, whenever  
 2 a vacancy shall occur, shall appoint three suitable persons,  
 3 one residing in each of the counties of Penobscot, Hancock,  
 4 and Waldo, designating a chairman to be fish wardens; who  
 5 shall be duly sworn to the faithful discharge of their duties;  
 6 hold their offices three years unless sooner removed; meet  
 7 annually at Bangor on the first Monday of April with power  
 8 to adjourn to such time and place, as they think proper; and  
 9 have a general supervision over the fisheries of salmon shad  
 10 and alewives in the waters of the Penobscot river, bay and  
 11 tributary streams.

Appointment,  
oath, tenure of  
office, &c.1843, c. 25,  
§ 1, 2, 3.

SECT. 29. They shall, from time to time, examine all dams  
 2 and structures in said Penobscot river and its tributaries,  
 3 in which salmon shad and alewives abound, and, after notice  
 4 in writing to one or more of the parties interested and a  
 5 hearing thereon, shall decide, what would be a suitable fish-  
 6 way through such structures consulting, as far as practicable,  
 7 the convenience and safety thereof; prescribe such fishway,  
 8 as they may judge suitable and sufficient not exceeding one  
 9 foot in width in fifteen of the length of the dam running  
 10 directly across the stream, and give written notice thereof  
 11 to some owner or occupant requiring the fishway to be  
 12 made according to said description without delay at any  
 13 time between the fifteenth day of July and the first day of  
 14 November following in any year, so that the same shall be  
 15 kept open from the first day of May to the fifteenth of July  
 16 of each year for the passage of fish.

They shall  
decide what are  
suitable fish-  
ways through  
dams and other  
structures, &c.

1843, c. 25, § 4

SECT. 30. And if such fishway shall not be made to the  
 2 satisfaction of said board within twenty days from the giv-  
 3 ing of said notice, any owner or occupant of said dam, or  
 4 of any mills or machinery benefited thereby, shall forfeit  
 5 not exceeding five dollars for each day between the first  
 6 day of May and the fifteenth day of July of each year,  
 7 during which said neglect may continue; but any person  
 8 prosecuted for said penalty may show in defense, that the  
 9 existing way is sufficient; the one prescribed unnecessary  
 10 for the preservation of fish; or the requisition of the wardens  
 11 unreasonable or impracticable within the time prescribed.

Penalty for not  
making fishway,  
after twenty  
days notice, &c.

1843, c. 25, § 4.



## CHAP. 40.

Wardens to prescribe such fishway, &c.

1843, c. 25, § 4.

Penalty for taking fish in such waters, &c.

1843, c. 25, § 7, 12.

Weirs shall be made with a gate for passage of fish, and kept open, &c.

1843, c. 25, § 8, 9.

Wardens to prevent unlawful taking of fish, &c.

1843, c. 25, § 6, 10.

Penalty for net or string of nets extending more than eighty fathoms, &c.  
1843, c. 25, § 11.

Penalties, how recovered and appropriated.

SECT. 31. Said board shall define in writing the extent of  
2 such fishway, and the distance therefrom at which fish shall  
3 be taken, and cause the same to be entered upon the records  
4 of the town where it is situated. And if any person shall  
5 take any such fish within the limits aforesaid, or shall by  
6 any means obstruct the passage up said way, between the  
7 first day of May and the fifteenth day of July in each year,  
8 he shall forfeit twenty dollars for each offense.

SECT. 32. No person shall take or destroy any of the fish  
2 aforesaid in any of said waters by any means whatever be-  
3 tween the fifteenth day of July and the first day of April  
4 following under penalty of twenty dollars for each offense;  
5 or between the first day of April and the fifteenth day of  
6 July following, except from sunrise Mondays to sunrise Fri-  
7 days, under a penalty of ten dollars for each offense.

SECT. 33. Every weir shall be provided with a gate or  
2 passage way in the pound thereof at least three feet wide  
3 and extending from the bottom to high water line, which  
4 shall be left open for the free passage of said fish from sun-  
5 rise each Friday to sunrise Monday following between the  
6 first day of April and the fifteenth day of July, and the  
7 owner or occupant of any weir not so made or not so kept  
8 open shall forfeit ten dollars for each offense: and the pro-  
9 vision of section twenty-six in relation to stripping weirs  
10 shall be applicable to these waters.

SECT. 34. Such fish wardens shall endeavor to prevent  
2 the unlawful taking or destruction of fish; prosecute for all  
3 offenses, that come to their knowledge; be entitled to their  
4 pay as witnesses in such cases, although they may be com-  
5 plainants, and have a right at all times to visit any dam,  
6 weir, net or other apparatus for taking such fish contrary to  
7 law; and whenever they shall be resisted in the discharge  
8 of any duties, they may require the aid of as many persons,  
9 as they may deem necessary, and any person neglecting or  
10 refusing to render aid, when thus required, shall forfeit ten  
11 dollars.

SECT. 35. No net or string of nets for taking said fish in  
2 any of the waters aforesaid shall extend more than eighty  
3 fathoms in length, nor more than fifteen feet in depth, under  
4 a penalty of ten dollars.

SECT. 36. All the penalties aforesaid not exceeding twenty  
2 dollars shall be recovered by complaint before any justice  
3 of the peace, and all exceeding that sum shall be recovered  
4 by indictment, one half to the use of the county, and the

5 other half to the use of the town, where the offense is com-  
6 mitted, when not otherwise provided.

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1843, c. 25, § 13.

SECT. 37. Said wardens shall receive two dollars for each  
2 day, they are actually occupied in their official duties, and  
3 their accounts shall be made under oath and presented to  
4 the county commissioners, and by them be allowed and paid  
5 from the county treasury.

Wardens to have  
two dollars a  
day, &c.1844, c. 127.  
1843, c. 25, § 14.

SECT. 38. The mill privileges on Blackman's, Kenduskeag,  
2 Brewer's, and Cold, streams, the towns of Castine, Brooks-  
3 ville, Penobscot, and Orland, and the portion of the Penob-  
4 scot river and its tributaries below Orphan's Island, are  
5 exempt from the foregoing provisions.

Certain streams  
and towns  
exempt from  
provisions  
hereof.

1843, c. 25, § 15.

*New Meadows river.*

SECT. 39. The towns of Brunswick and West Bath shall  
2 each choose at their annual meeting by ballot one fish war-  
3 den, to have a supervision over the fisheries of New Meadows  
4 river and tributary streams, conveniently located; and in  
5 case of neglect thereof by said towns, or the occurrence of  
6 a vacancy otherwise, the selectmen shall appoint a fish war-  
7 den, who in either case shall be sworn to the faithful dis-  
8 charge of his duties, and shall appoint deputies in such  
9 places in his town, as he shall think proper not exceeding  
10 three, who shall be duly sworn and forward certificates  
11 thereof to the warden within ten days after notice of their  
12 appointment.

Election, oath,  
and jurisdiction  
of fish wardens,  
&c.1844, c. 121,  
§ 1, 2.

SECT. 40. No person between the first day of May and  
2 the first day of September shall take or destroy any shad  
3 or other fish in said waters, except from sunrise Mondays  
4 to sunrise Fridays, under penalty of ten dollars to be recov-  
5 ered by complaint one half to the warden or deputy, when  
6 he is complainant, for his services, and the other half to the  
7 town, where the offense is committed.

Penalty for  
taking fish in  
such waters from  
May 1 to Sept. 1,  
&c.1846, c. 121,  
§ 3, 4, 5.*Salmon, shad and alewives in Georges river and tributaries.*

SECT. 41. The towns of Thomaston, St. George, and  
2 Cushing shall at their annual meetings each choose by bal-  
3 lot one, and the town of Warren two, fish wardens to have  
4 a general supervision over the fisheries of salmon, shad, and  
5 alewives, in Georges river and tributaries, and to be sworn  
6 to the faithful discharge of their duties; and in case said  
7 town shall fail to choose, or a vacancy shall otherwise  
8 occur, the selectmen shall appoint such wardens; who shall

Election, oath,  
and jurisdiction  
of fish wardens  
and their  
deputies, &c.

CHAP. 40.

9 appoint deputies removable at pleasure in such places, as  
 10 they may deem proper, not exceeding seven, who shall be  
 11 duly sworn, and forward certificates thereof to the warden  
 12 of their town within ten days after notice of their appoint-  
 13 ment.

1844, c. 126,  
 § 2, 5.

Annual meeting  
 of wardens, &c.

SECT. 42. Said wardens shall hold an annual meeting on  
 2 the fourth Monday of April, with power to adjourn to  
 3 such time and place as they choose; three of them shall  
 4 constitute a quorum for business; and if ten responsible  
 5 citizens of said towns shall petition them in relation to any  
 6 matter within their jurisdiction, they shall forthwith hear  
 7 the parties; and if in their opinion the petition was for suf-  
 8 ficient cause, the expense shall be paid by the respondent,  
 9 otherwise by the petitioners.

1844, c. 126, § 3.

Sections 26, 29,  
 31, 32, 33, 34  
 and 36 appli-  
 cable to these  
 waters, *mutatis*  
*mutandis*.  
 1844, c. 126,  
 § 4, 6, 7, 8, 9,  
 10, 11, 12.

SECT. 43. Sections twenty-six, twenty-nine, thirty-one,  
 2 thirty-two, thirty-three, thirty-four and thirty-six of this chap-  
 3 ter, are applicable to these waters and are a part of this  
 4 law to all intents and purposes, making such changes in  
 5 the names of the waters, as may be necessary.

If fishway not  
 made to satis-  
 faction of  
 wardens, in  
 twenty days  
 after notice, &c.

SECT. 44. If any fishway directed by said wardens, as  
 2 provided in section twenty-nine, shall not be made to their  
 3 satisfaction within twenty days after notice, they are  
 4 authorized to cause the natural course of the stream,  
 5 through which the said fish pass to be opened and kept  
 6 open; and to go on the land of any person, through which  
 7 such streams run, without being trespassers; and cause to  
 8 be opened a sluiceway through any dam on any of said  
 9 rivers or streams between the ponds, where the fish usually  
 10 cast their spawn, and the sea, at the expense of the owner  
 11 thereof; provided such owner shall neglect or refuse to  
 12 open the same, when required by said fish wardens. A dam  
 13 or sluice so opened shall continue open in every year to  
 14 such depth and width, and for such term of time, between  
 15 the first day of May and the fifteenth day of July, as said  
 16 fish wardens shall deem necessary.

1844, c. 126, § 4.

Wardens shall  
 have \$2, and  
 deputies \$1 a  
 day &c.

SECT. 45. Each warden shall receive two dollars and each  
 2 deputy one dollar for each day he is actually occupied in  
 3 his official duties, and his account shall be made under oath  
 4 and presented to the selectmen of the town, where he  
 5 resides, and by them be allowed and paid from the town  
 6 treasury.

1844, c. 126, § 13.

Privileges at  
 Vaughan's  
 mills and  
 Batchelder's  
 mills, &c.

SECT. 46. The mill privileges at Vaughan's mills and at  
 2 Batchelder's mills in the town of Union are exempt from  
 3 the foregoing provisions; and any of the fish aforesaid may

4 be taken by the town of Warren on Monday, Tuesday,  
 5 Thursday, and Friday of each week, and said town in so  
 6 taking fish, shall be subject to all the provisions of an act  
 7 entitled "An act to regulate the shad and alewife fisheries  
 8 in the town of Warren," passed March sixth, eighteen hun-  
 9 dred and two, which are not inconsistent with the provisions  
 10 of this act.

1844, c. 126,  
 § 11, 14.

*Salmon, shad and alewives, in Kennebec river.*

SECT. 47. No person shall be allowed to take any salmon,  
 2 shad, or alewives, in the waters of the Kennebec river or its  
 3 branches, with any weirs between the hours of sunrise on  
 4 Saturday and of sunrise on Monday; and seines and nets  
 5 between the hours of sunrise on Saturday and sunset on  
 6 Monday of each week, under a penalty of twenty dollars for  
 7 each salmon, fifteen dollars for each barrel or less quantity  
 8 of shad, and five dollars for each barrel or less quantity of  
 9 alewives so taken; and nets or seines found in said waters  
 10 contrary to the provisions of this act shall be forfeited to  
 11 any person who may seize the same.

Time of taking  
 fish limited,  
 penalty.

1850, c. 407, § 1.

SECT. 48. All weirs or pounds placed in said waters for  
 2 the purpose of taking fish shall have a gate, not less than  
 3 four feet square, in the pocket or small pound, to be placed  
 4 directly opposite the entrance to the same; said gate to be  
 5 kept open during the hours named in the preceding section,  
 6 under a penalty of fifty dollars for each offense.

Weirs, how  
 constructed.

Idem, § 2.

SECT. 49. It shall be the duty of each city and town  
 2 adjoining said river, as far up as the Augusta dam, at their  
 3 annual meeting for the choice of city and town officers, to  
 4 choose three suitable persons as a fish committee, who shall  
 5 be duly sworn to the faithful discharge of their duties, whose  
 6 duties it shall be to see that the foregoing provisions of this  
 7 act are carried into effect, and who shall be liable to a fine  
 8 not less than five, nor more than twenty dollars, for each  
 9 and every neglect of their official duties; and any city or  
 10 town neglecting to choose such fish committees as aforesaid,  
 11 shall forfeit and pay not less than one hundred nor more  
 12 than two hundred dollars.

Fish committee  
 chosen, duties,  
 penalties.

Idem, § 3.

SECT. 50. The committees to be chosen under this act  
 2 shall receive at the rate of one dollar per day for their ser-  
 3 vices to be paid by the town, and said committees shall  
 4 have jurisdiction in their respective towns only.

Fish committee,  
 how paid.

Idem, § 4.

## CHAP. 40.

Fines, how recovered.

Idem, § 5.

SECT. 51. All fines and forfeitures provided for in this act, may be sued for and recovered in an action of debt in any court competent to try the same, one-half to the use of any person who shall sue therefor, and the other half to the use of the city or town within which the offense is committed.

*Fish in ponds in Kennebec and Somerset counties.*

Nets, seines, and weirs, prohibited, penalty.

1855, c. 450, § 1.

Fish, how to be taken, penalty.

Idem, § 2.

Penalties, how recovered.

Idem, § 3.

SECT. 52. No person shall set or place any net, seine, weir, or other obstruction in Snow pond, Great pond, Long pond, McGrath pond, North pond or Richardson pond; or in any of the streams emptying into, or issuing out of either of said ponds within the counties of Kennebec and Somerset, for the purpose of taking or preventing the free passage of fish through said waters, under a penalty of ten dollars.

SECT. 53. Any person who shall, at any time, take or destroy any fish in said waters, except by dip nets, spears, or hooks, shall forfeit and pay a fine of five dollars for every fish so taken or destroyed.

SECT. 54. All fines and penalties arising from a violation of this act, may be recovered by an action of debt, in the name of any person who shall sue for the same—one moiety thereof to the use of the town in which the provisions of this act shall be violated, and the other moiety thereof to the person who may sue for the same.

*Fish in Moosehead lake.*

Nets and seines prohibited. 1856.

Penalty, and how recovered.

SECT. 55. All persons are hereby prohibited from taking any fish from Moosehead lake, or from its coves, creeks, or inlets, with seines or nets.

SECT. 56. If any person shall take any fish from any of the aforesaid waters contrary to the provisions of the first section of this chapter, he shall upon conviction thereof by any court competent to try the same forfeit and pay a fine not exceeding ten dollars for each offense, one-half thereof to the complainant and the other half to the state.

## Chapter 41.

## CHAP. 41.

## SURVEY AND SALE OF WOOD, BARK, COAL, HOOPS, STAVES AND LUMBER.

## WOOD AND BARK.

- Sect.* 1. Dimensions of a cord of wood.
2. Penalty for selling wood or bark before survey unless otherwise agreed.
  3. How cord wood, brought by water, shall be piled and measured, and penalty for carrying it from wharf before measured.
  4. Ticket stating quantity and name of driver, required before wood carried from wharf; penalty for carrying away without ticket, refusing to exhibit it, or to have the wood re-measured.
  5. Penalty for fraudulent stowage of wood, bark or charcoal.

## CHARCOAL.

6. How charcoal may be measured and sold.
7. Coal baskets to be sealed—dimensions thereof.
8. Penalty for measuring coal in baskets of less dimensions, or not sealed.
9. Seizure of unlawful baskets.
10. Penalty for measurer refusing to give certificate. Penalties, how recovered and appropriated.

## BOARDS, PLANK, AND OTHER LUMBER.

11. Towns to elect surveyors of boards, plank, timber, joist, shingles, clapboards, staves, hoops, and two or more cullers of staves and hoops. Municipal officers may appoint surveyors of logs. All to be sworn.
12. All boards, plank, timber and joist to be surveyed before delivery on sale. Mode of measuring and marking same, and allowances. What kind of pine boards are merchantable, and what may be shipped out of the United States.

## SHINGLES AND CLAPBOARDS.

13. Dimensions and quality of shingles Nos. 1, 2, and 3.
14. How shingles shall be split or sawed and packed. Forfeiture of shingles if deficiency of five in any bundle of No. 1, or if offered for sale before they are surveyed and branded.
15. Dimensions and quality of clapboards.

## STAVES AND HOOPS.

16. Dimensions and quality of staves, and how enumerated.
17. Dimensions and quality of hogshead hoops; how packed and enumerated; and forfeiture of deficient bundles.
18. The articles herein before named, not to be offered for sale, before they are surveyed and branded and certificate given, under a penalty of two dollars a thousand. Forfeiture for master of vessel unlawfully exporting same, for first and second offense, and appropriation thereof.
19. Master or owner to produce surveyor's certificate before clearance, and affidavit thereto.
20. Penalty of surveyor or culler to neglect or refuse oath of office, and for neglecting or practicing fraud in his official duties.
21. Penalty and forfeitures, how recovered.

## LOGS.

22. Duty of surveyors of logs.

*Wood and bark.*

- SECT. 1. Towns may by an ordinance regulate the measure and sale of wood, coal, and bark, therein, and the location of 2 teams hauling the same; and enforce the same by reasonable 3 penalties. All cord wood exposed to sale shall be four feet 4

Dimensions of a cord of wood.

CHAP. 41.

1855, c. 149, § 2.  
Amendments of  
1841, § 7.

Penalty for  
selling wood or  
bark before  
survey, &c.

R. S., c. 60, § 2.

How cord wood,  
brought by  
water, shall be  
piled and  
measured, &c.

R. S., c. 60,  
§ 3, 4.

Ticket stating  
quantity and  
name of driver,  
required, &c.

R. S., c. 60,  
§ 5, 6.

Penalty for  
fraulent stowage  
of wood, bark or  
charcoal.

R. S., c. 60, § 7.

5 long including half the scarf; and being well and closely  
6 laid together a cord of wood or bark shall measure eight  
7 feet in length, four feet in width, and four feet in height,  
8 or otherwise contain one hundred and twenty-eight cubic  
9 feet; and the measurer shall make due allowance for refuse  
10 or defective wood, and bad stowage.

SECT. 2. If any fire wood or bark brought into any town  
2 by land shall be sold and delivered, unless otherwise agreed  
3 to by the purchaser, before it has been measured by a sworn  
4 measurer and a ticket signed by him and given to the driver  
5 stating the quantity the load contains, the name of the driver  
6 and the town in which he resides, such wood or bark shall  
7 be forfeited, and may be libeled and disposed of according  
8 to law.

SECT. 3. All cord wood brought by water into any town  
2 for sale shall be corded on the wharf or land, on which it  
3 shall be landed, in ranges making up in height, what shall  
4 be wanting in length; at which time it shall be so measured  
5 and a ticket given to the purchaser, who shall pay the stated  
6 fees; and no such wood shall be carried away by any wharf-  
7 inger or carter, before it has been so measured, under a  
8 penalty of one dollar for every load.

SECT. 4. Every person carrying any fire wood from  
2 a wharf or landing for sale shall be furnished by the owner  
3 or seller of it with a ticket stating the quantity and name  
4 of the driver; and if any such fire wood shall be carried  
5 away without such ticket, or if any driver shall refuse  
6 to exhibit such ticket to any sworn measurer on de-  
7 mand, or shall not consent to have the same measured, if in  
8 the opinion of the measurer the ticket shall certify a greater  
9 quantity of wood than the load contains, such wood shall be  
10 forfeited and may be seized and libeled by said measurer  
11 according to law.

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

*Charcoal.*CHAP. 41.

SECT. 6. Any charcoal brought into any town for sale may  
2 be measured and sold by the cord or foot estimating the  
3 cord at ninety-six bushels, whenever the purchaser and  
4 seller may agree to the same; and the measurers before  
5 named shall be measurers of charcoal also.

How charcoal  
may be meas-  
ured and sold.

R. S., c. 60, § 8.

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

Coal baskets to  
be sealed;  
dimensions  
thereof.

R. S., c. 60, § 9.

SECT. 8. Every person, who shall measure charcoal for  
2 sale, in any basket of less dimensions, or not sealed, shall  
3 forfeit for each offense five dollars.

Penalty for  
measuring coal  
in baskets, &c.

R. S., c. 60, § 10.

SECT. 9. The municipal officers of towns may appoint  
2 some suitable person to seize and secure all the baskets  
3 used for measuring coal not according to the provisions  
4 hereof.

Seizure of  
unlawful  
baskets.

R. S., c. 60, § 11.

SECT. 10. If any measurer of wood, bark, or charcoal,  
2 shall neglect or refuse to give to the owner or purchaser a  
3 certificate of the contents of any load, he shall forfeit five  
4 dollars for each offense; and all the penalties and for-  
5 feitures herein before provided may be recovered by action  
6 of debt or complaint, one-half to the town, where the offense  
7 was committed, and the other to the prosecutor.

Penalty for  
measurer refus-  
ing to give  
certificate, &c.

R. S., c. 60,  
§ 12, 13, 14.

*Boards, plank and other lumber.*

SECT. 11. Every town at its annual meeting shall elect  
2 one or more surveyors of boards, plank, timber, and joist;  
3 one or more surveyors of shingles, clapboards, staves and  
4 hoops; and every town containing a port of delivery, whence  
5 staves and hoops are usually exported, shall also elect two  
6 or more viewers and cullers of staves and hoops; and the  
7 municipal officers of any town may, if they deem it neces-  
8 sary, appoint not exceeding seven surveyors of logs, and all  
9 of said officers shall be duly sworn.

Towns to elect  
surveyors of  
boards, plank,  
timber, joist,  
shingles, &c.

R. S., c. 66, §1,  
5, 18, 28.

SECT. 12. All board, plank, timber, and joist, offered for  
2 sale shall before delivery be surveyed by a sworn surveyor  
3 thereof, and if he have doubts of the dimensions, he shall  
4 measure the same and mark the contents thereon making

All boards,  
plank, timber  
and joist to be  
surveyed before  
delivery on  
sale, &c.



CHAP. 41.

5 reasonable allowance for rots, knots, and splits, drying and  
 6 shrinking; pine boards three-fourths of an inch thick when  
 7 fully seasoned, and in that proportion when partly seasoned,  
 8 shall be considered merchantable; and no pine boards,  
 9 except sheathing boards, shall be shipped for exportation  
 10 beyond the United States, but such as are square edged,  
 11 not less than seven-eighths of an inch thick, nor less than  
 12 ten feet long, under penalty of being forfeited to the town  
 13 whence shipped.

R. S., c. 66,  
 § 2, 3, 4.

*Shingles and clapboards.*

Dimensions and  
 quality of  
 shingles Nos.  
 1, 2 and 3.

SECT. 13. All shingles packed for exportation beyond the  
 2 state shall be sixteen inches long, free from shakes and worm  
 3 holes, and at least three-eighths of an inch thick at the butt  
 4 end when green, and if of pine, free from sap. They shall  
 5 be four inches wide on an average, not less than three inches  
 6 wide in any part, hold their width three-fourths of the way  
 7 to the thin end, well shaved or sawed, and be denominated  
 8 *number one*; but shingles intended for sale within this  
 9 state, if of inferior quality or of less dimensions, may be sur-  
 10 veyed and classed accordingly under the denominations of  
 11 *number two*, and *number three*.

R. S., c. 66,  
 § 6, 7.

How shingles  
 shall be split or  
 sawed and  
 packed, &c.

SECT. 14. All shingles shall be split or sawed cross-wise  
 2 the grain; each bundle shall contain two hundred and fifty  
 3 shingles, and if in square bundles, twenty-five courses, and  
 4 be twenty-two inches and a half at the lay: and when  
 5 packed to be surveyed as number one, or for exportation, if  
 6 in any bundle there shall be five shingles deficient in the  
 7 proper dimensions, soundness or number to make two hun-  
 8 dred and fifty merchantable shingles; or if any shingles  
 9 shall be offered for sale, before they are surveyed and  
 10 measured by a sworn surveyor of some town in the county,  
 11 where made, and the quality branded on the hoop or band  
 12 of the bundle, unless the parties otherwise agree, they shall  
 13 be forfeited to the town, where the offense is committed.

R. S., c. 66,  
 § 8, 9, 10.

Dimensions and  
 quality of  
 clapboards.

SECT. 15. 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  
 4 they shall be at least five-eighths of an inch thick on the  
 5 back or thickest part, five inches wide, and four feet six  
 6 inches long, and straight and well shaved or sawed.

R. S., c. 66, § 11.

*Staves and hoops.*CHAP. 41.

SECT. 16. Staves packed for sale or exportation shall be  
 2 well and proportionably split and of the following dimensions,  
 3 viz :

Dimensions and  
 quality of staves,  
 and how  
 enumerated.

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,  
 9 and not less than three-quarters of an inch thick on the  
 10 heart or 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  
 13 or thinnest edge;

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

18 All white or red oak hogshead or barrel staves shall be at  
 19 least one with another, four inches in breadth, and no one  
 20 less than three inches in breadth in the narrowest part; and  
 21 those of the breadth last mentioned shall be clear of sap;  
 22 and two staves shall be sold as one cast; fifty casts one  
 23 hundred staves, and ten hundred one thousand.

R. S., c. 66,  
 § 12, 13.

SECT. 17. All hogshead hoops, exposed for sale, or packed  
 2 for exportation, shall be from ten to thirteen feet in length,  
 3 and of oak, ash or walnut, and of good and sufficient sub-  
 4 stance, well shaved; if of oak or ash, at least one inch  
 5 broad, and, if of walnut, three-quarters of an inch at the  
 6 least end; the different lengths shall be made up in bundles  
 7 by themselves; each bundle shall contain twenty-five hoops,  
 8 four bundles make one hundred, and ten hundred, one thou-  
 9 sand; and every bundle, packed for sale or exportation,  
 10 found to be deficient in number or dimensions, shall be for-  
 11 feited to the use of the town where exhibited.

Dimensions and  
 quality of  
 hogshead hoops;  
 how packed, &c.

R. S., c. 66,  
 § 14, 15, 16,  
 1844, c. 100.

SECT. 18. No person shall deliver on sale, or ship or  
 2 attempt to ship for exportation, any boards, plank, timber,  
 3 joists, shingles, clapboards, staves, or hoops, before they have  
 4 been surveyed, measured, viewed or culled, as the case may  
 5 be, and branded by the proper officer, and a certificate thereof  
 6 given by him specifying the number, quality, and quantity  
 7 thereof, under a penalty of two dollars a thousand, by quan-  
 8 tity or tale, as such article is usually sold, one half to the

The articles,  
 hereinbefore  
 named, not to  
 be offered for  
 sale, &c.

CHAP. 41.

9 town where the offense is committed, and the other to the  
 10 prosecutor; and in addition thereto, the master or owner  
 11 of any vessel exporting any of the articles aforesaid beyond  
 12 the limits of the United States contrary to law shall for the  
 13 first offense forfeit two hundred dollars for the use of the  
 14 town, whence said articles were exported; and if after  
 15 conviction he shall commit a second offense in the same  
 16 vessel, he shall forfeit the same sum, and the vessel, if found  
 17 in this state, shall also be forfeited to the same use.

R. S., c. 66,  
 § 17, 19, 20,  
 22, 23.

Master or  
 owner to pro-  
 duce surveyor's  
 certificate before  
 clearance, &c.

SECT. 19. The master or owner of any vessel having any  
 2 of the lumber or other articles mentioned in the preceding  
 3 section on board for exportation as aforesaid shall, before  
 4 the vessel shall be cleared at the custom house, produce to  
 5 the collector a certificate from the proper officer, that the  
 6 same have been duly surveyed, measured, viewed, or culled,  
 7 as the case may require; and such master or owner shall  
 8 likewise make oath before the collector, or any justice of  
 9 the peace, whose certificate shall be returned to the col-  
 10 lector, that the articles so shipped for exportation are the  
 11 same articles thus surveyed, measured, viewed or culled, that  
 12 he has no others on board of the like description, and that  
 13 he shall not take any others.

R. S., c. 66, § 21.

Penalty for  
 surveyor or  
 culler to neglect  
 or refuse oath of  
 office, &c.

SECT. 20. If any person duly elected a surveyor measurer  
 2 viewer or culler of any of said articles under the provisions  
 3 of this chapter shall neglect or refuse to take the oath of  
 4 his office and to serve therein, he shall forfeit three dollars  
 5 to the use of the town, and another person shall be elected  
 6 to his place, whose duty it shall be to take the oath and  
 7 serve as aforesaid under the like penalty; and the like pro-  
 8 ceedings may be had, until the office shall be filled; or if  
 9 any such officer duly qualified shall unnecessarily refuse or  
 10 neglect to attend to the duties of his office when requested,  
 11 he shall forfeit three dollars; and if he shall connive at or  
 12 willingly allow any breach of the provisions hereof, or shall  
 13 practice any other fraud or deceit in his official duties, he  
 14 shall forfeit thirty dollars to the use aforesaid.

R. S., c. 66,  
 § 24, 25, 26.

Penalties and  
 forfeitures,  
 how recovered.

SECT. 21. All the pecuniary penalties aforesaid may be  
 2 recovered by action of debt or by indictment or complaint,  
 3 and all other forfeitures by a libel filed according to law,  
 4 by the treasurer of the town interested therein, or by any  
 5 inhabitant thereof.

R. S., c. 66, § 27.

*Logs.*

SECT. 22. Surveyors of logs may inspect, survey, and  
 2 measure, all mill logs floated or brought to market or offered  
 3 for sale in their respective towns, and divide them into sev-  
 4 eral classes, corresponding to the different quality of boards  
 5 and other sawed lumber, which may be manufactured from  
 6 them; and they shall give certificates under their hands of  
 7 the quantity and quality thereof to the person, at whose  
 8 request the same shall be surveyed.

Duty of surveyors of logs.

R. S., c. 66, § 29.

**Chapter 42.**

## TIMBER UPON RIVERS, STREAMS AND ADJACENT LANDS.

- Sect.* 1. Penalty for the unlawful conversion of logs, masts or spars, and how recovered and appropriated.
2. Such unlawful conversion declared to be larceny and punished accordingly.
  3. Penalty for cutting out, altering or destroying marks and how appropriated.
  4. Double damages recoverable by the owner.
  5. What shall be presumptive evidence of guilt.
  6. Right of owner to search any mill, boom or raft for lost logs. Penalty for obstructing.
  7. Logs in any boom on Saco river to be released on request, if it can safely be done.
  8. Liability for all damages for a refusal or neglect to do so.
  9. When logs of different owners are intermixed, how they may be driven. Lien thereon for expenses and how ascertained, and secured.
  10. When timber, lodged on banks, shall be forfeited, provided the same shall be advertised.
  11. Owner may remove the same by tendering damages and expenses, or if same be removed without such tender, land owner may have action therefor.

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 prop-  
 5 erty of another, whether the owner thereof be known or  
 6 unknown, lying and being in any river, pond, bay, stream or  
 7 inlet, or on, or near, the bank or shore thereof, within this  
 8 state, he shall forfeit for every such log, mast, or spar,  
 9 twenty dollars to be recovered on complaint before any  
 10 justice of the peace of the county, where the offense shall  
 11 be committed; one-half to the use of the state, and the  
 12 other half to the use of the complainant.

Penalty for the unlawful conversion of logs, masts or spars, and how recovered, &c.

R. S., c. 67, § 1.

SECT. 2. If any person shall fraudulently and willfully take  
 2 and convert to his own use either by himself or by another  
 3 in his employment any such log mast or spar lying or being,

Such unlawful conversion declared to be larceny, &c.

CHAP. 42.

R. S., c. 67, § 2.

Penalty for cutting out, altering or destroying marks, &c.

4 as described in the preceding section, for the purpose of  
5 being driven to a market or a place of manufacture, he shall  
6 be deemed guilty of larceny and punished accordingly.

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  
4 owner thereof and with the intent to claim the same, he shall  
5 be liable to the penalty provided in the first section to be  
6 recovered in the same manner and to the same uses.

R. S., c. 67, § 3.

Double damages recoverable by the owner.

SECT. 4. Every person guilty of either of the offenses  
2 described in the preceding sections shall, whether convicted  
3 in a criminal prosecution therefor or not, be liable to pay  
4 the owner of any such log, mast or spar, respecting which  
5 the offense was committed, double the value of the same; to  
6 be recovered in an action of debt.

R. S., c. 67, § 4.

What shall be presumptive evidence of guilt.

SECT. 5. In any prosecution under the preceding sections,  
2 if such log, mast, or spar, shall be found in the possession  
3 of the defendant with the marks cut out, altered, partly  
4 sawed or manufactured into lumber of any kind, or partly  
5 destroyed, not being his own property, it shall be considered  
6 as presumptive evidence of his guilt; and the burden of  
7 proof shall be upon him to discharge himself.

R. S., c. 67, § 5.

Right of owner to search any mill, &c.

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

R. S., c. 67, § 6.

Logs in any boom on Saco river to be released on request, &c.

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

R. S., c. 67, § 7.

Liability for all damages for a refusal or neglect to do so.

SECT. 8. If the owner or occupier of such boom shall for  
2 two days after such request, if it can be done with safety,  
3 neglect or refuse to turn out and release the timber so  
4 detained, he shall be liable to the owner thereof for all  
5 damages by him sustained to be recovered in an action on  
6 the case.

R. S., c. 67, § 8.

## CHAP. 42.

SECT. 9. Any person, whose timber in any of the waters  
 2 of this state shall be so intermixed with the logs, masts or  
 3 spars of another, that the same cannot be conveniently  
 4 separated for the purpose of being floated to the market or  
 5 place of manufacture, may drive all logs, masts and spars,  
 6 with which his own are so intermixed, toward such market  
 7 or place, when no special and different provision is made by  
 8 law for driving such timber; and shall be entitled to a  
 9 reasonable compensation from the owner to be recovered  
 10 after demand therefor on the said owner or agent if known  
 11 in an action on the case; and he shall have a prior lien on  
 12 the same, until thirty days after it shall have arrived at its  
 13 place of destination, in order to enable him to attach it in  
 14 such action; and if the owner thereof cannot be ascer-  
 15 tained, the property may be libeled according to law, and  
 16 so much of it disposed of, as shall be necessary to defray  
 17 the expenses thereof; the amount of which shall be deter-  
 18 mined by the court, before which the libel is heard.

When logs of  
 different owners  
 are intermixed,  
 how they may  
 be driven, &c.

R. S., c. 67, § 9.

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

When timber,  
 lodged on banks,  
 shall be for-  
 feited, &c.

R. S., c. 67, § 10.

SECT. 11. The owner of said timber may enter on said  
 2 land and remove the timber at any time before forfeiture,  
 3 having previously tendered to the owner or occupier of the  
 4 land a reasonable compensation for all damages occasioned  
 5 by the lodging remaining or removal of said timber and the  
 6 expenses of advertising the same; but if the timber shall  
 7 have been removed by the owner or otherwise without such  
 8 tender, the owner of the land shall be entitled to recover in  
 9 an action of trespass the damages aforesaid.

Owner may  
 remove the same  
 by tendering  
 damages and  
 expenses, &c.

R. S., c. 53,  
 § 11, 12.

## WEIGHTS AND MEASURES.

- Sect.* 1. Standard of weights and measures. State sealer to cause other smaller denominations to be regulated by said standard, and keep standard balances at the state house for regulating weights and measures.
2. Description of beams, weights and measures to be kept by the treasurer of state.
3. Also by county treasurers. Same to be sealed once in ten years by state standards; penalty for neglect, and how recovered.
4. Town seal and standard of beams, weights and measures to be kept by treasurers. Same to be sealed once in ten years, penalty for neglect, and how recovered and appropriated.
5. Appointment of sealers by municipal officers of towns, penalty for neglect, and how recovered and appropriated.
6. Penalty for sealer not accepting office and taking oath. Sealer to have custody of standards and seals and be accountable for their preservation and re-delivery.
7. Duty of town sealer, penalty for neglecting the same, and how appropriated.
8. Dearborn or Hills' steelyard, or the Fairbanks scale may be used, provided they are sealed.
9. All measures, for articles sold by heaped measure, shall be conformable to public standard. Penalty for selling by beams, weights or measures not sealed, and how appropriated.
10. Twenty-five pounds shall be a quarter; four quarters, one hundred; twenty hundreds, one ton; and articles, sold by tale, shall be by decimal hundreds.

SECT. 1. The standard of weights and measures furnished  
 2 by the United States and adopted by this state shall con-  
 3 tinue the standard of weights and measures for the state;  
 4 and the state sealer of weights and measures shall cause all  
 5 such weights and measures of a smaller denomination than  
 6 those furnished by the United States, as may be necessary  
 7 to make a complete set, to be compared and regulated by  
 8 the standards aforesaid; and keep at the expense of the  
 9 state a suitable standard balance for gold, and also for  
 10 avoirdupois weights, to be kept with the weights and meas-  
 11 ures at the state house and used only for regulating other  
 12 weights and measures.

SECT. 2. It shall be the duty of the treasurer of the state  
 2 at the expense of the state to procure and preserve as pub-  
 3 lic standards, until otherwise provided, in the manner men-  
 4 tioned in the first section, and which shall be used only as  
 5 such, the following beams weights and measures, to wit: one  
 6 bushel, one half bushel, one peck, one half peck, one ale  
 7 quart, one wine gallon, one wine half gallon, one wine quart,  
 8 one wine pint, one wine half pint, and one wine gill; said  
 9 measures to be made of copper or pewter conformable as to  
 10 contents to said standard measures; and as to breadth, that  
 11 is to say, the diameter of the bushel not less than eighteen  
 12 inches and a half containing thirty-two Winchester quarts;  
 13 of the half bushel not less than thirteen inches and three-

Standard of  
 weights and  
 measures, &c.

R. S., c. 73,  
 § 1, 2, 3.

Description of  
 beams, weights  
 and measures to  
 be kept by the  
 treasurer of state.

14 quarters containing sixteen Winchester quarts; of the peck  
 15 not less than ten inches and three-quarters containing eight  
 16 Winchester quarts; and of the half peck not less than nine  
 17 inches containing four Winchester quarts; the admeasure-  
 18 ment to be made in each instance within side of the measure;  
 19 also one ell, one yard, one set of brass weights to four  
 20 pounds computed at sixteen ounces to the pound with fit  
 21 scales and steel beam, also a good beam and scales, and a  
 22 nest of troy weights from one hundred and twenty-eight  
 23 ounces down to the least denomination, with the weight of  
 24 each weight, and the length of each measure marked or  
 25 stamped thereon respectively, and sealed with a seal to be  
 26 procured and kept by the treasurer aforesaid; and also one  
 27 fifty-six pound weight, one twenty-eight pound weight, one  
 28 fourteen pound weight, and one seven pound weight, made of  
 29 iron.

R. S., c. 73, § 4.

SECT. 3. The treasurer of each county at the expense  
 2 thereof shall have one complete set of beams, and of brass,  
 3 copper, pewter, and iron weights, and of the measures before  
 4 mentioned, except the bushel measure, proved and sealed by  
 5 the state standards; the said measures, as to breadth and  
 6 contents, to conform to the state standards as before men-  
 7 tioned; and the county treasurer shall preserve them for the  
 8 use of such county and to be used only as standards; and  
 9 once in every ten years commencing July first, eighteen  
 10 hundred and thirty-nine, he shall have them compared, proved,  
 11 and sealed by the state standards; and for each neglect of  
 12 his duty aforesaid he shall forfeit two hundred dollars to be  
 13 recovered in an action of debt in the name of the state.

Also by county  
 treasurers, &c.

R. S., c. 73,  
 § 5, 6, 7.

SECT. 4. The treasurers of towns at the expense thereof  
 2 shall constantly keep a town seal, and as town standards a  
 3 complete set of beams, weights, and copper and pewter  
 4 measures conformable to the state standards, except that  
 5 the bushel measure, and the half bushel, peck and half peck  
 6 measures may be of wood instead of copper or pewter, but  
 7 of the same dimensions, and except also a nest of troy  
 8 weights other than those from the lowest denomination to  
 9 eight ounces; they shall cause all beams, weights, and meas-  
 10 ures belonging to their towns to be proved and sealed by the  
 11 state or county standards once in ten years, computing from  
 12 July first eighteen hundred and forty; and for every neglect  
 13 of duty as aforesaid they shall forfeit one hundred dollars  
 14 half to the use of the town, and half to the use of the person  
 15 suing therefor.

Town seal and  
 standard of  
 beams, weights  
 and measures to  
 be kept by  
 treasurers, &c.

R. S., c. 73,  
 § 8, 9, 10, 11,  
 1842, c. 31, § 6.



## CHAP. 43.

Appointment of  
scalers by  
municipal offi-  
cers of towns,  
&c.

R. S., c. 73,  
§ 12, 14. 1856.

Penalty for  
scaler not  
accepting office  
and taking oath,  
&c.

R. S., c. 73,  
§ 13, 15.

Duty of town  
scaler, penalty  
for neglecting  
the same, and  
how  
appropriated.

R. S., c. 73,  
§ 16, 17, 18, 19.

Dearborn or  
Hills' steelyard,  
or the Fairbanks  
scale may be  
used, &c.

R. S., c. 73, § 20.

All measures,  
for articles sold  
by heaped  
measure, shall  
be conformable  
to public  
standard, &c.

SECT. 5. The municipal officers of each town shall annually  
2 appoint a scaler of weights and measures therein removable  
3 at pleasure and have power to fill any vacancy that may  
4 occur; and for each month's neglect of this duty they shall  
5 severally forfeit ten dollars to be appropriated as in the  
6 preceding section. Any city may purchase and keep for use  
7 scales for weighing hay and other articles, appoint weighers  
8 and fix their fees.

SECT. 6. If any person so appointed and notified thereof  
2 shall refuse for seven days to accept the office and be sworn,  
3 he shall forfeit five dollars to be appropriated as in section  
4 four; but when sworn he shall receive the standards and  
5 seal from the treasurer giving a receipt therefor describing  
6 them and their condition, and therein engaging to redeliver  
7 them at the expiration of his office in like good order; and  
8 he shall be accountable for their due preservation while in  
9 his possession.

SECT. 7. Every such scaler shall annually in the month of  
2 May post notices in different parts of his town stating the  
3 times and places, he will attend to the proof and sealing of  
4 weights and measures; shall deface or destroy all weights  
5 and measures not conformable to the standard and that can  
6 not by him be made conformable thereto; shall visit the  
7 houses of innholders, the warehouses and stores of mer-  
8 chants, and the dwelling houses of such other inhabitants, as  
9 shall neglect to send to him their weights and measures, and  
10 there prove and seal the same; and every scaler, that shall  
11 neglect any duty herein required of him and every person  
12 neglecting or refusing to have his weights and measures  
13 proved and sealed as aforesaid shall forfeit ten dollars to be  
14 appropriated as in section four.

SECT. 8. In all cases of weighing, the vibrating steelyard  
2 invented by Benjamin Dearborn, or the vibrating steelyard  
3 invented by Benjamin Dearborn and improved by Samuel  
4 Hills, or the *Fairbanks scale*, may be used: *provided* that  
5 before being offered for sale, of the same shall be used, each  
6 beam and the poises thereof shall be sealed by a public  
7 scaler of weights and measures appointed according to law.

SECT. 9. All measures, by which fruit and other things  
2 usually sold by heaped measures are sold, shall be conform-  
3 able in capacity and breadth to the public standard; and if  
4 any person shall otherwise sell or expose to sale any such  
5 fruit or other thing, or shall sell or expose to sale any goods  
6 or commodities whatever by any other beams weights or

7 measures than those proved and sealed as aforesaid, he shall  
 8 forfeit for each offense not less than one dollar nor more than  
 9 ten dollars; one moiety to the use of the town, and the other  
 10 to the sealer, or to him who shall prosecute therefor.

CHAP. 44.

R. S., c. 73, § 21.

SECT. 10. 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 regula-  
 4 tions of said weights, viz: twenty-five avoirdupois pounds  
 5 shall constitute one quarter; four quarters, one hundred;  
 6 and twenty hundreds, one ton; and all other articles usually  
 7 sold by tale, shall be sold by decimal hundred.

Twenty-five  
pounds shall be  
a quarter, &c.

R. S., c. 73, § 22.

## Chapter 44.

### HAWKERS AND PEDLERS.

*Sect.* 1. Penalty for peddling without a license and forfeiture of goods.

2. Description of persons to be licensed by the county commissioners; licenses to expire in one year and not to be assigned without consent of board; amount to be paid therefor and certificate of good moral character to be attached.
3. Persons licensed not to carry property of those not five years residents of the state, jewelry, playing-cards or other prohibited property under a penalty. Articles lawfully raised or manufactured in this state not included in this chapter.
4. Every person licensed shall exhibit his license on request, or it shall not avail him in defense. Carriages and goods may be seized and held for payment of fines.
5. Penalties and forfeitures how recovered and appropriated. Forfeited property how seized and disposed of.
6. Name, and words "Licensed by C. C.," painted on carriage.

SECT. 1. No person except as hereinafter provided shall  
 2 travel from town to town or place to place in any town in  
 3 this state on foot or by any kind of land or water public or  
 4 private conveyance whatever carrying for sale or offering for  
 5 sale any goods, wares, or merchandise whatever, whole or by  
 6 samples, under a penalty of not less than fifty nor more than  
 7 two hundred dollars and the forfeiture of all property thus  
 8 unlawfully carried.

Penalty for  
peddling without  
a license and  
forfeiture of  
goods.1846, c. 200, § 1.  
1848, c. 63.  
1853, c. 10, § 1.

SECT. 2. The county commissioners in their respective  
 2 counties may license for the purposes aforesaid any person  
 3 applying, who shall prove to their satisfaction, that he  
 4 sustains a good moral character; has been five years a  
 5 citizen of the United States and of this state, and has  
 6 resided the year preceding in some town in the county,  
 7 where the application is made; and such licenses shall expire

Description of  
persons to be  
licensed by the  
county com-  
missioners, &c.

CHAP. 44.

8 in one year from their date; shall not be transferred or  
 9 assigned without the consent of the board granting the  
 10 same, and the applicants shall pay therefor to the county,  
 11 they are to travel in, if on foot or in any boat or other  
 12 water craft ten dollars; with a carriage drawn by one  
 13 animal fifteen dollars, and drawn by two animals twenty  
 14 dollars, and shall present to the commissioners with their  
 15 application, a certificate of good moral character from the  
 16 municipal officers of the town, where they reside, which  
 17 shall be attached to their license.

1846, c. 200,  
 § 3, 4, 8.  
 1853, c. 10, § 2.

Persons licensed  
 not to carry  
 property of those  
 not five years  
 residents of the  
 state, &c.

SECT. 3. No person licensed as aforesaid shall sell carry  
 2 or offer for sale any property belonging to persons not five  
 3 years residents of this state, or any jewelry, playing cards or  
 4 other property prohibited by law, under the penalty provided  
 5 in section one; but nothing in this chapter shall prevent  
 6 any citizen of this state from selling any fish, fruit, provisions,  
 7 farming utensils, or other articles lawfully raised or manu-  
 8 factured in this state.

1846, c. 200,  
 § 3, 9.

Every person  
 licensed shall  
 exhibit his  
 license on  
 request, &c.

SECT. 4. Every person shall exhibit his license at all times  
 2 when so required by any justice of the peace, or any  
 3 constable or other peace officer, and a refusal to do so shall  
 4 be deemed evidence of not having any; and if afterwards  
 5 prosecuted the production of his license at the trial shall  
 6 not avail him in defense, but he shall be dealt with as  
 7 unlicensed; and the carriages, goods, wares, and merchandise  
 8 of any person, thus refusing may be seized by a warrant  
 9 from any justice of the peace, and detained until the pay-  
 10 ment of any fine, to which said person may be liable.

1846, c. 200,  
 § 6, 7.

Penalties and  
 forfeitures how  
 recovered and  
 appropriated,  
 &c.

SECT. 5. All penalties and forfeitures herein provided may  
 2 be recovered by indictment or action of debt one half to  
 3 the use of the town, where the offense is committed, and  
 4 the other to the use of the person prosecuting therefor; and  
 5 any justice of the peace on complaint may cause the arrest  
 6 of the accused, and seizure of the property alleged to be  
 7 forfeited and detain the same until trial in the proper court,  
 8 and in case of conviction the property shall be decreed  
 9 forfeited to the uses aforesaid to be sold in the same manner  
 10 as goods taken on execution.

1846, c. 200,  
 § 1, 2, 5.

Name, and  
 words "Licensed  
 by C. C." paint-  
 ed on carriage.

SECT. 6. Every person licensed shall have painted in some  
 2 conspicuous place on every carriage employed by him in  
 3 letters at least one inch wide his name and the words  
 4 "Licensed by C. C."

R. S., c. 75, § 5.  
 1856, March 21.

## Chapter 45.

## CHAP. 45.

## USURY.

*Sect. 1.* Legal rate of interest fixed at six per cent., but not to apply to letting cattle or maritime contracts.

2. Excessive interest not recoverable; oath of debtor and creditor admissible, and costs for defendant, if damages are reduced.
3. Excessive interest may be recovered back within one year, but not of innocent holder of negotiable paper.

SECT. 1. Legal interest upon the loan or forbearance of  
 2 any money, goods, merchandise, or things in action, is hereby  
 3 established at the rate of six dollars on a hundred dollars  
 4 for one year; but this rule shall not apply to letting cattle  
 5 or other similar contracts in practice among farmers, or to  
 6 maritime contracts as bottomry, insurance, and course of  
 7 exchange, in practice among merchants.

Legal rate of  
 interest fixed at  
 six per cent., &c.

R. S., c. 69,  
 § 1, 4.

SECT. 2. In any action brought on any contract whatever,  
 2 on which there is directly or indirectly taken or reserved a  
 3 rate of interest exceeding that established in section one,  
 4 the defendant may under the general issue, prove such  
 5 excessive interest, and it shall be deducted from the amount  
 6 due on such contract; and in such trial, if the creditor be  
 7 alive, and any one of the debtors shall come into court and  
 8 actually make oath to such excessive interest, it shall be  
 9 sufficient proof thereof, unless one of the creditors shall  
 10 come into court and make oath, that he has not directly or  
 11 indirectly wittingly taken or received, and that there is not  
 12 by such contract reserved more than the legal rate of inter-  
 13 est; and in any such action, if the damages shall be reduced  
 14 by proof of such excessive interest by the oath of the party  
 15 or otherwise, the plaintiff shall recover no costs, but shall  
 16 pay costs to the defendant.

Excessive  
 interest not  
 recoverable, &c.

R. S., c. 69,  
 § 2, 3, 7,  
 1846, c. 192.

SECT. 3. If any person pays any such excessive interest  
 2 in money or other property, he or his personal representa-  
 3 tives may recover the same of the creditor or his represent-  
 4 atives so receiving it in an action on the case brought  
 5 within a year after the payment; but this provision shall  
 6 not extend to negotiable bills of exchange or promissory  
 7 notes in the hands of an indorsee or holder, who received  
 8 the same in good faith and for a valuable consideration with-  
 9 out notice of any such excessive interest.

Excessive  
 interest may be  
 recovered back  
 within one  
 year, &c.

R. S., c. 69,  
 § 5, 6, 7.

