

MAINE STATE LEGISLATURE

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FOURTH REVISION.

THE
REVISED STATUTES

OF THE
STATE OF MAINE,

PASSED _____, 1883;

TO WHICH ARE PREFIXED

THE CONSTITUTIONS

OF THE
UNITED STATES AND OF THE STATE OF MAINE:

WITH AN APPENDIX AND REFERENCE INDEX.

PORTLAND:
PRINTED BY WILLIAM M. MARKS.

TITLE THREE.

Regulations connected with Trade.

- CHAP. 31. Principal, factors and agents.
32. Notaries public, protests, days of grace, and demand on notes and bills.
 33. Limited partnerships.
 34. Auctions and auctioneers.
 35. Pawn brokers and intelligence offices.
 36. Pilots and ship owners, wrecks and shipwrecked goods, lighters and harbors. Port wardens.
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CHAPTER 31.

PRINCIPAL, FACTORS AND AGENTS.

- SEC. 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. Title to goods in possession of warehouse-man, passes to purchaser or pledgee, by indorsement.
 5. Books of warehouse transactions to be kept for inspection.
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 8. Who is deemed a public warehouse-man.
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CHAP. 31.

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

R.S., c. 31, § 1.
1 Me., 179.
4 Me., 543.
11 Me., 418.
15 Me., 343.
31 Me., 411.
57 Me., 64.

SEC. 1. Every person, in whose name any merchandise is shipped, every factor or agent entrusted with the possession of any bill of lading, custom house permit, or warehouse keeper's receipt for the delivery of any such merchandise, and every such factor or agent not having the documentary evidence of title, who is entrusted with the possession of any merchandise for the purpose of sale, or as security for any advances to be made thereon, shall be deemed 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 advanced, or negotiable instrument, or other obligation in writing, given by such person upon the faith thereof.

Not to extend to prior demands against agent.

R.S., c. 31, § 2.

SEC. 2. No person, taking such merchandise in deposit from such agent as security for an antecedent demand, shall thereby acquire or enforce any right or interest therein other than such agent could then enforce.

Rights of the true owner in such cases.

R.S., c. 31, § 3.

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

Title to goods in possession of warehousemen passes to purchaser, or pledgee, by indorsement.

1873, c. 33.

SEC. 4. The title to goods and chattels stored in a public warehouse, or on the wharves and premises of the warehouse-man, and in his possession, shall pass to a purchaser or pledgee, in good faith, by the indorsement to such purchaser, or pledgee, but not in blank, of the warehouse-man's receipt therefor, signed by the person to whom the receipt was originally given, or by an indorsee of the receipt, and recorded in the books of the warehouse-man with whom such goods and chattels are stored.

Account of warehouse transactions to be kept.

1876, c. 124.

SEC. 5. Each warehouse-man shall keep books in which shall be entered an account of all transactions relating to the warehousing, storing and insuring of goods, wares and merchandise, and the issuing of warehouse-man's certificates, and the indorsement thereof, which books shall be open to the inspection of any person interested in the property stored in his warehouse.

Goods attachable as goods of person receipted to.

1876, c. 124.

—or as goods of last recorded indorser.

SEC. 6. Goods and chattels stored with a public warehouse-man may be attached as the goods of the person named in the warehouse-man's receipt therefor, when no indorsement of such receipt has been recorded on the books of the warehouse-man; and where any such indorsement has been recorded, may be attached as the goods of the last indorsee of the receipt, shown by the books of the warehouse-man, by leaving at the warehouse where the goods are stored a copy of the writ, with a copy of so

much of the officer's return thereon as relates to the attachment of such goods. And an attachment so made shall be valid against any transfer of such goods, the evidence of which is not recorded in the books of the warehouse-man, when the copy of the writ is so left.

CHAP. 32.
Attachment
valid.

SEC. 7. Whoever indorses or assigns, or otherwise disposes of a warehouse-man's certificate, after his interest in the property described in such certificate has been attached, without disclosing the attachment thereof to the person to whom such certificate shall be indorsed, assigned, or disposed of, shall, if he has knowledge of such attachment, be punished by fine not exceeding five thousand dollars and imprisonment in the state prison not exceeding three years, or by imprisonment in the common jail not exceeding one year.

Penalty for
disposing of
goods with-
out disclos-
ing attach-
ment.
1876, c. 124.

SEC. 8. Any person who advertises or offers to receive goods or merchandise, on storage for other parties, shall be deemed a public warehouse-man for the purposes of this act.

Who is
deemed a
public ware-
houseman.
1876, c. 124.

SEC. 9. When grain or other property is [so] stored in a public warehouse *in such a manner* that different lots or parcels are mixed together, so that the identity of the same cannot be accurately preserved, the warehouse-man's receipt for any portion of such grain or property shall be deemed a valid title to so much thereof as is designated in said receipt, without regard to any separation or identification.

Grain, &c.,
stored in
public ware-
house be-
coming
mixed.
—proceed-
ings.
1879, c. 111.

CHAPTER 32.

NOTARIES PUBLIC, PROTESTS, DAYS OF GRACE, AND DEMAND ON NOTES AND BILLS.

NOTARIES PUBLIC AND PROTESTS.

- SEC. 1. Notary's seal. He may administer oath.
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 legal evidence of all facts therein stated.
5. When his office is vacated, his records to be deposited with clerk of 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.

CHAP. 32.

DAYS OF GRACE.

SEC. 9. Days of grace on notes and bills, and changes thereof on account of Sunday, and legal holidays.

DEMAND.

SEC. 10. Demand on note payable at time and place certain. Acceptance of bills of exchange, drafts or orders, and waiver of demand and notice to be in writing.

NOTARIES PUBLIC AND PROTESTS.

Notary's seal.

SEC. 1. Every notary public shall constantly keep a seal of office, whereon is engraven his name, and the words "notary public" and "Maine" with the arms of the state, or such other device as he chooses. When authorized by the laws of this state or of the United States, or by the laws of any other state or country, to do any official act, he may administer any oath necessary to the completion or validity of such act.

May administer oaths.
R.S., c. 32, § 1.

Protests of losses, and record and copies thereof.
R.S., c. 32, § 2.

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

Demand and notice on notes, bills, &c.
R.S., c. 32, § 3.
15 Me., 454.
16 Me., 43,
247, 260.
17 Me., 364.
18 Me., 295.
21 Me., 219.

SEC. 3. He may, in behalf of any person interested, present any bill of exchange or other negotiable paper for acceptance or payment to any party liable therefor; notify indorsers or other parties to such bill or paper; record and certify all contracts usually recorded or certified by such notaries; take depositions the same as any justice of the peace and quorum may legally do; certify country products, and in general, do all acts to be done by notaries public by the usages of merchants, and authorized by the laws of the state; and shall record at length, in a book of records, all acts, protests, depositions, and other things, by him noted or done in his official capacity.

Copies, evidence.
R.S., c. 32, § 4.

SEC. 4. The protest of any foreign or inland bill of exchange, or promissory note or order, or [and] all copies or certificates by him granted shall be under his hand and notarial seal, and shall be received as legal evidence of such transaction, and as to the notice given to the drawer or indorser, and of all facts therein contained, in all courts in this state. (a)

When office vacated, records to be

SEC. 5. On the resignation or removal from office of any notary public, his records shall be deposited with the clerk of the

(a) 15 Me., 138; 16 Me., 43, 183, 260; 23 Me., 287, 554; 26 Me., 50; 41 Me., 304, 323; 43 Me., 154, 205; 49 Me., 27; 50 Me., 597; 53 Me., 411.

judicial courts in the county for which he was appointed; and by a neglect for three months to comply with the above requisition on his part, or if he is deceased, on the part of his executor or administrator, for three months after the acceptance of his trust, either shall forfeit not less than fifty nor more than five hundred dollars.

SEC. 6. If any person knowingly destroys, defaces, or conceals, any such records, he shall forfeit and pay not less than two hundred nor more than one thousand dollars; and be liable for damages to any person injured, in an action on the case.

SEC. 7. All clerks shall receive and safely keep all such records and papers lodged in their offices and give attested copies thereof; for which they shall be allowed the same fees, as are allowed to a notary; and such copies shall be as valid, as if they were certified by said notaries.

SEC. 8. For each protest of a bill or note, notifying parties, making his certificate thereof in due form, and recording his proceedings, a notary public shall be entitled to one dollar and fifty cents and no more; and all penalties herein provided shall accrue half to the state and half to the person suing therefor.

SEC. 9. On any promissory note, inland bill of exchange, draft or order for the payment of money payable in this state at a future day, or at sight, and not on demand, a grace of three days shall be allowed. If the third day is Sunday, a day of public fast or thanksgiving, appointed by the governor and council, the fourth day of July, the twenty-second day of February, Christmas, first day of January, or the thirtieth day of May, two days shall be allowed. If the fourth day of July, twenty-second of February, Christmas, first day of January, or thirtieth day of May, is Monday, and it is the third day of grace, or is Saturday, and the following Sunday is the third day of grace, or is Sunday, and it is the second day of grace, four days shall be allowed.

DEMAND.

SEC. 10. In an action on a promissory note payable at a place certain, either on demand, or on demand at or after a time specified therein, the plaintiff shall not recover, unless he proves a demand made at the place of payment prior to the commencement of the suit. No person shall be charged as an acceptor of a bill of exchange, draft or written order, unless his acceptance shall be in writing, signed by him or his lawful agent; and no waiver of demand and notice, by an indorser of any promissory note or bill of exchange, shall be valid unless it is in writing and signed in like manner.

CHAP. 32.

deposited with clerk of courts.
R.S., c. 32, § 5.

Penalty for destroying, defacing or concealing such records.
R.S., c. 32, § 6.

Duties of clerks relating thereto, and fees.
R.S., c. 32, § 7.
16 Me., 183.

Fees for protest, and appropriation of penalties.
R.S., c. 32, § 8.

Days of grace for payment of note, draft, etc., established.
—Sundays and holidays.
1880, c. 174.
13 Me., 414.
14 Me., 100,
288.

Demand on note payable at time and place certain.
R.S., c. 32, § 10.
Acceptor, when charged.
69 Me., 91.
Waiver of demand, &c., by indorser to be in writing.

CHAP. 33.

CHAPTER 33.

LIMITED PARTNERSHIPS.

- SEC. 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.

To what kinds of business applicable, and of what persons to be composed.
R.S., c. 33, § 1.

SEC. 1. Limited partnerships for the transaction of mercantile, mechanical, or manufacturing business, but not for banking or insurance, may be formed upon the following conditions and liabilities, to consist of one or more persons, called general partners, who shall be jointly and severally responsible, as general partners now are by law, and of one or more persons, who contribute a specific sum in actual cash payment, as capital, to the common stock, called special partners, who shall not be liable for the debts of the partnership beyond the sum so contributed by each.

Certificate to be signed, and the particulars to be therein stated.
R.S., c. 33, § 2.

SEC. 2. Persons forming such a partnership shall sign a certificate, containing the following particulars :

First.—The name of the firm, under which the partnership is to be conducted.

Second.—The name and place of residence of each of the general and each of the special partners.

Third.—The general nature of the business to be transacted, and the amount of capital which each of the special partners contributes.

Fourth.—The time when the partnership is to commence, and when to cease.

Certificate to be acknowledged and recorded.
R.S., c. 33, § 3.

SEC. 3. Such partnership shall not be considered as formed, until such certificate is acknowledged by all the partners before a justice of the peace, and recorded in the registry of deeds for each county or district where such partnership is to have an established place of business, in a book to be kept for that purpose open to public inspection.

SEC. 4. If any statement is made in such certificate, which misleads third persons, or is intentionally false, all the persons interested in such partnership shall be liable for all the engagements thereof, as general partners, to any person thereby deceived or injured.

CHAP. 33.
Liability for any misstatement therein.
R.S., c. 33, § 4.

SEC. 5. After such registry, the partners shall cause a copy of the certificate above mentioned to be published in a newspaper printed in the county, in which the principal place of business is situated; and if there is no such paper printed in that county, then one printed in an adjoining county, or in the state paper, for six weeks successively, the first publication to be within twenty days thereafter; and if not so published, or if upon every renewal or continuance of such partnership beyond the time originally fixed for its duration, a certificate is not made, signed, acknowledged, recorded, and published, as aforesaid, it shall be deemed a general one.

Publication of such partnership, and mode of renewing it.
R.S., c. 33, § 5.

SEC. 6. The business of the partnership shall be conducted under a firm, in which no names are used, but those of the general partners without the word "company," or any other general term; and the general partners only shall transact business; and if the name of any special partner is used in the firm with his consent and privity, or if he makes any contract respecting the concerns of the partnership with any person, except the general partners, he shall be deemed a general partner as to such contract.

Special partners not to be named and not to act.
R.S., c. 33, § 6.

SEC. 7. During the continuance of any such partnership, no part of the capital stock shall be withdrawn therefrom, nor any division of interest or profits be made, so as to reduce the capital stock below the sum stated in the certificate above mentioned; and if during the continuance or at the termination of the partnership, the property is not sufficient to pay the partnership debts, the special partners shall be severally answerable for all sums by them in any way received, withdrawn or divided, with interest thereon from the time of withdrawal, notwithstanding the provision in section eight.

Capital not to be reduced below the amount stated in the certificate, &c.
R.S., c. 33, § 7.

SEC. 8. All suits respecting the business of such partnership shall be commenced and prosecuted by and against the general partners only, except in those cases in which provision is herein before made, that special partners shall be deemed general partners, and special partnerships, general partnerships; in which cases all the partners deemed general partners, may join or be joined in such suits.

In whose name suits may be brought.
R.S., c. 33, § 8.

SEC. 9. No voluntary dissolution of such partnerships shall take place before the time specified in the certificate before named, unless a notice thereof is recorded in each registry, in which the original certificate, or certificate of renewal or continuance is

Voluntary dissolution and notice thereof.
R.S., c. 33, § 9.

CHAP. 34. recorded, and published in such paper, as is directed in the fifth section.

In cases not otherwise provided for herein, limited partners to be same as general, &c.
R.S., c. 33, § 10.

SEC. 10. In all cases not otherwise provided for herein, the members of limited partnerships shall be subject to the liabilities, and entitled to the immunities, incident to general partnerships, and the supreme judicial court may hear and determine, in equity, all questions between co-partners in any partnership formed by virtue of this chapter, and between said co-partners and any creditors of the firm.

CHAPTER 34.

AUCTIONS AND AUCTIONEERS.

- SEC. 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 to 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 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.
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.
10. Municipal officers may grant special license to sell on invoice.

License.
1878, c. 28,
§§ 1, 2.
Fee paid to
town.
Exemption
from $2\frac{1}{2}$ p. c.
tax.
4 Me., 263,
335.
25 Me., 142.
38 Me., 311.
43 Me., 160.

SEC. 1. The municipal officers of any town may license any legal voter [there-]of *their town*, by a writing under their hands, to be auctioneers for one year, in *any* [every] town in [their] *said* county; and shall record every such license in a book kept by them for that purpose. Upon receipt of such license, such auctioneers shall pay two dollars to the treasurer of said licensing town for the use of said town, and may be exempted from the deduction of two and one half per cent. from the gross amount of sales provided in section three.

Appeal to
county com-
missioners,
in case of
refusal.

SEC. 2. If such officers, after written application to them for a license, unreasonably refuse or neglect to grant it, the applicant, by giving them ten days notice and a bond to pay all costs arising there-

after, may appeal to the county commissioners, who, after a hearing of the parties, may grant the license if they judge it reasonable.

SEC. 3. Every person licensed shall keep a fair and particular account of all goods and chattels by him sold, stating of whom received, and the price for which the same were sold; and unless otherwise authorized, 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.

SEC. 4. No auctioneer shall allow any person, 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 offence; and any person so acting shall be subject to the same penalty.

SEC. 5. If any auctioneer receives any goods for sale at public auction, of any servant or minor, knowing him to be such, or sells any goods, before sunrise or after sunset, at public auction, he shall forfeit a sum not less than fifty nor more than one hundred and seventy dollars for each offence; but the municipal officers of any town may license any duly licensed auctioneer specially, to sell after sunset upon payment of a sum not exceeding twenty dollars.

SEC. 6. A parcel of real estate lying partly in one town and partly in another, may be sold by an auctioneer of either; but if any auctioneer sells or offers to sell any real or personal property at public auction in any other towns than those authorized by his license, or if any person sells without a license, he shall forfeit not exceeding six hundred dollars.

SEC. 7. If the tenant or occupant of any building, having actual possession and control thereof, knowingly permits any person to sell any goods or chattels at public auction contrary to the provisions of this chapter, in such building, or in any apartment, or yard appurtenant thereto, he shall forfeit not more than six hundred, nor less than one hundred dollars.

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

SEC. 9. All fines imposed by this chapter may be recovered by indictment in any court proper to try the same; and it shall be the especial duty of city marshals and their deputies, sheriffs,

CHAP. 34.

R.S., c. 34, § 2.

Auctioneers to keep account of goods sold, &c.

R.S., c. 34, § 3.
53 Me., 394.Penalty for allowing any one not a voter in town, to act under him.
R.S., c. 34, § 4.Penalty for receiving goods of minors or servants, &c.
R.S., c. 34, § 5.
Town officers may license to sell after sunset.Real estate lying in two towns, how sold.
Penalty.
R.S., c. 34, § 6.
43 Me., 160.
53 Me., 394.Penalty if occupant of building permits any person to sell contrary to law, &c.
R.S., c. 34, § 7.Exceptions as to sales by officers.
R.S., c. 34, § 8.Fines how received and appropriated.
R.S., c. 34, § 9.

CHAP. 35. constables and police officers, to make immediate complaint for every offence against the provisions hereof; and one half of all fines shall be for the use of the prosecutor, and the other for the use of the town where the offence is committed.

Town officers may grant special license to auctioneers to sell on invoice. 1880, c. 182.

Fee.

SEC. 10. The municipal officers of any city or town *in this state*, may grant, upon presentation of an invoice or inventory of the property to be sold, which shall be produced unless said municipal officers shall decide that the same is unnecessary, a special license to any auctioneer, a legal voter in this state, to sell at public auction, between the hours of seven A. M. and six P. M., upon the payment of five dollars for each *and every* invoice or inventory; the above license fee to go to the use of said city or town.

CHAPTER 35.

PAWNBROKERS AND INTELLIGENCE OFFICES.

PAWNBROKERS.

- SEC. 1. License and removal of pawnbrokers and penalty for acting without license.
2. To keep accurate and particular account of all business done. Penalty.
 3. Twenty-five per cent. interest allowed on loan of twenty-five dollars, and six per cent. on larger.
 4. Time and mode of selling pawned property, and notice thereof. Penalty.
 5. Penalty for not paying over net proceeds of sale.

INTELLIGENCE OFFICES.

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

PAWNBROKERS.

License and removal of pawnbrokers, &c. R.S., c. 35, § 1.

SEC. 1. The municipal officers of any town may grant licenses to persons of good moral character to be pawnbrokers therein for one year, unless sooner removed by said officers for a violation of law regulating their business; and any person carrying on said business without a license, shall be liable to a penalty not exceeding one hundred dollars.

To keep an account of all business done, under a penalty. R.S., c. 35, § 2.

SEC. 2. Every pawnbroker shall keep a book, in which he shall enter the date, duration, amount and rate of interest of every loan made by him; an accurate account and description of the property pawned, and the name and residence of the pawner, and,

at the same time, deliver to said pawner a written memorandum signed by him, containing the substance of the above entry, and, at all reasonable times, submit said book to the inspection of any of the officers aforesaid; and for every violation of this section he shall forfeit twenty dollars.

SEC. 3. No pawnbroker shall directly or indirectly receive any rate of interest greater than twenty-five per cent. a year on a loan not exceeding twenty-five dollars, nor than six per cent. on a larger loan made upon property pawned, under a penalty of one hundred dollars for each offence.

SEC. 4. No pawnbroker shall sell any property pawned, until it has remained in his possession three months after the expiration of the time for which it was pawned; and all such sales shall be at public auction by a licensed auctioneer, and after notice of the time and place of sale, the name of the auctioneer, and a description of the property to be sold *are* [have been] published in a newspaper in the town, where the property is pawned, if any, and if not, [have been] posted in two public places therein at least two weeks before the sale; and all sales of such property otherwise made, shall be wholly void, and the pawnbroker, undertaking to make the same, shall forfeit twenty dollars for every such offence.

SEC. 5. After deducting from the proceeds of any sale as aforesaid the amount of the loan, the interest then due, and the proportional part of the expenses of sale, such pawnbroker shall pay the balance to the person entitled to redeem such property if no sale had been made; and if not so paid on demand, he shall forfeit double the amount so retained, one half to the use of the pawner, and the other to the use of the state.

INTELLIGENCE OFFICES.

SEC. 6. The municipal officers of any town may, upon payment of one dollar each, grant licenses to suitable persons for one year, unless sooner revoked after notice and for cause, to keep offices for the purpose of obtaining employment for domestics, servants, or other laborers, except seamen, or of giving information relating thereto, or of doing the usual business of intelligence offices; and no person shall keep such an office, without a license, under a penalty not exceeding fifty dollars for every day it is so kept.

SEC. 7. The penalties provided in this chapter may be recovered by complaint or indictment, in any court of competent jurisdiction, for the use of the state, when not otherwise appropriated.

CHAP. 35.

Rates of interest fixed.
R.S., c. 35, § 3.

Time and mode of selling pawned property, and notice thereof, fixed under a penalty.
R.S., c. 35, § 4.

Penalty for not paying over proceeds, &c.
R.S., c. 35, § 5.

Municipal officers may license intelligence offices.
Penalty.
R.S., c. 35, § 6.

Penalties, how recovered and appropriated.
R.S., c. 35, § 7.

CHAPTER 36.

PILOTS, SHIP OWNERS, WRECKS AND SHIPWRECKED GOODS,
LIGHTERS AND HARBORS.

PILOTS.

- SEC. 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 fees, hear complaints, and suspend or remove.
4. Liable for all damage to vessels caused by their fault.

SHIP OWNERS.

- SEC. 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.

- SEC. 7. Appointment, oath and bond of commissioners of wrecks. Remedy.
8. Their powers and duties.
9. Penalty for disobeying order of commissioner, how recovered, &c.
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. Final appeal to judge of probate allowed in certain cases.
13. Penalty for intermeddling with property after arrival of commissioner.
14. Commissioner to publish all particulars of wreck, under 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 pay, and how ascertained.

LIGHTERS AND HARBORS.

- SEC. 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 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.

PORT WARDENS.

- SEC. 23. Port wardens, appointment or election of, on petition.
24. Board of trade, if any, may appoint; otherwise, town officers.
25. Removal of port wardens. Vacancies how filled.

- SEC. 26. Qualification and term of office.
 27. Port wardens to keep record of their doings.
 28. Vessels arriving shall examine condition and stowage of cargo.
 Damaged cargoes, duties and relation to. Proviso.
 29. Vessels in distress. Duty of port warden.
 30. Wrecked or damaged vessels.
 31. Port wardens' fees.
 32. Jurisdiction of port wardens. Penalty for usurpation of their functions.

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PILOTS.

SEC. 1. The governor, with advice of council, may appoint pilots for any port, in which a majority of the ship owners and masters apply in writing therefor and recommend suitable persons; and give to each of them branches or warrants for the execution of the duties of their office; and *they* [such pilots] shall, before entering upon *the same*, [said duties] be duly sworn, and give bond to the treasurer of state in the sum of five thousand dollars for the faithful performance thereof.

Appointment, oath and bond of pilots.
 R.S., c. 36, § 1.

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

Their duty. Master may pilot his own vessel.
 R.S., c. 36, § 2.

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

Governor and council to fix fees, hear complaints, and suspend or remove.
 R.S., c. 36, § 3.

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

Liability for damage caused by their fault.
 R.S., c. 36, § 4.

SHIP OWNERS.

SEC. 5. No ship owner shall be answerable, beyond the amount of his interest in the vessel and freight, for any embezzlement, loss, or destruction, by the master and mariners, of any property put on board of such vessel; nor for any act of theirs without his privity or knowledge; but if several owners of property on the same voyage suffer damage as aforesaid, and the whole vessel and her freight for the voyage are not sufficient to compensate each of them, they shall be compensated by the owner of the vessel in proportion to their respective losses, and for that purpose, they or

Ship owners' liability to freighters.
 R.S., c. 36, § 5.
 65 Me., 545.

CHAP. 36. the owner of the vessel, or any of them, may prosecute a bill in equity for discovery and payment of the sum, for which said owner is liable to the parties entitled thereto.

Charterer deemed the owner, and responsible to the real owner.
R.S., c. 36, § 6.
65 Me., 545.

SEC. 6. For the purposes of the preceding section the charterer of any vessel, navigating the same at his own expense, shall be deemed the owner; and if any loss happens to any person, from the causes therein mentioned, and it is compensated from the freight or vessel, the owner thereof may recover the amount from the charterer.

WRECKS AND SHIPWRECKED GOODS.

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

R.S., c. 36, § 7.

SEC. 7. The governor, with the advice of council, may appoint in counties where needed, commissioners of wrecks and shipwrecked goods, removable at pleasure; each to be duly sworn and to give bond to the judge of probate for his county for the faithful discharge of his duties; and any person interested may have the same remedy for the breach of such bond, as on administrators' bonds.

Their powers and duties.
R.S., c. 36, § 8.

SEC. 8. Every such commissioner, immediately on receiving information of any shipwreck, or of finding any shipwrecked property of any kind, to the amount of one hundred dollars on any of the shores or waters within his county, shall repair to the place where the property is, and in case the same is not in the custody of any owner or agent, he shall take charge of it, and secure and preserve the same for the owner.

Penalty for disobeying order of commissioner, how recovered and appropriated.
R.S., c. 36, § 9.

SEC. 9. The commissioner, in such case, may employ as many persons as he thinks necessary, to assist in preserving the property; appoint guards to receive it; suppress all tumults and disorders; and *if* any person [who] disobeys any of his lawful orders, *he* shall forfeit for each offence a sum not exceeding ten dollars, to be recovered in an action on the case in the name of the commissioner, to the use of the town.

All property to be inventoried and delivered to owner.
R.S., c. 36, § 10.

SEC. 10. The commissioner shall on every such occasion, take an inventory of all the property that comes to his possession; and when required by any person interested, make oath to its truth; and deliver a copy thereof, if required, together with all the said property, to the person lawfully authorized to receive it; *provided* there is first paid or secured to him a reasonable compensation for his services, and such custom house duties and other charges, if any, as he has paid, or become liable to pay, on account of the property in question.

Commissioner to decide compensation of other persons.
R.S., c. 36, § 11.

SEC. 11. No person interested in any such property shall be held to pay to any person, other than a commissioner, any compensation for services or expenses in taking or securing *the* [any] property, except *for* property taken or secured before the arrival of

the commissioner; in which case the commissioner shall, upon due hearing of all parties interested, determine the amount of compensation by his award in writing; which shall be final, unless the sum awarded to any party exceeds fifty dollars.

SEC. 12. If the commissioner and the party interested disagree respecting the charges of the commissioner, or if the award aforesaid exceeds fifty dollars, any party aggrieved may appeal to the judge of probate for the county where the property is situated; who shall, either in vacation or term time, on due notice, decide the case in a summary manner, and issue, under the seal of the court, any process necessary to carry his decision into effect.

Appeal to judge of probate who may finally decide and enforce his decision.
R.S., c. 36, § 12.

SEC. 13. If any person, after the arrival of the commissioner and without his direction or that of some person interested, takes, detains, or intermeddles with any such property, he shall forfeit not exceeding one thousand dollars for each offence, to be recovered in an action of debt by the commissioner or any person interested, to his own use.

Penalty for intermeddling with property after arrival of commissioner.
R.S., c. 36, § 13.

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

Commissioner to publish all particulars of wreck.
Penalty.
R.S., c. 36, § 14.

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

When property may be sold to pay duties, and prevent its perishing.
R.S., c. 36, § 15.

SEC. 16. If no person interested appears within one year after such property is taken into custody, and establishes his claim thereto, the commissioner shall present, under oath, to the treasurer of state, an inventory of the property; and if sold, an account of the sales, with an account of all moneys paid by him as duties and expenses thereon; and pay and deliver to the treasurer the balance of such accounts, with all the property remaining in his hands for the use of the state; and if he neglects to do so for sixty days after the expiration of said year, the treasurer shall cause a suit therefor to be commenced for the use of the state.

Property to be accounted for to state treasurer after one year, and liability for neglect.
R.S., c. 36, § 16.

SEC. 17. The treasurer may make to the commissioner on the settlement of his account as aforesaid, a just compensation for his services and expenses, to be ascertained in case of disagreement between them, as provided in section twelve.

Treasurer to allow pay, and how ascertained.
R.S., c. 36, § 17.

LIGHTERS AND HARBORS.

SEC. 18. Every boat or lighter employed in carrying stones, sand, or gravel, shall be marked at light water mark, and at least

Lighters, carrying stone, sand

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or gravel, to be marked, and marks inspected and renewed yearly.
R.S., c. 36, § 18.

Penalty for using lighters unmarked, and for falsely marking.
R.S., c. 36, § 19.

Town officers to appoint inspectors, and regulate fees.
R.S., c. 36, § 20.

Alteration of capacity, &c.
R.S., c. 36, § 21.

Penalty for throwing ballast into any road, port or harbor, &c.
R.S., c. 36, § 22.
—or taking stone from shore or island.

Portwardens, appointment of.
1873, c. 147, § 1.

—by board of trade.
1873, c. 147, § 2.

—or by town officers.

—may be removed.
1873, c. 147, § 3.

at five other places, with figures four, twelve, sixteen, twenty-four, and thirty, legibly made on the stem and stern post thereof; expressing the weight such boat or lighter is capable of carrying, when the lower part of the respective numbers touch[es] the water in which it floats; and such marks shall be inspected yearly, and when found illegible in the whole or in part, they shall be renewed.

SEC. 19. The master or owner, who uses [his craft] without such marks, and any person, who falsely marks any such boat or lighter, shall forfeit fifty dollars, to be recovered by any person suing therefor in an action of debt.

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

SEC. 21. When such inspector thinks that the burden or capacity of any such boat or lighter is altered by repairs or otherwise, he shall forthwith ascertain the same anew, and mark it accordingly.

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

PORT WARDENS. (*)

SEC. 23. Port wardens shall be appointed or elected in any city or town situated on navigable waters in this state, upon the petition of ten or more citizens engaged in commercial pursuits therein.

SEC. 24. In any city or town aforesaid, wherein there is a board of trade duly incorporated by the laws of this state, said board of trade shall annually appoint or elect the port wardens. In any city or town aforesaid wherein there is no such board of trade, the municipal officers thereof shall annually appoint or elect the port wardens.

SEC. 25. Said boards of trade, by their managers, and said municipal officers by themselves, are authorized and required, upon complaint of any person aggrieved, after hearing, to remove for cause, forthwith, any port warden by them appointed or elected;

(*) As to appointment of harbor masters, see c. 3, § 62.

and the vacancy thereby created shall be filled by said authorities until the next annual meeting.

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—vacancies.

SEC. 26. Port wardens shall be men of commercial or nautical experience, and shall hold office one year from each election and until others are qualified in their stead, except when removed for cause, or when appointed or elected to serve out an unexpired term; and they shall be sworn faithfully to perform their duties.

Qualification and term of office.
1877, c. 203.

SEC. 27. Port wardens shall make a record of their doings and keep the same in their office for inspection at any time, free of charge, by any person interested therein.

—shall keep record of their doings.
1873, c. 147, §5.

SEC. 28. When requested by any person interested, port wardens shall proceed on board of any vessel on her arrival in port, and survey her hatches, and notice if they are properly caulked and secured; and if they have been opened by some person not a port warden, that fact shall also be noticed, and all the facts in relation to the hatches of said vessel shall be entered in the official record. They shall also examine the condition and stowage of the cargo of any vessel, and if any portion of it is found to be damaged, they shall inquire into and ascertain the cause of such damage, and shall make a memorandum of the same, noting particularly the marks and numbers of each damaged package thereof, and shall enter the same in full in the records of their office; and for the purpose of ascertaining the extent of said damage, they shall examine goods, wares, or merchandise of any description, in any warehouse or store, or on any wharf or at any place where the same may be; *provided*, the said goods, wares or merchandise are part of the cargo of any vessel, and are claimed to be damaged; and they shall note particularly the marks and numbers of every package examined by them and the extent of the damage it has received, and all the facts in relation thereto shall be entered in the records of their office.

—duty of port warden, on arrival of vessels.
1873, c. 147, §6.

—shall examine condition and storage of cargoes.

—duty of, in relation to damaged cargoes.

Proviso.

SEC. 29. When requested in writing by any person interested, port wardens shall also survey the cargo of any vessel arriving in port in distress; and shall make and record in the books of their office, a full and particular report of the condition of said cargo, and of their recommendations in relation to the disposal of such portions of the same as in their judgment may not be in condition for reshipment, reference being had to the best interests of all concerned.

Duty of port warden in case of vessels arriving in distress.
1873, c. 147, §7.

SEC. 30. When requested in writing by any person interested, port wardens shall also survey any vessel which may have suffered wreck or damage, or which may be deemed unseaworthy; and such port wardens shall call to their assistance one merchant and one shipwright, both of whom shall be competent and disinterested persons and shall be sworn faithfully to perform their duties in

—in case of wrecked or damaged vessels.
1873, c. 147, §8.

CHAP. 37. the examination and survey; and said surveyors and port wardens shall examine the hull, spars, sails, rigging and all the appurtenances of said vessel, and make and record in the books of the port warden's office a full and particular report of all the surveys by them held on said vessel, specifying what damage she has sustained and what repairs in their opinion are necessary to render her again seaworthy; and the aforesaid report shall be presumptive evidence of the necessity of such repairs and of the sufficiency of the same when made.

Port wardens, fees of office.
1873, c. 147,
§ 10.

SEC. 31. Port wardens shall be allowed fees to be paid by the person requesting their services as follows: For survey of hatches, two dollars; for each survey of cargo on shipboard, one dollar; for certificate of stowage of cargo, two dollars; for each subsequent certificate, one dollar; for each survey to ascertain extent of damage, two dollars; and for each certificate thereof, two dollars; for each survey required by section twenty-nine, four dollars; for each certificate thereof, two dollars; on each survey as required by section thirty, for each person two dollars; for each certificate thereof, two dollars.

—jurisdiction of.
1873, c. 147,
§ 11.

Penalty for performing duties of port warden without authority.

SEC. 32. In the cities and towns for which they are appointed or elected, port wardens shall have exclusive jurisdiction in all matters pertaining to their duties, as specified in the provisions of this chapter; and any person not a port warden who shall perform or attempt to perform any of the duties specified in this chapter as the duties of a port warden, in any city or town wherein there is a port warden, shall forfeit and pay for each offence the sum of one hundred dollars, to be recovered in an action of debt in any court having jurisdiction thereof by any person suing for the same.

CHAPTER 37.

ASSAYERS OF ORES AND METALS.

Assayers, their appointment, oath, duty and compensation.

Assayers, their appointment, oath, duty, and compensation.
R. S., c. 37.

The governor with advice of council, may appoint one or more suitable persons to be assayers; who shall be duly sworn, and [shall] assay such ores, metals, and other substances, requiring chemical analysis, as are offered for that purpose, and give a certificate thereof; for which they shall receive a reasonable compensation from their employers.

CHAPTER 38.

INSPECTION AND SALE OF AGRICULTURAL PRODUCTIONS, AND MARKING SHEEP.

BEEF AND PORK.

- SEC. 1. Appointment, removal, oath and bond of inspector general of beef and pork.
2. He shall appoint deputies, and be liable for their misconduct.
 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 are 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, &c. "Light salted" beef and pork may be packed by giving bond to inspector.
 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, their contents and materials.
 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 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 duly inspected. Master of vessel to produce certificate from inspector, and make oath to its truth before clearance.
 24. Purchasers of beef or pork may demand inspection. Penalty if seller refuses or neglects to cause inspection.
 25. Penalty for shipping, exporting or having on board uninspected salt beef or pork.
 26. How the same may be seized.
 27. The officer seizing to libel the same forthwith; forfeiture, &c.

- CHAP. 38. SEC. 28. Inspector general and deputies to make annual returns.
 29. Inspector general may administer oaths.
 30. By what scales beef and pork are to be weighed.
 31. Municipal officers may appoint weighers of beef under oath.
 32. Weigher's certificate.
 33. Penalty for purchasing dead beef cattle without weighing, unless agreed.
 34. Hides to be weighed and certified by inspector.
 35. Penalties, how recovered and appropriated.

FLOUR.

- SEC. 36. Appointment of inspectors of flour authorized.
 37. Inspectors to be sworn and receive a certificate of appointment.
 38. Inspection how made and duties of inspectors defined.
 39. Penalty for fraudulent marks.
 40. Penalty for alteration of inspection marks.
 41. Purchaser may require inspection before delivery. Fees, by whom paid.
 42. Duties of inspectors in relation to sample packages.
 43. Sales legal without inspection if not demanded.

MILK.

- SEC. 44. Inspectors shall be appointed.
 45. Duties of such inspectors.
 46. All vessels used in sale of milk to be annually sealed and marked by ale and beer measure.
 47. Penalty for selling or offering for sale impure milk.

COMMERCIAL MANURES.

- SEC. 48. Commercial manures to be labeled with name of manufacturer and percentage of chemical constituents. Penalty. Secretary of board of agriculture may procure analysis and prosecute offenders.
 49. Purchaser may recover penalty if constituents are not as stated in label.
 50. Definition of term soluble and insoluble phosphoric acids as here used.

HAY.

- SEC. 51. Pressed hay to be marked with name and residence of person putting it up. Penalty.
 52. Penalty for master of vessel taking hay on board not branded.

MEASURES OF SALT, CORN AND GRAIN.

- SEC. 53. Appointment, oath and fees of measurers, and capacity of hogshead of salt. Measured by measurer, when buyer or seller request.

WEIGHT OF CORN, GRAIN, MEAL, VEGETABLES AND HAIR.

- SEC. 54. Standard weight fixed; right of buyer or seller to have them weighed.

BOUNTY ON SILK.

- SEC. 55. Treasurer of town to pay bounty on cocoons and silk raised therein, keep account thereof, and present the same to legislature for payment.

BOUNTY ON BEET SUGAR.

- SEC. 56. Governor and council may pay bounty on beet sugar.

MARKING SHEEP.

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SEC. 57. Owners of sheep may have a distinctive mark therefor, and cause it to be recorded by town clerk. His fees therefor.

HORSE RECORDS.

SEC. 58. Pedigree of advertised stallions to be recorded in registry of deeds.
Fee. Penalty for neglect.

BEEF AND PORK.

SEC. 1. The governor, with advice of council, when a vacancy occurs, shall appoint some skillful person to be inspector general of beef and pork, removable at pleasure; and he shall be sworn and give bond with sufficient sureties in the sum of four thousand dollars to the treasurer of state for the faithful discharge of his duties, before entering thereon.

Appointment, removal, oath and bond of inspector general of beef and pork.
R.S., c. 38, § 1.

SEC. 2. The inspector general shall appoint one or more deputies in every port in this state, whence beef and pork are exported, and a convenient number in the several counties; and shall be responsible for their neglect or misconduct whilst acting under him; and when the office of inspector general becomes vacant, they may continue to discharge the duties of the office, until a successor is appointed; and they shall be accountable to the state.

He shall appoint deputies, and be liable for their misconduct, &c.
R.S., c. 38, § 2.

SEC. 3. Every deputy shall be duly sworn and give bond to the inspector general, with sureties to his satisfaction, for the faithful performance of his duty, in a sum not less than three hundred, nor more than one thousand dollars; and the bond shall be so expressed as to inure to the use of the state, for the time the deputy exercises his duties during a vacancy in the office of inspector general.

Deputies to be sworn and give bond.
R.S., c. 38, § 3.

SEC. 4. No inspector or deputy shall be concerned, directly or indirectly, in the beef or pork business, or in buying or selling it for barrelling, so long as he holds such office. Any one violating *the provisions of* this section, shall forfeit twenty dollars, and forever after be disqualified from holding such office.

Shall not be concerned in the beef and pork business, under a penalty.
R.S., c. 38, § 4.

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

General duties of inspectors.
R.S., c. 38, § 5.

SEC. 6. Such officer shall not be liable for neglecting or refusing to attend. Not obliged

CHAP. 38. ing to commence *upon* any inspection or other service, before all to act till all the charges for inspecting, cutting, salting, coopering, and branding such beef or pork are either paid or satisfactorily secured to R.S., c. 38, § 6. him.

Beef and
pork how
packed.
R.S., c. 38, § 7.

SEC. 7. When the inspector or his deputy has inspected and assorted any beef or pork, as hereinafter directed, he shall with the assistance, if necessary, of laborers and coopers in his employ, and for whose conduct he shall be responsible, cut, weigh, pack, salt, and cooper said beef and pork in barrels or half barrels, as hereinafter required.

The age of
beef cattle,
and how cut
up.
R.S., c. 38, § 8.

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

How to be
assorted and
branded, &c.
R.S., c. 38, § 9.

SEC. 9. Excepting as provided in sections ten and twelve all beef which the inspector or his deputy on examination finds to have been killed at a proper age, and otherwise good and merchantable, shall be by him divided into five different sorts for packing or repacking; to be denominated and branded mess, number one, prime, cargo, and hearts and cheeks.

Mess beef shall consist of oxen, cows, and steers well fattened, of three years old and upwards, and weighing six hundred pounds and upwards; the shin, shoulder, clod and neck shall be taken from the fore quarters, and the leg and the leg round from the hind quarters; and each barrel and half barrel, containing beef of this description, shall be branded on one of the heads with the words, "mess beef."

Number one shall consist of oxen, cows, steers, and heifers not under three years old and weighing not under four hundred pounds, and to average five hundred and twenty pounds, without any necks or shanks. On one head of each barrel or half barrel, containing beef of this description, shall be branded "number one."

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

Cargo beef shall consist of those parts of beef, which are excluded from mess, number one, and prime, not including hearts and cheeks; and shall be packed and inspected by the inspector general, or his deputy, in the same manner as No. 1, or prime, and branded "cargo beef;" first taking from the parts excluded as aforesaid, namely, from the end of the neck not less than four pounds nor more than six, and from the shank and shin of each

quarter not less than four pounds nor more than eight; which pieces thus taken off shall not be exported from this state. CHAP. 38.

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

SEC. 10. The inspector or his deputy may also, at the request of the owner or agent, inspect and pack the following descriptions of beef, viz.:

May by request be packed and branded.
R.S., c. 38, § 10.

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

Choice pieces of oxen, steers, cows, and heifers, of three years old and upwards, weighing four hundred pounds or more, and to average five hundred and fifty pounds, excluding the parts aforesaid, to be cut into pieces of as nearly ten pounds as practicable, and to be branded "navy mess."

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

Mode of salting beef.
R.S., c. 38, § 11.

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

The round, neck and chines may be reserved for jerking, &c.
R.S., c. 38, § 12.

SEC. 13. Excepting as provided in the next section, all pork packed, or repacked, in barrels or half barrels for exportation, shall be divided into seven different sorts, to be denominated and branded, respectively, extra clear, clear, bone middlings, navy mess, number one, prime and cargo pork; and in all cases the following parts shall be taken out as refuse, viz.: nose pieces or faces, ears, brains, tail, feet, and lard.

Pork for exportation divided into seven sorts.
R.S., c. 38, § 13.

The two kinds of clear pork shall consist of the best pieces of

Clear and extra clear.

CHAP. 38. large well fattened healthy hogs, weighing three hundred pounds or upwards, free from bones or the lean part of the meat, excepting the ends of the ribs and the brisket; and extra clear pork shall consist of such pieces, not less than three and a half inches thick, in the thickest part of such pieces, clear of lean; and the clear pork of such pieces not less than two inches and a half thick, in the thickest part of such pieces, clear of lean.

Bone middlings.

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

Navy mess.

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

Number one.

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

Prime.

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

Cargo.

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

Pork heads and feet, and mess pork.
R.S., c. 38, § 14.

SEC. 14. Barrels or half barrels filled with pork heads or feet shall be so branded; and the inspector general or his deputy, at the request of the owner or agent, may inspect, cut, weigh, pack, or repack, salt, cooper or brand, pork of the following description, which shall be branded mess pork, viz.: every part, except the heads, legs, shanks and lard, of well fattened hogs, in good condition, weighing from two hundred to three hundred pounds, and averaging two hundred and fifty pounds.

Pork, how salted; barrels, how branded, &c.
R.S., c. 38, § 15.

SEC. 15. Every barrel of pork shall be well salted with seventy pounds, and every half barrel with thirty-five pounds, of clean coarse salt, exclusive of a strong pickle, except as provided in section twelve; shall be branded on one of the heads with the quality of the pork it contains; and each barrel of beef or pork for expor-

tation shall contain two hundred pounds; and each half barrel one hundred pounds; and the casks shall be made of good, seasoned, rift white oak, white ash, or maple staves and headings, free from any defect.

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

The half barrels shall contain not less than fifteen, nor more than fifteen and a half gallons, to be hooped like barrels.

SEC. 17. The pork barrels shall measure seventeen inches and *one* [a] quarter between the chimes, and contain not less than thirty-one gallons nor more than thirty-one gallons and *one* [a] half; and be hooped like beef barrels; and all the beef and pork barrels and half barrels aforesaid shall be branded on the bilge with the manufacturer's name.

SEC. 18. Every barrel and half barrel of pork and beef, packed or repacked for exportation, shall be branded with the initials of the christian [name] and the whole of the surname of the inspector who inspected the same, with the name of the town where, and the month and year, in full, or intelligibly abridged, in which [it is] inspected, and the actual weight, in legible letters and figures, with the addition of the word, "Maine." Every barrel or half barrel of beef, marked "extra mess, navy mess, number one," or "prime;" or of pork, marked "extra clear, clear, bone middlings," or "navy mess," shall be branded with the name of the person for whom the same was packed.

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

SEC. 20. No deputy shall inspect or brand any cask of beef or pork out of the district for which he was appointed, under penalty of fifty dollars; and no person, other than the inspector and his deputies, shall stamp or brand any cask of beef or pork, with *the* intent that the same shall pass as inspected and branded according to law, under penalty of twenty dollars for each offence.

SEC. 21. When any beef is reserved for exportation agreeably to *the provisions of* section twelve, the hogshead or other package containing it, when exported, shall be branded on one head with

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Dimensions of beef barrels and half-barrels; R.S., c.38, §16.

Also of pork barrels and half-barrels, &c. R.S., c.38, §17.

The brand of the inspector and owner. R.S., c.38, §18.

Penalty for inspector branding packages not inspected by him, &c. R.S., c.38, §19.

Penalty for deputy inspecting out of his district, &c. R.S., c.38, §20.

Penalty for not branding beef reserved for

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exportation.
R.S., c. 38, § 21.

the name of the owner and of the town where he resides, under the penalty of one dollar for each package not branded; and the feet, ears, and faces of pork, when separated from the cheek part of the head, or any other pieces herein prohibited, shall not be exported under the brand "refuse," or any other brand allowed for pork to be exported.

Penalty for mixing inspected beef and pork with uninspected.
R.S., c. 38, § 22.

SEC. 22. If any person intermixes, takes out, or shifts, any beef or pork, *out of* [from] any cask inspected or branded as hereby required, or puts in any other beef or pork for sale or exportation with a fraudulent intent, he shall forfeit twenty dollars for each offence.

Penalty for transporting, shipping, or offering for sale beef or pork not inspected, &c.
R.S., c. 38, § 23.

SEC. 23. No pork or beef, except hams reserved for pickling or smoking, packed in *this* [the] state or imported into it in barrels, half barrels, or other casks not bearing the name and brand of an inspector of some one of the United States, showing the quality and quantity thereof, shall be transported out of the state, or shipped, sold, or offered for sale therein, for exportation, under a penalty of ten dollars for each package; nor shall any salted beef or pork be exported from the state, unless the master or owner of the vessel produces to the collector or other officer of the United States, granting a clearance, a certificate from the inspector general or his deputy, that it is inspected and branded according to law, and each certificate shall express the number of barrels and half barrels of beef or pork of each sort; and, on producing such certificate, he shall take and subscribe the following oath before said officer, namely:

—certificate of inspector to be produced by owners or master of vessel.

—oath.

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

Purchaser of beef or pork may demand inspection.
R.S., c. 38, § 24.

SEC. 24. When any beef or pork, packed in barrels, half barrels, or casks, not bearing the name or brand of an inspector of this state or some one of the United States, is sold or offered for sale in this state, the purchaser thereof may, at the time of purchase, demand an inspection conformable to the laws of this state, and in case of refusal or neglect of the seller to cause the same to be properly inspected and branded, and to pay all charges thereon, he shall forfeit and pay not less than ten dollars for each package sold, to be recovered as provided *for* in section thirty-five; but the purchaser shall be entitled to damages for any deficiency in quality or quantity, if purchased without inspection.

—penalty if seller refuses or neglects to cause inspection.
—how recovered.

SEC. 25. If any person exports or ships for exportation out of this state any salted beef or pork, not inspected and branded, as herein directed, every owner or shipper thereof privy to such offence, shall forfeit six dollars, and the master of every vessel, having on board such uninspected beef or pork, two dollars, for every such cask.

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Penalty for shipping, exporting or having on board uninspected salt beef or pork. R.S., c. 33, § 25.

SEC. 26. Any trial justice on complaint made to him, that any such beef or pork is put on board any vessel in his county for exportation, may issue his warrant directed to the proper officer, requiring him to seize and secure the same for trial; or the inspector general or his deputy may, on like information, seize and secure the same for trial.

How the same may be seized. R.S., c. 33, § 26.

SEC. 27. The officer, making such seizure, shall, as soon as may be, file a libel or information thereupon in any court proper to try the same; and if upon trial it appears that such beef or pork was thus shipped against the provisions hereof, it shall be liable to forfeiture according to law; one-half to the use of the state, and the other [half] to the use of the officer seizing and prosecuting therefor.

The officer seizing to libel same; forfeiture, how appropriated. R.S., c. 33, § 27.

SEC. 28. Every deputy inspector shall make an annual return to the inspector general of the number of barrels and half barrels of beef and pork inspected by him; and the inspector general in the month of January annually, shall make a return, up to the first day of December, into the office of the secretary of state, of the whole number of barrels and half barrels inspected by him and his deputies the preceding year, under each of the respective brands used by them; designating in the return the different sorts, and places where inspected.

Inspector general and deputies to make returns. R.S., c. 33, § 28.

SEC. 29. The inspector general may administer the several oaths required of his deputies or of others, pertaining to the business of his office.

Inspector general may administer oaths. R.S., c. 33, § 29.

SEC. 30. 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 steelyard invented by Benjamin Dearborn, the vibrating steelyard invented or improved by Samuel Hills, or the Fairbanks' scales, sealed according to law, under penalty of ten dollars.

By what scales beef and pork are to be weighed. R.S., c. 33, § 30.

SEC. 31. The municipal officers of towns, where beef cattle are sold for immediate consumption or for barrelling, shall appoint one or more suitable persons not dealers in cattle, to be weighers of beef, and they shall be duly sworn.

Town officers to appoint sworn weighers of beef. R.S., c. 33, § 31.

SEC. 32. All beef sold as aforesaid, shall be weighed by the sworn weighers, and certificates of the weight of all the beef, hide,

Weigher's certificate.

CHAP. 38. and tallow of each head of cattle shall be signed by said weighers, R.S.,c.33,§32. and delivered to the seller thereof in the form following, viz. ;

“This certifies, that I have duly weighed the cattle, brought by ———, of ———, from ———, of ———, this ——— day of ———, 18— :

| | | | | | |
|-----------------|--|--|--|--|--|
| Beef, | | | | | |
| Hido, | | | | | |
| Tallow, | | | | | |
| Total, | | | | | |

A. B., *Sworn Weigher.*”

Penalty for purchasing dead beef cattle without weighing unless agreed.
R.S.,c.33,§33.

SEC. 33. Any person, purchasing for market or exportation beef cattle not weighed pursuant to the foregoing provisions, other than live cattle, and except when the weight or mode of weighing is agreed upon expressly by the buyer and seller, shall forfeit thirty dollars for each offence.

Hides to be weighed and certified by inspector.
R.S.,c.33,§34.

SEC. 34. The inspector general and his deputies, by themselves or by other persons by them appointed and sworn, shall weigh all hides taken from cattle slaughtered for barrelling, making reasonable deduction for tare and drainage ; and give a certificate, specifying the gross weight and the deductions made as aforesaid.

Penalties, how recovered and appropriated.
R.S.,c.33,§35.

SEC. 35. All the foregoing fines and forfeitures, not herein otherwise provided for, may be recovered by action of debt, complaint, or indictment, in any competent court, one half to the person prosecuting, and the other [half] to the town where the offence is committed.

FLOUR.

Manufacturers and dealers not eligible as inspectors.
R.S.,c.33,§36.

SEC. 36. The municipal officers of towns may appoint annually in their towns, one or more suitable persons not interested in the manufacture and sale of flour, to be inspector thereof for the period of one year from the date of appointment.

Inspectors to be sworn and receive certificate of appointment.
R.S.,c.33,§37.

SEC. 37. Such inspector before entering upon the duties of his office, shall be sworn to the faithful and impartial discharge of the same before the town clerk who shall upon payment of a fee of fifty cents, give him a certificate of his appointment and qualification, which shall be exhibited on the demand of any person interested in any inspection made by him.

Inspection, how made, and duties of inspectors, defined.
R.S.,c.33,§38.

SEC. 38. Inspection of flour shall be for the purpose of ascertaining its soundness ; and every package inspected shall be opened sufficiently to allow a trier to be passed through it, and a sample of the whole length of the passage shall be taken out and examined by the inspector, who shall mark upon each package with a brand, or stencil, the word “Sound” or the word “Unsound” as the

quality of the flour contained in each shall be found, and his name, residence, office, and the year of inspection. He shall keep a record of all flour inspected by him, in a book kept for that use, which he shall exhibit to any person requiring it.

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Inspectors to keep record and exhibit same.

SEC. 39. Every inspector who falsely and fraudulently marks any package of flour, shall be punished by a fine of five dollars for each package so marked, and shall forfeit to any person injured thereby, three times the amount of damage, to be recovered in an action of debt.

Penalty for fraudulent marks, &c.
R.S., c. 38, § 39.

SEC. 40. Every person who, with intent to defraud, alters, obliterates or counterfeits the marks of any inspector, and every person who, with such intent, places upon any package of flour, marks which falsely purport to be inspection marks shall, for every offence be punished by fine not exceeding fifty dollars, and on conviction of so doing on as many as ten packages at one time, shall also be punished by imprisonment in the county jail not exceeding ten months.

Penalty for alteration, &c., of inspection marks.
R.S., c. 38, § 40.

SEC. 41. Any person buying flour, may require it to be inspected before it is delivered. The fees of the inspector shall be five cents a package, for lots of less than ten packages; for lots of more than ten and not exceeding twenty packages, two cents a package; and for any and every package exceeding twenty, one cent, to be paid by the person demanding inspection.

Purchasers of flour may require inspection before delivery. Fees and by whom paid.
R.S., c. 38, § 41.

SEC. 42. The inspectors of flour shall, when required, determine whether it conforms to and equals the sample furnished to them, and shall mark, with some distinct and intelligible mark, the packages that are found like the sample, and for this service they may charge an additional compensation of one half cent *per* [a] package.

Duties of inspectors in relation to sample packages.
R.S., c. 38, § 42.

SEC. 43. Nothing herein contained shall be held to prohibit, or render illegal any contract for the manufacture, or sale of flour, which has not been inspected, when inspection is not required by the buyer or the seller.

Foregoing inapplicable if inspection is not demanded.
R.S., c. 38, § 43.

MILK.

SEC. 44. The municipal officers of towns containing not less than three thousand inhabitants shall, upon the application of ten legal voters therein, annually appoint one or more persons to be inspectors of milk, who shall, before entering upon the discharge of their duties, be sworn, and shall give notice of their appointment by publishing the same two weeks in a newspaper published in their towns, or if no newspaper is published therein, by posting up such notice in two or more public places in said towns.

Inspectors of milk shall be appointed in towns of not less than 3000 inhabitants.
R.S., c. 38, § 44.

SEC. 45. Inspectors shall keep an office and books for the purpose of recording the names and places of business of all persons

Duties of inspectors.
R.S., c. 38, § 45.

CHAP. 38. engaged in the sale of milk within their limits. They may enter any place where milk is kept or stored for sale, and examine all carriages used in the conveyance of the same, and when they have reason to believe any milk found therein is adulterated, they shall take specimens thereof, and cause the same to be analyzed or otherwise satisfactorily tested, the result of which they shall preserve as evidence, and shall prosecute for all violations of the two following sections.

All vessels used in sale of milk to be annually sealed and marked.
1872, c. 68.

SEC. 46. All measures, cans, or other vessels used in the sale of milk, shall annually be sealed by the sealer of weights and measures by ale and beer measure, and shall be marked by the sealer with figures indicating the quantity which they hold, and whoever fraudulently sells by any other measure, can or vessel, shall forfeit twenty dollars for each offence.

Penalty for selling or offering for sale injurious milk.
R.S., c. 33, § 47.

SEC. 47. Whoever acting for himself or as the employee of another, knowingly or willfully sells or offers for sale, milk from cows diseased, sick, or fed upon the refuse of breweries or distilleries, or upon any substance deleterious to its quality, or milk to which water or any foreign substance *is* [has been] added shall forfeit twenty dollars for the first, and fifty dollars for every subsequent offence; to be recovered by complaint or indictment before any court having jurisdiction of the same, to the use of the town where the offence is committed.

COMMERCIAL MANURES.

Packages of commercial fertilizers to be properly labelled.
R.S., c. 38, § 48.
1878, c. 17, § 1.

Names and places of business, chemical constituents.
Penalty.
1878, c. 17, § 2.

Analysis procured.
1878, c. 17, § 3.

Purchaser may recover from seller if constituents are not as stated in label.
R.S., c. 38, § 49.

SEC. 48. To every package containing fifty pounds or more of commercial manure or fertilizer sold, or kept for sale, at over one cent a pound, unless prepared essentially from fish and sold as such, shall be affixed a printed label, specifying the name and place of business of the manufacturer and seller, the weight of the package, and a true analysis of its chemical elements, and particularly the percentage of soluble phosphoric acid, insoluble phosphoric acid, and ammonia. The penalty for every violation of this section shall be one hundred dollars, and the secretary of the state board of agriculture may procure the analysis of any fertilizer offered for sale, and prosecute any offender.

SEC. 49. Any purchaser of commercial manures bearing such label, and containing less percentage than stated therein, may recover from the seller, in an action for debt, twenty-five cents for every pound of soluble phosphoric acid, six cents for every pound of insoluble phosphoric acid, and thirty-five cents for every pound of ammonia deficient therein.

Soluble and insoluble phosphoric acid defined.
R.S., c. 38, § 50.

SEC. 50. By the term soluble phosphoric acid, is meant such acid in any form or combination readily soluble in pure water; and by the term insoluble phosphoric acid, is meant such acid in

any combination which requires the action of acid upon it to cause it to become readily soluble in pure water. CHAP. 38.

HAY.

SEC. 51. All hay pressed and put up in bundles shall have written, printed or stamped on bands or boards made fast to the same, the first letter of the christian [name], and the whole of the surname of the person putting up the same, *and* with the name of the state, and the place where such person lives. *And* any person offering for sale or shipment, any pressed hay not marked as aforesaid, shall *be liable to a fine of* [forfeit] one dollar for each bale so offered, to be recovered by complaint *before any court of competent jurisdiction.*

Pressed hay to be marked with name and residence of person putting up same. 1874, c. 224. 54 Me., 149. 64 Me., 397. 71 Me., 82. —penalty.

SEC. 52. If the master of any vessel takes on board pressed hay not marked as aforesaid, he shall forfeit one dollar for each bundle so received, to be recovered as in the preceding section.

Penalty for taking on board of vessels hay not marked. 1874, c. 224.

MEASURERS OF SALT, CORN AND GRAIN.

SEC. 53. The municipal officers of towns *are authorized* [may] annually to appoint measurers of salt, corn and grain therein, who shall be duly sworn, and receive such fees from the purchaser as said officers establish; and in every contract made in *this* [the] state for the sale of salt by the hogshead, such hogshead shall consist of eight bushels; and when the buyer or seller requests, salt, corn, or grain in places where such measurers live, shall be measured by them.

Appointment, oath and fees of measurers, &c. R.S., c. 38, § 55.

WEIGHT OF CORN, AND GRAIN, MEAL, VEGETABLES, AND HAIR.

SEC. 54. The standard weight of a bushel of potatoes in good order and fit for shipping shall be sixty pounds; of apples, in good order and fit for the market, forty-four pounds; of wheat, sixty pounds; of corn, fifty-six pounds; of barley and buckwheat, forty-eight pounds; of carrots, fifty pounds; of onions in good order and fit for shipping, fifty-two pounds; of ruta бага, sugar beets, mangel wurzel, and turnip beets in like condition, sixty pounds; of English turnips in like condition, fifty pounds; of beans, sixty-two pounds; of peas, sixty pounds; of rye and Indian meal, fifty pounds; of oats, thirty pounds, or strike measure; of Turk's Island, or other coarse grades of salt, seventy pounds, and of Liverpool, or other fine grades, sixty pounds; 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 refuses so to do, he shall forfeit twenty cents for each bushel, to the person prosecuting therefor within thirty days.

The standard weight fixed, &c. R.S., c. 38, § 56. 1874, c. 167.

1878, c. 7.

1881, c. 29.

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BOUNTY ON SILK.

Treasurer of town to pay bounty on cocoons and silk, &c.
R.S., c. 38, § 57.

SEC. 55. The treasurers of 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* [the] state, to the person raising it 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 each treasurer shall keep an account of the money so paid, and present it, verified by his oath, to the legislature next thereafter, and being found correct, it shall be allowed and paid from the state treasury.

BOUNTY ON BEET SUGAR.

Governor and council authorized to pay a bounty on beet sugar manufactured in the state.
1877, c. 184.

SEC. 56. The governor and council may, upon such terms and conditions as they *shall* deem advantageous to the state, contract with any responsible party or company, to pay said party or company a sum not exceeding one cent a pound, on all beet sugar manufactured in the state, from beets raised in the state; the amount of bounty, so paid, not to exceed seven thousand dollars in any one year, and not to exceed ten years from the time of the payment of the first bounty money.

MARKING SHEEP.

Owner of sheep shall have a distinctive mark, to be recorded by town clerk.
R.S., c. 38, § 58.

SEC. 57. All owners of sheep shall mark them 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 their town in a book kept for that purpose, paying the clerk eight cents therefor.

RECORD OF STALLIONS.

Record of advertised stallions to be filed with register of deeds.
1873, c. 135, § 1.
See c. 7, § 17.

SEC. 58. The owner or keeper of any stallion for breeding purposes, before advertising, by written or printed notices, the services of said stallion, shall file a certificate with the register of deeds in the county where said stallion is owned or kept, stating name, color, age, [and] size, together with the pedigree of said stallion as fully as attainable, and the name of the person by whom said stallion was bred. Any person who neglects to make and file such certificate shall not recover any compensation for the services aforesaid, and if he knowingly and willfully makes and files a false certificate of the statements aforesaid, [he] shall forfeit one hundred dollars, to be recovered by complaint, indictment or action of debt for the use of the county where the offence is committed.

—penalty for neglect.
1873, c. 135, § 2.

CHAPTER 39.

INSPECTION AND SALE OF MANUFACTURED ARTICLES.

LIME AND LIME CASKS.

- SEC. 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, dimensions and materials of casks, and how branded, with name of manufacturer of lime, and of casks.
 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 lime not lawfully branded, or shifting lime after it is branded. Inspector or deputy liable for damages.
 5. Penalty for attempting to sell or buy lime casks or lime in casks not made conformable to law. Lien 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.

- SEC. 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.
 10. Penalty for attempting to transport such ashes without inspection. Inspector may search vessels and seize and libel unbranded ashes. Penalty for obstructing inspector.
 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 deputies to make annual returns to secretary of state.

NAILS.

- SEC. 14. Appointment, oath and bond of inspector and his deputies.
15. Inspection and branding of 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, or 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.

CHAP. 39. SEC. 22. Inspectors to make annual returns. Deputies, quarterly.

PAPER.

- SEC. 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.

- SEC. 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, &c.

BOTTLED SODA, MINERAL WATERS AND SMALL BEER.

- SEC. 28. Trade marks of bottles and syphons protected. How secured.
29. Unlawful use or defacing of trade marks forbidden. Penalty.

OILS.

- SEC. 30. What shall be deemed pure sperm oil. Penalty for selling adulterated oil for pure sperm, appropriation thereof, and liability to purchaser.

PETROLEUM, COAL OIL AND BURNING FLUID.

- SEC. 31. Inspectors of petroleum, coal oil and burning fluid, to be appointed.
32. What casks shall be marked unsafe for illuminating purposes. Penalty if inspector knowingly affixes false marks.
33. Manufacturers required to cause casks, &c., to be inspected and marked. Remedy for neglect, and penalty for selling without inspection and marking.
34. Right and duty of municipal officers.

FIRE ARMS.

- SEC. 35. Appointment of provers of fire arms. Their duty to prove and mark all fire arms and give a certificate.
36. Penalty for selling or attempting to sell new and unused barrels before proof, and for falsely altering the mark or certificate of a prover, and how recovered and appropriated.

LIME AND LIME CASKS.

SEC. 1. The governor with advice of council, when a vacancy occurs in any town, shall appoint one resident citizen thereof, to be inspector of lime and lime casks therein, to hold his office for four years, unless sooner removed; and he shall be duly sworn, and give bond with sufficient sureties for the faithful performance of his duties, before entering thereon, to the treasurer of his county in the following sums:

The inspector of Rockland, five thousand dollars; of Thomaston and Camden, three thousand each, and of every other town, two thousand each, to be approved by the county commissioners; and

Appoint-
ment and
oath of in-
spectors and
their depu-
ties, and
the amount
of their
bonds.

R.S., c. 39, § 1.

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each inspector may appoint in his town as many deputies as are necessary, for whom he shall be answerable, to be duly sworn and give bond to their principal for one thousand dollars with sufficient sureties.

SEC. 2. It shall be the duty of each inspector, by himself or deputy, to inspect all lime manufactured in his town, with the casks therefor, at the time they are filled at the kiln where it is burnt; see that in all respects the lime and casks conform to law, and brand each cask as herein provided. All well burned, pure, fine grained lime, of a white or yellowish color, manufactured for the purpose of being shipped or sold, shall be contained in casks well filled, one head of which shall be branded with the name of the town or particular locality where the lime was burnt with letters not less than one inch in length, the initials of the christian [name] and the whole of the surname of the inspector or deputy, the word "inspected" and the figure "1" and the word "quality", in a legible manner. But instead of being branded, such marks of the inspector may be made upon the casks with paint, if done in a suitable and legible manner, with letters of the length hereinbefore provided. All black, dark, impure lime manufactured for the purpose of being shipped or sold shall be contained in casks well filled and branded with the figure "2" and the word "quality", in a legible manner upon each cask. But no person is hereby deprived of the right to put up and brand lump lime in the manner now practiced, if it is included in that first above named.

Lime, inspectors of, duties. 1874, c. 265, §1.

First quality, how inspected and branded.

Casks may be marked.

Impure lime, how branded.

Lump lime.

SEC. 3. No lime manufactured in the state shall be sold, exposed for sale or shipped on board any vessel in casks *but such as* [unless it] is contained in casks made of sound and seasoned staves and headings, well fired on the inside, with at least eight good and strong hoops on each, all which hoops shall be of oak, ash, beech, birch, maple, cherry or elm wood, well driven and secured with nails, and duly inspected and branded as provided in the preceding section, the staves of said casks to be made of sawed or rift timber, not less than thirty inches in length and half an inch thick on the thinnest edge; each of the heads to be not less than three-fourths of an inch thick and well crozed in, each hoop to be not less than one inch wide in the narrowest part, and each cask to be not less than twenty-six inches in length between the heads, sixteen inches in width between the chimes, and eighteen inches in the clear on the inside at the bilge at the time of inspection, and made in a workmanlike manner to hold lime; and before any lime is inspected the manufacturer thereof shall brand on the head of each cask, with letters not less than one inch in length, the first letter of his christian name and the surname at length, with the letters "Man'r"; and all lime casks shall be branded on the out-

Lime exposed for sale, how packed. —casks, description and quantity of. 1874, c. 265, §2.

Casks to be branded with name of manufacturer on the head.

—on bilge.

CHAP. 39. side of the bilge with the initials of the christian [name] and the whole of the surname of the manufacturer thereof.

Penalty for inspector or deputy branding casks of lime not inspected by him, &c.
R.S., c. 39, § 4.

SEC. 4. No inspector or deputy shall brand any casks of lime, not inspected by him, or not conformable in all respects to the provisions hereof, nor permit any other person unlawfully to use his brands; and no person shall sell, expose to sale, lade or receive, on board any vessel, any lime in casks not made, inspected and branded according to law; nor shift the contents of any lime cask branded as aforesaid, with intent to sell the same as inspected, under a penalty of one dollar for each cask thus illegally dealt with; and such inspector or deputy shall also be liable, in an action on the case, to any party for all the damages he sustains by such misdoings; and in case the misdoings are on the part of the deputy, the action may be against him or his principal.

Penalty for attempting to sell or buy lime casks not made conformable to law, or lime in such casks.
1874, c. 265, § 3.
R.S., c. 39, § 5.

SEC. 5. No person shall sell, expose to sale, lade or receive on board any vessel any lime in casks not made, inspected and branded according to law; or sell, expose to sale, or purchase any lime cask not made in conformity to the provisions of section three, under a penalty of twenty cents for each cask; and a lien is hereby created on all such casks for said penalty and costs, and if an attachment is made for said penalty within three months after it is incurred, it shall be good against all prior attachments or a sale by the owner; and the casks may be sold on execution in such action as in common cases.

Penalties, how recovered and appropriated, &c.
R.S., c. 39, § 6.

SEC. 6. All the penalties before mentioned, may be recovered by and to the use of any person suing therefor; and when any judgment is recovered against any inspector or deputy for penalties or damages on account of any misdoings in his office, and the execution issued thereon is returned unsatisfied, the creditor may avail himself of the benefit of the inspector's bond to the county treasurer, who shall give him a copy thereof on request, in like manner as a judgment creditor of a sheriff or a coroner may [avail himself] of the official bond of such officer given to the state treasurer.

POT AND PEARL ASHES.

Appointment, removal, oath and bond of inspector and his deputies.
R.S., c. 39, § 7.

SEC. 7. The governor with the advice of council, when a vacancy occurs, shall appoint some skillful person, removable at pleasure, to be inspector of pot and pearl ashes for the state; and he shall be duly sworn and give bond for three thousand dollars with sufficient sureties to the treasurer of state, for the faithful discharge of his duties, before entering thereon; and he shall appoint deputies in every seaport town, whence pot and pearl ashes are exported, and in other necessary places, for whom he shall be

answerable, to be duly sworn, and give bond to their principal with sureties. CHAP. 39.

SEC. 8. The inspector or his deputy shall, if necessary, sort pot and pearl ashes into first sort extra, first, second, and third sorts; start the ashes out of the casks, and carefully try and inspect them; put each sort by itself in tight new casks, well hooped and coopered; which he shall distinguish into the sorts aforesaid with the words pot or pearl ashes, as the case may be, his name, the place where inspected, and the word "Maine," branded in plain letters on each cask; and [shall] at the same time weigh the cask and mark the weight with a marking iron on each head; and if when applied to, he unreasonably delays or refuses for the space of three hours, to inspect any such casks, he shall forfeit five dollars. Process of inspecting, packing, branding, &c. R.S., c. 39, § 8.

SEC. 9. Every cask, in which such ashes are packed for exportation, shall be made of sound and seasoned oak or white ash staves and heading, full bound, twenty-nine inches long, and nineteen inches diameter in the head; and of such weight in proportion to its contents, as will amount, as near as may be, to fourteen per cent. tare thereon; and every manufacturer of said ashes shall brand on each cask the initials of his christian [name] and the whole of his surname, with the name of the town where manufactured, before they are removed from the manufactory, under penalty of one dollar for each cask. Dimensions and materials of casks, &c. R.S., c. 39, § 9.

SEC. 10. No person shall transport out of the state, or receive for transportation, any such ashes, before they are inspected and branded as aforesaid, under a penalty of twenty dollars for each offence; and every inspector shall have the power to enter with or without a warrant on board any vessel within his limits, and seize, carry away, and secure for trial all unbranded ashes found therein, as forfeited property, to be proceeded against according to law; and any person, who obstructs him in said search and seizure, shall forfeit thirty dollars for each offence. Penalty for attempting to transport such ashes without inspection, &c. R.S., c. 39, § 10.

SEC. 11. If any person brands any cask of pot or pearl ashes manufactured by himself with the name of another; and another's cask with his name; or with the brand of an inspector or his deputy, or in any way counterfeits any lawful brand; or shifts any such ashes from a cask lawfully branded, and put[s] in others for sale or exportation without first cutting out said brand, he shall forfeit two hundred dollars. Penalty for falsely branding casks of ashes, &c. R.S., c. 39, § 11.

SEC. 12. All foregoing penalties under sixty dollars shall be to the use of the person suing therefor; but all others shall be half to the person suing, and half to the state, and all forfeited property shall be half to the seizing officer and half to the state. Appropriation of penalties and forfeited property. R.S., c. 39, § 12.

SEC. 13. The inspector of pot and pearl ashes shall annually in January, make a return *up* to the first of December, to the Inspector and his dep-

CHAP. 39.

uties to
make re-
turns to
secretary of
state.
R.S., c. 39, § 13.

secretary of state's office, of the number of casks thereof inspected by him or his deputies, naming the number of each brand, and the weight of each specific quality; and the deputies shall make seasonable returns to the inspector to enable him to make his returns.

NAILS.

Appoint-
ment, oath
and bond of
inspector
and his dep-
uties.
R.S., c. 39, § 14.

SEC. 14. The governor, with advice of council, when a vacancy shall occur[s], shall appoint some suitable person to be inspector of nails; and he shall be duly sworn, and give bond to the state with sufficient sureties in such sum as the governor and council direct, for the faithful discharge of his duties, before entering thereon, and appoint one or more deputies in any town where they are necessary, who shall be duly sworn, and give bond to the state [the] same as the inspector.

Process of
inspecting
and brand-
ing wrought
nails.
R.S., c. 39, § 15.

SEC. 15. The inspector or his deputy shall, on request, inspect every cask of wrought nails by opening the same, turning out the nails, weighing them, and ascertaining the number necessary to make a pound, [and] their quality, both as to the iron and workmanship; brand on the head of such cask the number therefor, the whole weight of the cask and nails, the weight of the cask only, the number of nails necessary to make a pound, the quality thereof, viz: first sort, second sort, and third sort, or refuse; his own name at large and the title of his office; and give a certificate expressing the number of the cask, the whole weight, the weight of tare, number of nails to a pound, and their quality.

Rules of pro-
gression in
marking the
number of
nails to a
pound.
R.S., c. 39, § 16.

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

Dimensions
and mater-
ials of casks,
and by what
weight
wrought
nails shall be
sold.
R.S., c. 39, § 17.

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

In what
kind of casks
cut nails and
brads shall
be packed,
&c.
R.S., c. 39, § 18.

SEC. 18. Cut nails and brads shall be packed in strong and seasoned casks and well hooped, no cask containing more than three hundred pounds net, free from waste pieces of iron (unless refuse nails,) or fraudulent mixture, increasing the weight. The maker, who shall also be owner of such nails, shall brand the initials of his christian name and his surname at large on the side

of the cask, the town where he resides, and the true weight of the tare under it. CHAP. 39.

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

Penalty for attempting to sell or ship brads, or nails not inspected and branded. R.S., c. 39, §19.

SEC. 20. If any inspector, on request, unnecessarily or unreasonably delays to inspect any casks of nails, he shall forfeit, for each offence, *the sum of* four dollars.

Penalty for delay of inspector. R.S., c. 39, §20.

SEC. 21. If any person counterfeits any inspector's brand; marks any nails with the same; destroys any lawful marks made by another, or shifts any branded nails for those not branded, or from one branded cask to another; he shall forfeit twenty dollars for each offence; and all the penalties aforesaid shall belong, half to the person suing therefor, and half to the town where the offence is committed.

Penalty for counterfeiting brands, &c. R.S., c. 39, §21.

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

Inspector to make annual returns. —deputies, quarterly. R.S., c. 39, §22.

PAPER.

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

Mode of packing and marking paper. R.S., c. 39, §23.

SEC. 24. If any person makes, sells, offers for sale, transports out of the state, or places on board any vessel or carriage for transportation, any paper not packed and stamped as aforesaid, he shall forfeit four dollars for each parcel, one half to the county where the offence is committed, and the other half to the person suing therefor; and all such paper shall be forfeited, and be liable to be seized, to the use of any person libelling it according to law, within seven days after seizure.

Penalty for making, selling or transporting paper not lawfully packed. R.S., c. 39, §24.

CHAP. 39.

LEATHER, BOOTS AND SHOES.

Manufactur-
er of
leather,
boots and
shoes may
stamp his
name there-
on, &c.
R.S., c. 39, § 25.

SEC. 25. Every manufacturer of leather, and of boots and shoes, of any description, shall have the exclusive right of stamping them with the initials of his christian [name], and the whole of his surname; and such stamping shall be considered a warranty that the article is merchantable, and well made of good materials; and if any person fraudulently stamps any such articles with the name or stamp of any other person, he shall be punished by a fine not exceeding twenty dollars, or imprisonment not exceeding six months.

Appoint-
ment, oath,
duties and
fees of in-
spectors of
sole leather.
R.S., c. 39, § 26.

SEC. 26. The municipal officers of each town, when they deem it expedient, may appoint one or more suitable inspectors of sole leather, who shall be duly sworn, and receive such fees from their employer, as said officers establish; and when paid by the seller, to be repaid to him by the buyer; and when requested, [they] shall go to any place in their town to inspect any sides of sole leather, which had not been inspected according to law in *this* [the] state.

Mode of in-
specting and
stamping
sole leather,
&c.
R.S., c. 39, § 27.

SEC. 27. Each inspector shall provide himself with a proper apparatus, with which he shall weigh and stamp every side of sole leather inspected by him, with the weight thereof, his surname, and the name of his town; and on all sole leather made of good hides, and in the best manner, the word "best," shall be stamped; on all made of such hides in a merchantable manner, the word "good;" and on all other, the words, "second," or "third quality," "damaged" or "bad," according to the fact; and if any person counterfeits, alters or defaces such mark, he shall forfeit twenty dollars for each offence, half to the town and half to the person suing therefor.

BOTTLED SODA, MINERAL WATERS AND SMALL BEER.

Protection
of trade
marks on
bottles or
syphons.
1874, c. 219, § 1.

SEC. 28. All persons or corporations engaged in the manufacture and sale of soda waters, mineral waters, ginger ale, small beer, spruce beer, white beer, or other similar beverages, in syphons or bottles with their names, or other marks or devices branded, stamped, engraved, etched, blown, impressed or otherwise produced upon such bottles or syphons, or anything connected therewith and appertaining thereto, may file in the office of the *city or town clerk* in which the principal place of business of such persons or corporations is situated, a description of the names and marks aforesaid used by them, and cause the same to be published once a week for three successive weeks in any weekly paper published in said county.

—how
secured.

Unlawful
use or de-
facing of

SEC. 29. Whoever knowingly and willfully, without the written consent of the owner thereof, uses any such syphon [or bottle] so

marked, or defaces or obliterates the names, marks or devices thereon, with intent to sell, dispose of, buy or traffic in the same, or to convert the same to his own use, unless purchased of the lawful owner, shall forfeit ten dollars, one half to the prosecutor, and one half to the town where such offence is committed, to be recovered by complaint or action of debt before any *trial justice or justice of a police or municipal* [competent] court in the county where the offence is committed.

CHAP. 39.
such trade
marks.
1874, c. 219, §2.
—penalty.

OILS.

SEC. 30. All oils sold under the names of sperm, summer, fall, and winter oils, shall be deemed sold for pure sperm oil, the test of which is *heretby* declared to be Southworth's oleometer; and if any person sells under said names, any oils which are adulterated by the mixture of any inferior article whatever, without disclosing the full extent of adulteration to the purchaser, he shall forfeit fifteen dollars for each offence, to any person suing therefor; and the oil so sold shall be deemed whale oil, and the seller shall be liable to the purchaser for the difference between pure sperm and whale oil, to be recovered in an action on the case.

What shall
be deemed
pure sperm
oil, &c.
R.S., c. 39, §23.

PETROLEUM, COAL OIL AND BURNING FLUID.

SEC. 31. In towns containing two thousand inhabitants or more, the municipal officers shall, on or before the first day of May annually, appoint one or more persons, and fix their compensation, to be inspectors of petroleum, coal oil, and burning fluid, who shall be duly sworn and shall, when requested, inspect such oils and burning fluids by applying the fire test with G. Tagliabue's pyrometer or some other accurate instrument, to ascertain the igniting or explosive point thereof in degrees of Fahrenheit's thermometer, and they shall cause every vessel or cask thereof by them so inspected to be plainly marked by the name of such inspector, the date of inspection, and the igniting or explosive point of the contents thereof.

Inspectors
of petroleum
to be ap-
pointed in
towns of
2,000 inhab-
itants or
more.
R.S., c. 39, §29.
—duty of
inspectors.

SEC. 32. When any cask or vessel of such oil or fluid will not bear the fire test of at least one hundred and twenty degrees Fahrenheit without ignition or explosion, the same shall be marked as aforesaid, and also "UNSAFE FOR ILLUMINATING PURPOSES." And if any inspector knowingly put[s] false marks upon such casks or vessels inspected by him, he shall be punished by a fine of not exceeding five hundred dollars, or by imprisonment for *the term of six months in the county jail*.

What casks
shall be
marked "un-
safe for il-
luminating
purposes."
R.S., c. 39, §30.
—penalty if
inspector
knowingly
affixes false
marks.

SEC. 33. Every person and corporation engaged in manufacturing petroleum, coal oil or burning fluid, shall cause every cask or other vessel thereof to be so inspected and marked, by a sworn

Remedy for
neglect of
such inspec-
tion, and

CHAP. 39.
 marking.
 —penalty.
 R.S., c. 39, § 31.
 See c. 26, § 20.

inspector. And if any person manufactures or sells such oil or burning fluid not so inspected and marked in this state, or that has *not* been so inspected and marked as unsafe for illuminating purposes, he shall pay a fine not exceeding five hundred dollars, or be imprisoned six months in the county jail, upon indictment therefor.

Rights and
 duties of
 town and po-
 lice officers.
 R.S., c. 39, § 32.

SEC. 34. The municipal officers of towns, and the police of cities, *shall have the right* [may] at all times *to* examine all such oils and fluids kept in their towns for sale, and *to* cause the same to be inspected and tested; and they shall do so in all cases where they are informed or believe [that] the same are kept for sale in violation of law; and when they find any person so keeping or selling them they shall cause *them* [him] to be prosecuted therefor.

FIRE-ARMS.

Appoint-
 ment of
 provers of
 fire-arms, &c.
 R.S., c. 39, § 33.

SEC. 35. The governor, with advice of council, whenever a vacancy occurs, or otherwise, as he shall judge necessary, may appoint suitable persons to be provers of the barrels of all new or unused fire-arms; and it shall be the duty of each prover to prove the strength of the barrels of all fire-arms offered to him for that purpose, in such manner as to satisfy him of their strength; and he shall, in a permanent manner, mark and number every barrel by him proved, and deliver to the applicant a certificate thereof in the following form:

“I certify that on this — day of —, in the year 18—, I proved for — —, a musket,” (pistol or rifle,) “barrel,” (as the case may be.) “which is numbered and marked, as in the margin, and that the same is good and strong.

“A. B., *Prover of Fire-Arms.*”

Penalty for
 selling new
 and unused
 gun-barrels,
 &c.
 R.S., c. 39, § 34.

SEC. 36. If any person sells or offers for sale any new or unused musket, rifle, or pistol barrel, without having it proved, marked, and certified, as aforesaid, he shall forfeit ten dollars for each barrel to any person suing therefor, or by indictment to the use of the state; and if he falsely alters the mark or certificate of any prover of fire-arms, he shall forfeit to the state not less than twenty, nor more than one hundred dollars, to be recovered by indictment.

CHAPTER 40.

FISH AND FISHERIES.

FISH.

- SEC. 1. Inspectors of fish to be appointed by governor and council, for five years, wherever needed.
2. Oath and bond. Town officers to examine bond yearly.
 3. Inspectors to make annual return to secretary of state by Dec. 10.
 4. Remedy on bond for neglect or misconduct of inspector.
 5. Duty of inspector. Fish, how to be put up and branded.
 6. Casks, quality of and how made.
 7. Pickled alewives and herring, how packed and branded.
 8. Inspectors' fees.
 9. Dimensions, materials and branding of casks for pickled fish.
 10. In what casks small fish, whole, in dry salt, shall be packed, quantity of salt and how branded.
 11. Smoked herring, dimensions and materials of boxes for, to be filled with same kind of fish and branded. What herrings are merchantable. Need not be inspected, but must be branded. Penalty.
 12. Owner of fish to furnish his own brand.
 13. Penalty for selling or exporting uninspected or damaged fish. Exceptions.
 14. On shipping, master or owner to furnish collector with inspector's certificate, and make oath. Form of oath.
 15. Penalty for attempting to export uninspected fish; forfeiture and seizure; to be taken to inspector for inspection and detained till charges are paid. Penalty for refusing to aid in seizure.
 16. Penalty for shifting or intermixing inspected fish; 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.
 17. Penalties how recovered and appropriated.
 18. Fees paid by seller at first, but repaid by buyer.

SEA FISHERIES AND SHELL-FISH.

- SEC. 19. The taking of porgies or herring with seines, forbidden in bays, harbors, &c., not two miles wide. Penalty. Lien on vessels, &c. Seine defined.
20. Lobsters not to be canned between August 1 and April 1. Penalty.
 21. Small lobsters not to be exposed for sale during same period. Penalty.
 22. Penalties, how recovered and applied.
 23. Penalty for non-residents taking certain fish in any way, for residents taking them with seine, for destroying shell-fish, or setting nets across any stream. Exceptions.
 24. Permits to take shell-fish, menhaden, and lobsters for certain sum and with limitations. Inhabitants and fishermen may, for their own use, take shell-fish, except oysters, in June, July and August.
 25. All craft and apparatus employed in unlawful fishing liable to seizure to satisfy all fines and costs, but to be released on payment.
 26. Any inhabitant may, by consent, plant oyster beds and have exclusive right to take the same. Trespassers liable for damage and subject to penalty.

- CHAP. 40. SEC. 27. Application of the following sections.
28. Definition of terms used in this chapter.

COMMISSIONERS OF FISHERIES AND FISH WARDENS.

- SEC. 29. Commissioners of fisheries to be appointed for three years. Their duties and salary.
30. Fish-ways to be provided and kept in repair. Appeal to county commissioners. Costs.
31. Penalty for neglect to build fish-way.
32. Time when fish-ways must be kept open. Penalty.
33. Repairs and alterations.
34. Dams owned by several persons. Proceedings.
35. If owner resides out of state. Proceedings.
36. Fish wardens may be appointed by governor and council. Their duties and powers. Sheriffs and others required to aid. Penalty.

PROTECTION OF FISH.

- SEC. 37. Salmon, shad, &c., not to be fished for at certain points on Penobscot and Kennebec rivers.
38. Close-time for salmon from July 15 to April 1. Penalty. Certain localities excepted.
39. Weekly close-time for salmon, shad, alewives and bass between April 1 and July 1.
40. Close-time for alewives from July 15 to April 1. Penalties.
41. Weekly close-time for salmon, shad, alewives and bass on Penobscot river and branches. Penalties.
42. Smelts, taking of restricted. Proviso in reference to dip-nets. Excepted localities.
43. Annual close-time for land-locked salmon, trout, togue, bass and perch.
44. Penalties for violations of preceding section. Proviso. Great Tunk pond excepted.
45. Penalty for selling, or transporting land-locked salmon, &c., during close-times.
46. Possession of such fish at such times conclusive evidence of guilt.
47. The taking of land-locked salmon, trout, &c., by grapnel, spear, seine, &c., forbidden. Penalty. Apparatus forfeited and may be destroyed.
48. Forfeiture for taking black bass in April, May and June, or from spawning beds.

MISCELLANEOUS PROVISIONS.

- SEC. 49. Foregoing provisions inapplicable to white perch in tide-waters and Dobsis stream.
50. The introduction of live fish or spawn of certain fish prohibited.
51. Penalty for unlawful introduction of other fish into certain waters.
52. Commissioners may take or introduce fish anywhere.
53. May set apart waters for fish culture. Penalty for taking fish therefrom after notice.
54. Any proprietor may inclose waters for fish culture under certain conditions.
55. Fish may be taken by owner. Penalties for selling for food during close-times.
56. Provisions for artificial propagation of trout and salmon. Penalties. Exceptions.
57. Penalties for fishing in waters where fish are artificially cultivated.
58. Sheriffs, constables, police officers and fish wardens to prosecute. Proceedings. Fees. Unlawful implements and fish forfeited.

- SEC. 59. Fines and penalties how recovered. Full costs in all cases. Jurisdiction of magistrates. CHAP. 40.
60. Foregoing provisions not to apply to St. Croix river.
61. Nor to blue-back trout, caught by hook and line.
62. Limits of stationary fixtures for taking fish. Exceptions.
63. How weirs shall be made and kept. Standard for Kennebec river.
64. Use of weir, hedge, trap, trawl, &c., in capture of fish, restricted.
65. Boats, implements and materials in unlawful use, forfeited.
66. Commissioners may delegate their powers to wardens, &c.
67. Upper St. John river exempted.
68. Other waters exempted from the provisions of this chapter.
69. Penalty for throwing menhaden or herring offal into navigable waters. Penalties and forfeitures, how recovered. Vessels, boats and apparatus liable to seizure.
70. Dip-nets only to be used between the first day of March and first day of November.

INSPECTION OF FISH.

SEC. 1. The governor, with advice of council, shall, from time to time, as occasion may require, appoint in each *city, town and plantation*, where pickled fish are cured or packed for exportation, one or more persons skilled in the quality of the same, to be inspectors of fish, who shall hold their office for a term of five years, unless sooner removed by the governor and council.

Inspectors of fish, appointment of, and term of office.
1875, c. 2, § 1.

SEC. 2. Every such inspector, before entering upon the duties of his office, shall be duly sworn, and shall give bonds with sufficient sureties to the treasurer of the *city, town or plantation* for which he is appointed, to the satisfaction of the municipal officers thereof, in the penal sum of not less than five hundred nor more than five thousand dollars, for the faithful performance of his official duties; and such municipal officers shall, at least once a year, examine the bonds given by said inspectors, and if that of any inspector is not in their opinion sufficient, they shall forthwith notify him, and if he for thirty days after such notice neglects to give a bond satisfactory to them, they shall give information thereof to the governor, and he shall remove such inspector from office.

Shall be sworn.
—bond.
1875, c. 2, § 2.

Bond to be examined by town officers once a year.
Inspector to be removed if he neglects to give sufficient bond.

SEC. 3. Every inspector shall, on or before the tenth day of December, annually, make a return into the office of the secretary of state of all fish by him inspected during the year preceding the first day of December, designating the quantities, kinds and qualities of pickled fish, and the secretary shall publish the same immediately after in the state paper.

He shall make return.
1875, c. 2, § 3.

SEC. 4. Any person injured by the neglect or misdoings of any inspector, on tendering to such treasurer a reasonable indemnity against the costs, shall be entitled to bring an action on such inspector's bond in the name of the treasurer, for his own use, and to have a copy of the bond therefor; and if judgment shall be rendered thereon for the plaintiff, execution shall issue for the sum

Remedy for neglect or misdoings of inspector.
1875, c. 2, § 4.

CHAP. 40. found due to the person for whose use such action is brought, and the sum awarded in damages shall be entered by the clerk of the court on the original bond, to remain in the custody of the treasurer.

Duty of inspectors.
1875, c. 2, § 5.

Fish, how put up.

Fish, how branded.

Number 1.

No. 2.

No. 3 large.

No. 3.

No. 3 small.

Casks, how branded.

Quality of casks, and how made.
1875, c. 2, § 6.

Pickled alewives, &c., how packed and branded.
1875, c. 2, § 7.

SEC. 5. Every inspector who inspects any kind of fish that are split and pickled for packing, shall see that they are, in the first instance, free from taint, rust or damage, and well struck with salt or pickle; and such of said fish as are in good order and of good quality, shall be pickled in tierces, barrels, half barrels, quarter barrels, and tenths of barrels, or kids; each tierce containing three hundred pounds, each barrel two hundred pounds, and so on in that proportion; and the same shall be packed in good, clean, coarse salt, sufficient for their preservation; and then each cask shall be headed up and filled with clear, strong pickle, and shall be branded by the inspector with the name and quality of the fish therein. Mackerel of the best quality, not mutilated, measuring, when split, not less than thirteen inches from the extremity of the head to the crotch or fork of the tail, free from taint, rust or damage, shall be branded "Number one;" the next best quality, being not less than eleven inches, measuring as aforesaid, free from taint, rust or damage, shall be branded "Number two;" those that remain after the above selection, free from taint or damage, and not less than thirteen inches, measuring as aforesaid, shall be branded "Number three large;" those of the next inferior quality, free from taint or damage, not less than ten inches, measured as aforesaid, shall be branded "Number three;" all other mackerel, free from taint or damage, shall be branded "Number three small." The inspector shall brand in plain letters on the head of every such cask, the weight, the initials of his christian name, the whole of his surname, the name of his town, and the letters "Me.," and an abridgment of the month and the year, in figures, when packed.

SEC. 6. All tierces, barrels and casks which are used for packing pickled fish, shall be made of sound, well seasoned white oak, white ash, spruce, pine, chestnut, or poplar staves, with heading of either of such kinds of wood, sound, well planed and seasoned, and when of pine, to be free from sap, and the barrels to be hooped with at least three strong hoops on each bilge, and three also on each chime; the barrel staves to be twenty-eight inches in length, and the heads to be seventeen inches between the chimes, and made in a workmanlike manner, to hold pickle.

SEC. 7. Every inspector who inspects pickled alewives or herring, packed whole or round, shall see that they are struck with salt or pickle, and then put in good casks of the size and material aforesaid, packed closely therein, and well salted, and the casks filled with the fish and 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 of the inspected fish as aforesaid, but in no case shall the inspector brand the casks unless the fish contained therein shall have been packed and prepared under his immediate supervision.

SEC. 8. The fees for inspection and branding, exclusive of cooperage, shall be for each barrel seven cents, and all such fees shall in the first instance be paid by the original owners of the fish, but such owners shall be entitled to recover the amount thereof from the party purchasing or receiving the same, under the marks and brands aforesaid, and in addition to the price thereof.

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

SEC. 10. 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.

SEC. 11. All boxes for packing smoked herrings, shall be made of sound boards sawed and seasoned; the top, bottom, and sides, of boards not less than three eighths of an inch thick, and the ends, of boards three quarters of an inch thick, securely nailed; and sixteen inches in length, eight inches in breadth, and five inches in depth, by outside measurement; *provided*, that any change in the dimensions above named shall not operate to reduce their capacity, which shall not be less than four hundred and sixty-four cubic inches in the clear for each box; and each box shall be filled with the same kind and quality of fish; and no such fish shall be considered merchantable unless salted and smoked sufficiently to cure and preserve them, which shall then be closely packed in

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Fees for inspection and branding.
1875, c. 2, § 8.

Dimensions, materials and branding of casks for pickled fish.
R.S., c. 40, § 8.

In what casks small fish, whole, in dry salt, shall be packed, &c.
R.S., c. 40, § 9.

Dimensions and materials of boxes, &c.
R.S., c. 40, § 11.

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Inspection of herring not required. —boxes to be branded with names of person putting them up. 1871, c. 209.

boxes, in clear, dry weather. No inspection of smoked herring is required, but all smoked herring put up in boxes or casks for sale in *this* [the] state, shall be branded on the cask or box inclosing them with the first letter of the christian name and the whole of the surname of the person putting up the same, and with the name of the state and the place where such person lives, and all such fish offered for sale or shipping not thus branded shall be forfeited, one half to the use of the town where the offence is committed, and the other half to the person libelling the same.

Owner of fish to furnish brand. R.S., c. 40, § 12. 1871, c. 209.

SEC. 12. The owner of all smoked and pickled fish, except smoked herring, shall, when required by the inspector, furnish a brand containing the initials of his christian [name] and the whole of his surname, for stamping the casks and boxes containing such fish.

Penalty for selling or exporting uninspected or damaged fish. —exceptions. R.S., c. 40, § 13.

SEC. 13. If any person sells in *this* [the] state, or exports 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* [the] 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.

On shipping, master or owner to furnish collector with inspector's certificate, &c. R.S., c. 40, § 14. 1871, c. 209.

SEC. 14. No pickled fish in casks, and no smoked alewives in boxes, shall be shipped from *this* [the] state, unless the master or owner of the vessel produces to the officer authorized to clear the same, a certificate from the inspector, that the same have been inspected, packed, and branded according to law; and the certificate shall express the number of tierces, or casks, and the number of boxes, thus shipped, the kind and quality of fish [which] they contain, the name of the master and owner, and that of the vessel into which such fish are received for exportation; and [he] shall take and subscribe the following oath, before the officer as aforesaid:

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

Penalty for attempting to export uninspected fish, &c. R.S., c. 40, § 15.

SEC. 15. If any person lades or receives on board any vessel or other carriage, for transportation from *this* [the] state, any pickled fish, or cured or salted whole fish, packed or not packed, not inspected and branded as aforesaid, except such as is described in the excep-

tion of section thirteen, he shall forfeit at the rate of not less than five, nor more than ten dollars for every hundred pounds thereof; and any justice of the peace may issue his warrant to the proper officer, directing him to seize and secure any such prohibited fish, and convey it to any inspector within a convenient distance for inspection; and every person refusing to give necessary aid in the service of such warrant, when required by the officer, shall forfeit five dollars to the person suing therefor in an action of debt; and such inspector shall open, inspect, pack, and brand such fish according to law and detain the same *till* [until] all lawful charges of seizure and inspection are paid.

SEC. 16. If any person takes from a cask or box, any pickled, cured, or smoked fish, lawfully inspected and branded, or any smoked herrings lawfully branded, and substitutes therefor or fraudulently intermixes other fish; or [if] any inspector marks any cask or box out of his town, or which he has not inspected, packed, and himself prepared according to law; permits other persons unlawfully to use his brands; or willfully and fraudulently uses the same himself after the expiration of his commission, he shall forfeit twenty dollars for each cask or box so dealt with.

Penalty for intermixing inspected fish, &c.
R.S., c. 40, § 16.
1871, c. 209.

SEC. 17. All the penalties aforesaid, not otherwise herein appropriated, may be recovered in an action of debt, half to the use of the person suing therefor, and half to the town where the offence is committed.

Penalties, how recovered and appropriated.
R.S., c. 40, § 17.

SEC. 18. The fees of inspectors in all cases shall be paid in the first instance by the owner of the fish; but he may recover the same of the person purchasing or receiving it, in addition to the price thereof.

Fees, by whom finally paid.
R.S., c. 40, § 18.

SEA FISHERIES AND SHELL FISH.

SEC. 19. The taking of herring, porgies, or menhaden, and the fishing therefor by the use of purse and drag seines, is prohibited in all *the* small bays, inlets, harbors or rivers *of the state*, where any entrance to the same, or any part thereof from land to land, is not more than two nautical miles in width, under a penalty upon the master or person in charge of such seine or seines, or upon the owner or owners of said vessel, seine or seines, of not less than one hundred nor more than three hundred dollars, to be recovered by indictment or action of debt; one fourth of the penalty recovered or imposed for the benefit of the complainant or party prosecuting, and the remaining three fourths to the county in which the proceedings are commenced; and there shall be a lien upon the vessels, steamers, boats and apparatus used in such unlawful pursuit until said penalty, with costs of prosecution, is paid; but a net for meshing porgies, of not more than one hundred meshes in depth,

Taking or fishing for certain fish with seines, prohibited in certain waters.
1880, c. 234, § 1.

—penalties, how recovered, and for whose benefit.
1880, c. 234, § 3.
See § 23.

—lien upon vessels, etc.

CHAP. 40. and a net for meshing herring, of not more than one hundred and seventy meshes in depth, shall not be deemed a seine.

Lobsters not to be canned between Aug. 1 and Apr. 1. —penalty. 1879, c. 96, § 1.

SEC. 20. No person or corporation shall can or preserve any lobsters from the first day of August in each year to the first day of April following, under a penalty of five dollars for every lobster so canned or preserved, and a further penalty of three hundred dollars for each day on which such unlawful canning or preserving is done.

Small lobsters not to be exposed for sale. 1879, c. 96, § 2.

SEC. 21. No lobster less than ten and *one* [a] half inches in length, measuring from one extremity of the body extended to the other, exclusive of feelers and claws, shall be sold or exposed for sale from the first day of August to the first day of April following, under a penalty of five dollars for each lobster so sold or exposed for sale.

—penalty.

Penalties, how recovered. 1879, c. 96, § 3.

SEC. 22. The penalties of the two preceding sections may be recovered by indictment or action of debt, one half to the use of the person complaining or bringing the action, and one half to the use of the town in which the offence is committed.

Penalty for non-residents taking certain fish, &c. R. S., c. 40, § 19. 37 Me., 472.

SEC. 23. No person, not a resident of *this* [the] state, shall set or use any net, weir, seine, or other machine, *in any of the waters of the state*, for the purpose of taking salmon, shad, mackerel, shell-fish, lobsters, herrings, alewives, menhaden or porgies; nor shall residents set or use any seine for the purpose of taking mackerel, menhaden or porgies; *but a net for meshing menhaden, of only one hundred and twenty-five meshes deep, shall not be deemed a seine*; nor shall any person take, or otherwise willfully destroy any shell-fish, or obstruct their growth in their beds; or set any net crosswise of said waters, but only lengthwise, under a penalty of not less than twenty, nor more than five hundred dollars; except as hereinafter provided.

See § 19.

Permits to take shell-fish, menhaden, lobsters, &c. R. S., c. 40, § 20.

SEC. 24. The municipal officers of towns may grant written permits to residents of the state, to take, within their towns, shell-fish, menhaden or porgies, otherwise than is forbidden in section nineteen, and to those not residents, to take the same and also lobsters, on *the* payment of an agreed sum for the use of their town, specifying therein the quantity to be taken, or the time to fish, the number of persons to be employed, and the purposes for which the fish may be used; but without *any* such permit any inhabitant within his own town, may take shell-fish, except oysters in June, July and August, for the consumption of his family; and any fisherman may take, any where, such fish, except oysters in said three months, suitable for bait, and necessary for his use, not exceeding seven bushels in the shell.

All craft and apparatus employed in

SEC. 25. All vessels, boats, craft, and apparatus of every kind, employed in unlawful fishing, or having on board any such fish

unlawfully taken, shall be liable for any fines and costs herein provided for; and any person may seize and detain said property not exceeding twenty-four hours, in order that it may be attached, and taken by due process of law to satisfy any judgment that may be recovered; but it shall, at any time, be released on payment, by the owner, or master, of the fine, costs, and reasonable expenses.

SEC. 26. Any inhabitant of this state, by obtaining the consent of the adjacent riparian proprietors, may plant oysters below low water mark in any navigable waters, in places where there is no natural oyster bed; inclose such ground with stakes, set at suitable distances, and extending at least two feet above high water mark, but so as not to obstruct the free navigation of such waters, and have the exclusive right of taking such oysters; and if any person trespasses on such inclosure, or in any way injures such oyster beds, he shall be liable in an action of trespass for all the damage; or if he takes any oysters therein without the consent of the owner, he shall forfeit not less than twenty nor more than fifty dollars, or be confined in jail not exceeding three months.

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unlawful fishing, liable to seizure, &c.
R.S., c. 40, § 21.

Any inhabitant, may by consent, plant oyster beds and have exclusive right there, &c.
1878, c. 7, § 12.

Penalty for trespass.

INLAND FISHERIES.

SEC. 27. The provisions of the following sections shall apply to all *the* fresh waters of *this state* above the flow of the tide, and to all *the* tidal waters frequented by the various species of fresh water and migratory fishes, excepting to the capture of salmon, shad and alewives in Denny's river and its tributaries, and Pinmaguan river and its tributaries, and also excepting waters as provided in sections sixty-six and sixty-seven, or otherwise hereinafter expressly excepted.*

The following provisions not applicable to certain waters.
R.S., c. 40, § 23.

See §§ 66, 67.

SEC. 28. For the purpose of said following sections the term "salmon" shall mean the common migratory salmon of the sea-coast and rivers; the term "landlocked salmon" shall mean any of the species or varieties of salmon that do not periodically and habitually run to the sea, being the same that are locally known as "salmon trout" and "black-spotted trout;" the term "alewife" shall mean the small species of migratory fish commonly called "alewife," but known also by the local names of "herring" and "gaspereau," and shall also include the similar species found in tidal waters and known as "blue-back;" [and] the term "bass" shall mean the striped bass of the tidal waters.

Definition of terms as used in this chapter.
R.S. c. 40, § 24.

COMMISSIONERS OF FISHERIES AND FISH WARDENS.

SEC. 29. The governor, with advice of council, shall appoint one or two persons, as they may think best, to be commissioners

Commissioners of fisheries to be ap-

* [NOTE. The commissioner is not quite sure that the fishing act of 1878, c. 75, was not designed to supersede the limitations contained in §§ 27, 66 and 67 of this chapter (§§ 23, 49 and 50 of R. S. of 1871).]

CHAP. 40. of fisheries, who shall hold office for three years unless sooner
 pointed. removed, and have a general supervision of the fisheries, regulated
 1878, c. 75, § 1. by the following sections. He or they shall examine dams and
 —term of all other obstructions existing in all rivers and streams *in the*
 office. *state*, and determine the necessity of fish-ways and the location,
 —duties. form and capacity thereof; shall visit those sections where fish-
 eries regulated by this chapter are carried on, and examine into
 the working of the laws; shall introduce and disseminate valua-
 ble species of fish into *the waters of this state* where they do not
 exist, and perform all other duties prescribed by law. He or they
 shall report annually on or before the thirty-first day of December,
 to the governor, who shall cause three thousand copies to be printed.

—salary. He or they shall receive one thousand dollars and travelling and
 other expenses necessarily incurred in connection with his or their
 duties, which shall be audited by the governor and council, and
 it shall be his or their duty to see that all violations of the fish
 laws *of the state* are duly prosecuted.

Fish-ways to be provided. 1878, c. 75, § 2. SEC. 30. The owner or occupant of every dam or other artifi-
 cial obstruction in any river or stream naturally frequented by
 salmon, shad or alewives, shall provide the same with a durable
 and efficient fish-way, of such form and capacity, and in such loca-
 tion as may, after notice in writing to one or more of said owners
 or occupants and a hearing thereon, be determined by the com-
 missioners of fisheries, by written notice to some owner or occu-
 pant, specifying the location, form and capacity of the required
 fish-way, and the time within which it shall be built; and said
 owner or occupant shall keep said fish-way in repair, and open
 and free from obstruction for the passage of fish, during such times
 as may be prescribed by law; *provided*, that in case of disagree-
 ment between the commissioners of fisheries and the owner [or
 occupant] of any dam, as to the propriety and safety of the plan
 submitted to the owner or occupant of such dam for the location
 and construction of the fish-way, such owner or occupant may
 appeal to the county commissioners of the county where the dam
 is located, within twenty days after notice of the determination of
 the [fishery] commissioners, by giving to the [fishery] commis-
 sioners notice in writing of such appeal within that time, stating
 therein the reasons therefor, and at the request of the appellant
 or the [fishery] commissioners, the senior commissioners in office
 of any two adjoining counties shall be associated with them, who
 shall appoint a time to view the premises and hear the parties,
 and shall give due notice thereof, and after such hearing they shall
 decide the question submitted, and cause record to be made there-
 of, and their decision shall be final as to the place and location
 appealed from. If the requirements of the [fishery] commissioners

are affirmed, the appellant shall be liable for the costs arising after the appeal, otherwise the costs shall be paid by the county.

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—costs.

SEC. 31. If a fish-way thus required to be built is not completed to the satisfaction of the [fishery] commissioners within the time specified, any owner or occupant shall forfeit not more than one hundred nor less than twenty dollars for every day between the first day of May and the first day of November, during which such neglect continues.

Penalty for neglect to build fish-way.
1878, c. 75, § 3.

SEC. 32. On the completion of any fish-way to the satisfaction of said commissioners, or at any subsequent time, they shall prescribe in writing the time during which the same shall be kept open and free from obstruction to the passage of fish each year, and a copy thereof shall be served on the owner or occupant of the dam. The commissioners may change the time as they see fit. Unless otherwise provided, a fish-way shall be kept open and unobstructed from the first day of May to the fifteenth day of July of each year. The penalty for neglecting to comply with the provisions of this section, or [with] any regulations made in accordance herewith, shall be not less than twenty nor more than one hundred dollars for every day such neglect continues.

Time during which fish-ways shall be kept open.
1878, c. 75, § 4.

—penalty.

SEC. 33. *In case* [Whenever] the commissioners find any fish-way out of repair or needing alterations, [they] may, as in case of new fish-ways, require the owner or occupant to make such repairs or alterations; and all the proceedings in such cases, and the penalty for neglect, shall be as provided in the three preceding sections, without right of appeal.

Repairs and alterations of fish-ways.
1878, c. 75, § 5.

SEC. 34. *In case* [If] the dam is owned or occupied by more than one person, each shall be liable for the cost of erecting and maintaining such fish-way, in proportion to his interest in the dam, and if any owner or occupant shall neglect or refuse to join with the others in erecting or maintaining such fish-way, the other *owner or* owners or occupants shall erect or repair the same, and shall have an action *of* [on the] case against such delinquent owner or occupant for his share of the expenses *thereof*.

Proceedings where dam is owned or occupied by more than one person.
1878, c. 75, § 6.

SEC. 35. If the owner or occupant of such dam resides out of the state, said penalties may be recovered by a libel against the dam and land on which it stands, to be filed in the supreme judicial court in the county where the same is located, in the name of the commissioners of fisheries or [of] any fish warden, who shall give to the owner or occupant of the dam, and all persons interested therein, such notice as the court, or any justice thereof in vacation, shall order, and the court may render judgment therein against said dam and lands for said penalties and costs, and order a sale thereof to satisfy such judgment and costs of sale, subject, however, to all said requirements for the erection, and maintenance or repair of said fish-way.

Proceedings, if owner or occupant resides out of state.
1878, c. 75, § 7.

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Appoint-
ment of war-
dens, duties
and powers.
1880, c. 208, §2.

—sheriffs
and other
persons
required to
aid.

Salmon,
shad, &c.,
not to be
taken or
fished at cer-
tain points
on Penob-
scot and
Kennebec
rivers.
from April 1
to Nov. 1—
except by
ordinary
angling.
1879, c. 143, §1.
—no fishing
near fish-
way, &c.
—penalty.

Yearly close-
time for sal-
mon from
July 15 to
April 1.
1880, c. 187.
70 Me., 197.
—penalty for
violation.
—proviso.

Weekly
close-time of
48 hours
from April 1
to July 15.
R.S., c. 40, §33.

SEC. 36. The governor, with advice of council, may appoint wardens, who shall enforce all laws relating to game and the fisheries, arrest any violator thereof, and prosecute offences against the same; they shall have the same power to serve all criminal processes against such offenders, and shall be allowed the same fees as are prescribed for sheriffs for like services; they shall have the same right to require aid that sheriffs and their deputies have in executing the duties of their office; and any person refusing or neglecting to render such aid when required, shall forfeit ten dollars, to be recovered upon complaint *before any trial justice or municipal court.*

PROTECTION OF FISH.

SEC. 37. No salmon, shad, or other migratory fish shall be taken or fished for within five hundred yards of any fish-way, dam or mill-race; nor between the Bangor and Brewer bridge over the Penobscot river and the water works dam at Treat's Falls on said river; nor between the Augusta highway bridge over the Kennebec river and the Augusta dam on said river, between the first day of April and the first day of November in each year, except by the ordinary mode of angling with single hook and line or artificial flies; nor shall hook and line or artificial flies be used at any time within one hundred yards of any fish-way, dam or mill-race. The penalty for violation of this section shall be a fine of not more than fifty nor less than ten dollars for each offence, and a further fine of ten dollars for each salmon, [and] one dollar for each shad, so taken.

SEC. 38. There shall be a close-time for salmon from the fifteenth day of July of each year to the first day of April following, during which no salmon shall be taken or killed in any manner, under a penalty of not more than fifty nor less than ten dollars, and a further penalty of ten dollars for each salmon so taken or killed. *Provided*, however, that from the said fifteenth day of July until the fifteenth day of September following, it shall be lawful to fish for and take salmon by the ordinary mode, with rod and single line, but not otherwise.

SEC. 39. There shall be between the first day of April and the fifteenth day of July each year, a weekly close-time of forty-eight hours, from sunrise on each Saturday morning to sunrise on the following Monday morning, during which no salmon, shad, alewives or bass, shall be taken *from the waters covered by the provisions hereof.* During the weekly close-time, all seines, nets and other movable apparatus shall be removed from the water. Every weir shall have, in that part thereof where the fish are usually taken, an opening three feet wide, extending from the bottom to the top of the weir, and the netting or other material which closes the same while fishing, shall be taken out, carried on shore, and there remain during the weekly close-time, to the intent that during said weekly

close-time the fish may have a free and unobstructed passage through such weir or other structure, and no contrivance shall be placed in any part of such structure which shall tend to hinder such fish. In case the inclosure where the fish are taken, is furnished with a board floor, an opening extending from the floor to the top of the weir shall be held equivalent to extending from the bottom to the top. The penalty for the violation of this section shall be twenty dollars for each offence. This section shall not apply to the Kennebec, Androscoggin, or Penobscot rivers or their tributaries, or to the Saint Croix river, below the breakwater, at the ledge in said Saint Croix river.

Weekly close-time not to apply to certain rivers. 1874, c. 157.

SEC. 40. No alewives shall be taken, killed or fished for *in any waters within the jurisdiction of this state*, between the fifteenth day of July of each year and the first day of April following, nor at any time in non-tidal or non-navigable waters, by means of any net other than the ordinary hand dip-net, under penalty of ten dollars for each offence, and one dollar additional for each fish so taken or killed.

Close-time for alewives from July 15 to April 1. 1881, c. 77.

Dip-nets. See § 70.

SEC. 41. There shall be between the first day of April and the fifteenth day of July each year, a weekly close-time of four days, from sunrise on Sunday to sunrise of Thursday of each week during which no salmon, shad, alewives or bass shall be taken from or destroyed in the waters of the Penobscot river or its branches above the railroad bridge between Bangor and Brewer; but between said Thursday and Sunday at sunrise, as aforesaid, it shall be lawful to take any of said fish in said waters above said bridge, any law to the contrary notwithstanding. Any person violating the provisions of this section shall be liable to a penalty of fifteen dollars for each salmon, and five dollars for each other fish aforesaid, taken from or destroyed in said waters during the period above interdicted.

Weekly close-time for taking salmon, shad, &c., on Penobscot river and branches. 1876, c. 67. 70 Me., 196, 7, 199.

When lawful to take said fish. Penalty for violation.

SEC. 42. No smelts shall be taken or fished for in any of the tidal waters in this state, in any other manner than by hook and line, between the first day of April and the first day of October in each year, under a penalty of not less than ten dollars, nor more than thirty dollars for each offence, and a further penalty of twenty cents for each smelt so taken, and all weirs for the capture of smelts shall be opened, and so remain, and all nets of any kind used in the smelt and tom-cod fishery shall be taken from the water on or before the said first day of April in each year, under a penalty of not less than twenty, nor more than fifty dollars, and a further fine of five dollars a day for each day that any such weir or net remains in violation of law; but weirs which have catch-pounds, covered with net, the meshes of which are one inch square in the clear, or greater, shall not be subject to the provisions of

Smelts, taking of restricted. 1881, c. 67.

—penalty.

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Proviso.
1879, c. 108.
See § 70.

—smelts.
1879, c. 122.
Excepted
localities.

Close-time
for land-
locked sal-
mon, trout,
togue, bass,
and perch.
1879, c. 123, § 2.
Except in
certain
waters.

Penalties for
violations of
foregoing
section.
1879, c. 123, § 3.

Proviso.

Great Tunk
Pond ex-
cepted.
1879, c. 104.

Penalty for
selling, or
offering for
sale, trout,
bass, &c.,
during close-
times.
1879, c. 123, § 4.

Persons hav-
ing in pos-
session or
transporting
from place
to place,
trout and fish
named,—

this section. *Provided*, however, that dip-nets may be used from the first day of April to the twentieth day of April. *Provided, further*, that this section shall not apply to smelts taken in the Androscoggin river above the Merrymeeting Bay bridge, between the first day of October and the first day of November of each year, nor to smelts taken in the Penobscot river and its tributaries, between the first and fifteenth days of April of each year.

SEC. 43. There shall be an annual close-time for land-locked salmon, commonly so called, trout, togue, black bass, Oswego bass and white perch, *in the waters of this state*, as follows, viz: For land-locked salmon, trout and togue, from the first day of October to the first day of May following, excepting on the St. Croix river and its tributaries and all the waters in Kennebec county, in which the close-time shall be from the fifteenth day of September to the first day of May following; and for black bass, Oswego bass and white perch, from the first day of April to the first day of July following.

SEC. 44. No person shall take, catch, kill or fish for, in any manner, any land-locked salmon, trout or togue, in any of the waters aforesaid, between the said first day of October and the first day of May following, nor in the St. Croix river and its tributaries, between the fifteenth day of September and the first day of May following; or black bass, Oswego bass or white perch between the first day of April and the first day of July following, under a penalty of not less than ten dollars nor more than thirty dollars, and a further fine of one dollar for each fish thus caught, taken or killed as aforesaid. *Provided*, however, that during the months of February, March and April, in each year, it shall be lawful for citizens of this state to fish for and take land-locked salmon, trout and togue, and convey the same to their own homes, but not otherwise; *provided, further*, that this section shall not apply to the taking of togue or trout in Great Tunk pond, in townships number seven and ten in Hancock county.

SEC. 45. No person shall sell, expose for sale or have in possession with intent to sell, or transport from place to place *in this state*, any land-locked salmon, trout or togue, between the first day of October and the first day of May following; or any black bass, Oswego bass or white perch, between the first day of April and the first day of July following, under a penalty of not less than ten dollars nor more than fifty dollars for each offence.

SEC. 46. Any person or persons having in possession, except alive, any land-locked salmon, trout or togue, between the first day of October and the first day of May following, or any black bass, Oswego bass or white perch, between the first day of April and the first day of July following, or who shall transport from

place to place within this state any land-locked salmon, trout or togue, between the first day of October and the first day of May following, or black bass, Oswego bass or white perch, between the first day of April and the first day of July following, shall be deemed to have killed, caught or transported the same contrary to law, and be liable to the penalties aforesaid.

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Deemed guilty of violating law.
1879, c. 123, §5.

SEC. 47. No person shall at any time catch, take, kill, or fish for any land-locked salmon, trout, togue, black bass, Oswego bass, or white perch, by means of any grapnel, spear, trawl, weir, net, seine, trap, spoon, set line, or with any device or in any other way than by the ordinary mode of angling with a single baited hook and line, or with artificial flies, under a penalty of not less than ten nor more than thirty dollars for each offence, and a further fine of one dollar for each fish so caught, taken or killed. And all set lines, grapnels, spears, trawls, weirs, nets, seines, traps, spoons, and devices other than fair angling as aforesaid, are hereby prohibited on *the* [all] fresh water lakes, ponds and streams *of this state*; and when found in [unlawful] use or operation *on said lakes, ponds or streams*, they are hereby declared forfeit and contraband, and any person finding them in use in said waters is hereby authorized to destroy the same.

Taking salmon and other fish with grapnel, spear, net, seine, &c., prohibited.
1878, c. 75, §14.
—penalty.

Nets, seines, &c., forfeited and liable to be destroyed.

SEC. 48. Whoever shall take any black bass during the months of April, May and June, or at any time from their spawning beds, shall forfeit for each offence not more than twenty nor less than five dollars, and a further penalty of one dollar for each black bass so taken.

Forfeiture for taking bass in April, May or June.
R.S., c. 40, §57.

MISCELLANEOUS PROVISIONS.

SEC. 49. The provisions of this chapter shall not apply to white perch taken in any of the tide-waters of this state, or in the stream between Grand lake on the St. Croix waters and Syslodobsis lake, known as Dobsis stream, or in the waters within two hundred yards of the head and mouth of said stream.

White perch in tide waters exempt.
1878, c. 75, §18.
—and in Dobsis stream.
1879, c. 98.

SEC. 50. No mascallonge, pickerel, pike, sunfish or bream, yellow perch or black bass shall be introduced, by means of the live fish or spawn, to any waters where they do not now severally exist, except as hereinafter provided, under a penalty of not more than two hundred nor less than fifty dollars.

Introduction of live fish or spawn of certain fish, prohibited.
R.S., c. 40, §41.

SEC. 51. No person shall introduce fish of any kind, except trout, fresh and salt water salmon, fresh water smelts, blue-back trout, and minnows, by means of the live fish or otherwise, to any waters now frequented by trout or salmon, except as hereinafter provided, under a penalty of not less than fifty nor more than five hundred dollars.

Penalty for unlawful introduction of fish into trout or salmon waters.
1878, c. 75, §10.

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Com'rs may take fish at any time for cultivation, or may introduce fish anywhere. 1878, c. 75, §20.

Com'rs may set apart waters for cultivation of fish. 1879, c. 143, §3.

Penalty for killing fish therein after notice.

Waters may be inclosed for cultivation of fish. R.S., c. 40, §51.

May be taken by owner. 1878, c. 75, §22.

Penalty for selling for food during close-times.

Provisions for artificial propagation of certain fish. 1879, c. 126.

Penalty for violation of foregoing provisions. Exception.

Further exception.

SEC. 52. The commissioners of fisheries may take fish of any kind at such time and place and in such manner, as they may choose, for the purposes of science and of cultivation and dissemination, and they may grant written permits to other persons to take fish for the same purposes, and they may introduce or permit to be introduced any kind of fish to any waters [as] they may see fit.

SEC. 53. The commissioners of fisheries may set apart any waters for the *purpose of* cultivation of fish, and after notice *published* three weeks successively in some newspaper published in the county where such waters are located, no person shall take, kill or fish for any fish therein, under a penalty of not less than ten nor more than one hundred dollars, and a further penalty of one dollar for each fish so taken or killed.

SEC. 54. Any riparian proprietor may, within the limits of his own premises, inclose the waters of a stream not navigable, for the cultivation of useful fishes; *provided*, he furnishes suitable passages for migratory fishes naturally frequenting such waters, and does not obstruct the passage of boats and other craft and materials in places where the same have a right to pass.

SEC. 55. Any person legally engaged in the artificial culture and maintenance of fishes, may take them in his own inclosed waters wherein the same are so cultivated and maintained, as and when he pleases, and may at all times sell them for *the purpose of* cultivation and propagation, but [he] shall not sell them for food at seasons when the taking of such fish is prohibited by law, under a penalty of not less than ten nor more than one hundred dollars, and a further penalty of not less than one dollar for each fish so sold.

SEC. 56. Any person engaged in the artificial propagation of fish known as trout, [or] fresh and salt water salmon, *on any water in this state*, when the parent fish are taken from public waters in *this* [the] state, shall retain not less than twenty-five per cent. of all eggs taken from said parent fish and cause the same to be properly cared for and hatched, and when hatched and in proper condition, to be returned to a place suitable for such young fish in the original waters from which the parent fish were taken, and to cause said parent fish to be returned to safe locations in the waters from which they were taken, under a penalty of not less than fifty nor more than five hundred dollars for each offence. But the provisions of this section shall not apply to cases in which the parent fish are taken in the manner and at the time and place permitted by law for the capture of such fish for food; nor shall it apply to any operations in fish-culture conducted for public purposes by permission of the commissioners of fisheries *of this state*, who may affix such conditions to their permits as they may see fit, *but*

requiring in no case less than twenty-five per cent. of the young fish to be returned, as provided in this section. CHAP. 40.

SEC. 57. No person, without *the* permission of the proprietor, shall fish in that portion of a pond or other water in which fish are artificially cultivated or maintained by the written permission of the fish commissioners, under a penalty of not less than ten nor more than one hundred dollars, and an additional penalty of two dollars for each fish so taken or killed; and in default of payment *thereof*, [such offender] shall be imprisoned *in the county jail of the county in which the offence is committed*, at the expense of the prosecutor, until said forfeiture is paid or otherwise discharged by due process of law.

Penalty for fishing in water where fish are artificially cultivated. 1878, c. 75, §24. 1874, c. 170.

SEC. 58. It shall be the duty of all sheriffs, deputy sheriffs, constables and police officers, as well as fish wardens and their deputies, to cause any person or persons violating any of the provisions of sections twenty-nine to fifty-seven inclusive, to be promptly prosecuted for said offence, either by making complaint before some trial justice, [or] municipal or police judge, or by giving information to the county attorney of the county in which the offence is committed. Said *sheriffs, deputy sheriffs, constables, fish wardens, deputy fish wardens and police officers*, shall be allowed for said services the same fees as are now prescribed *by law* for sheriffs and their deputies. They may seize any implement used in illegal fishing, and may render any weir, built or maintained contrary to law, incapable of taking fish, and may, on view, appropriate to their own use or gift any fish taken or possessed in violation of law.

Sheriffs, constables, police officers and fish wardens, to prosecute for violations. 1878, c. 75, §25. —proceedings.

—fees.

—unlawful implements and fish forfeited. R.S., c. 40, §47.

SEC. 59. All fines and penalties provided for in sections thirty-one to fifty-seven inclusive, unless otherwise provided, may be recovered *before any competent tribunal* by complaint, indictment, or action of debt; and in all actions of debt commenced in the supreme judicial court, or in [either of] the superior court[s] *for the county of Cumberland*, the plaintiff *recovering* [prevailing] shall recover full costs, without regard to amount recovered. Judges of municipal and police courts and trial justices, shall have concurrent jurisdiction of all offences described in said sections, when the penalty for the offence complained of does not exceed thirty dollars. *In cases* where the offence *described in said sections* is alleged to have been committed in any river, stream, pond or lake forming a boundary between two counties, or where the fish are caught in one county and carried to another *county*, the action, complaint, or indictment may be commenced and prosecuted in either county. One half of all fines and penalties recovered or imposed, when not otherwise provided, shall be for the benefit of the party prose-

Fines and penalties, how recovered. 1878, c. 75, §26.

—jurisdiction of municipal courts and trial justices.

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cuting or making complaint, and the other half to the county in which the proceedings are commenced and prosecuted.*

Not to apply to weirs in St. Croix river.
1878, c. 75, § 28.
70 Me., 197.

SEC. 60. Said sections shall not apply to fish taken in the weirs on St. Croix river, and shall not be construed to repeal the laws relating to the St. Croix, Denny, Pemmaquam, Cobscook, East Machias and Narragaugus rivers.

Restrictions in regard to taking blue-back trout.
1878, c. 75, § 27.
1880, c. 180, § 1.

SEC. 61. This chapter shall not apply to the taking of blue-back trout, except that no person shall fish for, catch, take, kill, or destroy any blue-back trout *in any of the waters of this state*, with any net, seine, weir or trap, under a penalty of five dollars for the attempt, and one dollar for each and every blue-back trout so taken, caught, killed or destroyed, to be recovered by complaint *before any trial justice*, one half to the complainant and the other half to the town where the complaint is made.

—penalty.
1880, c. 180, § 2.

Limit of stationary fixtures for taking fish.
R.S., c. 40, § 34.

SEC. 62. No weir, hedge, set-net, or any other contrivance for the capture of fish, which is stationary while in use, shall extend into more than two feet depth of water at ordinary low water, under a penalty of not more than one hundred nor less than fifty dollars, and forfeiture of all apparatus and material so unlawfully used. This provision shall apply to any seine or drift-net that shall at any time be attached to a stationary object, but shall not apply to fykes or bag-nets used in the winter fishery for smelts and tom-cods, nor to any implements that may be lawfully used in waters above the flow of tide, nor to any portion of the Penobscot river, bay or tributaries.

—exception.

How weirs shall be made and kept.
1880, c. 175.

SEC. 63. The limit of depth prescribed for weirs in the preceding section shall be measured at the entrance of the weir, provided that no part of such weir known as the leader, shall be in more than two feet depth of water at low water mark. Weirs may exceed the limit of two feet depth, measured as aforesaid, under the following conditions, namely: first, the distance from the before mentioned two feet limit of depth, to the entrance of such weir, shall not exceed one hundred feet; second, no such weir shall obstruct more than one eighth part of the width of the channel; third, every such weir shall be stripped so as to render it incapable of taking fish on and after the twenty-fifth day of June, annually; these conditions to apply only to weirs that exceed the aforesaid limit of depth. The standard for low water mark on the Kennebec river, shall in all cases be the nearest bench mark of the United States Coast Survey, allowance being made at the various points for the difference in time.

—standard of low water for Kennebec river.

No weir,

SEC. 64. No weir, hedge, trap, trawl, or any net other than a

* [NOTE BY THE COMMISSIONER. Such of the special provisions of 1876, c. 125, §§ 4 and 5 as are not incorporated into the act of 1878, c. 75, §§ 26, 20 and 22, seem to have been substantially repealed thereby.]

dip-net shall be used for the capture of any fresh water fish under a penalty of not more than fifty nor less than ten dollars, and a further penalty of one dollar for every fish so taken. And such structure or implement used in any fresh water above the flow of the tide, shall be deemed to be used in violation of this section unless it shall be shown to be authorized by some special act or to have been used in a bona fide fishery for salmon, shad or alewives.

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ledge, trap, or trawl to be used in capture of fresh water fish.
R.S., c. 40, § 40.

SEC. 65. All boats, implements and materials used and all fish taken in violation of this chapter, shall be forfeited.

Forfeitures.
R.S., c. 40, § 44.

SEC. 66. The commissioners of fisheries can delegate to any fish warden or other lawful officer of fisheries any of the powers given to said commissioners in relation to the construction of fish-ways.*

Com'rs may delegate powers over fish-ways.
R.S., c. 40, § 48.

SEC. 67. That portion of the St. John river and its tributaries lying above Grand Falls in New Brunswick, shall be exempt from all the provisions of this chapter.

Waters exempted.
R.S., c. 40, § 49.
See § 27.

SEC. 68. The following waters and their tributaries are exempt from the operation of the provisions of this chapter relating to the migratory fishes, and the supervision of fish-ways by the commissioners, that is to say: Royall's river in North Yarmouth; Sewall's pond or its outlet in Arrowsic; Nequasset stream in Woolwich; so much of the waters of Damariscotta river as are west of the railroad bridge near Damariscotta Mills; Duck trap stream in Lincolnville and Belmont; the eastern Penobscot river in Orland; Winslow's and Leach's streams in Penobscot; all waters in Vinalhaven, Bluehill, Tremont, Mount Desert, Eden, Franklin and Sullivan; Tunk river in Steuben; Pleasant river in Washington county; East Machias river, and Coboscook or Orange river in Whiting.

Other waters exempted.
1878, c. 23.
See § 27.

SEC. 69. Any person who[-ever] shall cast[s] or deposit[s], or cause[s] to be thrown or deposited into any of the navigable waters of this state any pomace, scraps or other offal arising from the making of oil or slivers for bait from menhaden or herring, shall pay a fine of [forfeits] not less than fifty, nor more than one thousand dollars for each offence, to be recovered by indictment or action of debt in the name and to the use of the county in which the offence was [is] committed; and there shall be a lien on all boats, vessels, crafts and apparatus of any kind in the possession of any persons violating this section, whether owned by them or not; and they may be attached in such action, and held to respond to the judgment for the penalties, forfeitures and costs as in other cases, and any trial justice on complaint, may cause the arrest of the accused, and seizure of the property alleged to be forfeited, and [may] detain the same until a trial may be had in the proper courts; and in case of con-

Penalty for flrowing menhaden or herring offal into navigable waters.
R.S., c. 40, § 55.

—penalties and forfeitures, how recovered.
R.S., c. 40, § 56.

* [NOTE. The commissioner is not certain that this section may not be superseded by the fishery act of 1878, c. 75, §§ 1 to 8.]

CHAP. 40. viction, *the* said property shall be decreed forfeited to the uses aforesaid, to be sold in the [same] manner as goods taken on execution, and the balance, after deducting fines and costs, shall be paid to the person legally entitled to receive it.

Migratory
fishes pro-
tected.
1874, c. 248.
1875, c. 11.
See § 40.

SEC. 70. No net other than a dip-net, the meshes of which are smaller than one inch square in the clear, shall be used in any waters frequented by migratory fishes except the St. Croix river, between the first day of April and the first day of October in any year, under a penalty of not more than twenty nor less than ten dollars for each offence.

[NOTE. The commissioner is not certain that he has correctly revised this chapter as amended by more than fifty acts.]

NOTE. The following public acts relating to the taking of fish are not incorporated in this chapter, being of local interest only, viz. :—in

Kennebec and Somerset counties, ponds in, 1859, c. 65.

Moosehead Lake, 1858, c. 20.

Oxford and Franklin counties, certain lakes in, 1867, c. 86.

The following special laws on the same subject are in force, viz. :—in reference to

Bagaduce river and tributaries in Hancock county, 1878, c. 44.

Barrell's Mill pond in York, 1881, c. 72.

Blunt's pond in Lamoine, 1875, c. 163.

Bryant's pond in Woodstock, 1857, c. 64.

Casco Bay, 1877, cc. 331, 374. (Seals.)

Cathance lake, 1867, c. 179.

Chandler's river, 1860, c. 470; 1865, c. 434.

Chase's pond in York, 1875, c. 180.

Cobbossee Contee Great Pond, 1862, c. 142.

Cupsuptic or Mooselucmagentic* lakes in Franklin county, 1863, c. 260.

Damariscotta pond, 1874, c. 471; 1881, c. 101.

Damariscotta pond and river, 1878, c. 34.

Damariscotta river, 1867, cc. 190, 320; 1874, c. 420.

Denny's river, 1864, c. 364; 1865, c. 502; 1879, c. 105; 1881, c. 90.

Dexter pond in Penobscot county, 1880, c. 207.

East Machias waters, 1859, c. 317; 1867, c. 186.

Fore River in Cumberland county, 1879, c. 150.

Georges river and tributary streams, 1881, c. 106. (Oysters.)

Goose Pond, 1864, c. 377.

Grand lake stream, 1867, c. 304.

Hewes pond in Hermon, 1876, c. 200, as amended by 1881, c. 62.

Hobbs' Mill pond in Farmington, 1876, c. 229.

Kennebago, Rangely, Cupsuptic, Mooselucmagentic,* Mollychunkamunk, and Welokennebacook lakes, 1881, c. 21.

Kennebec river, 1878, c. 57.

Little Sebago lake, 1876, c. 240.

Low's mill stream or waters of St. Croix river, 1859, c. 258.

Lovejoy pond in Albion, 1872, c. 101; 1880, c. 245.

Maguerrawock or Beaver lakes, 1867, c. 333.

Medomak river in Lincoln county, 1874, c. 509; 1876, c. 204; 1879, c. 123; 1881, c. 73.

Middle river in Marshfield, 1860, c. 461.

Millbridge, waters in, and Narraguagus bay, 1881, c. 119.

Monsweag bay, 1876, c. 279, as amended by 1877, c. 361.

* [NOTE. The spelling of 1881, c. 21, is adopted.]

- North pond in Mercer, 1857, c. 65.
 Orneville, ponds and streams in, 1866, c. 121.
 Orrington and Bucksport, certain ponds in, 1878, c. 65.
 Otter ponds in Standish, 1877, c. 347.
 Patten's bay in Surry, 1876, c. 203.
 Pennamaquon and Borden's lake and tributary waters, 1857, c. 66.
 Pennamaquon river in Pembroke, 1871, c. 600.
 Piscataqua river or its tributaries, 1866, c. 136; 1874, c. 573.
 Pushaw lake and tributaries in Penobscot county, 1866, c. 109; 1876, c. 226.
 Range and Tripp ponds in Poland, 1866, c. 137.
 Raymond, ponds and streams in, 1874, c. 465.
 St. Croix river, 1858, c. 206.
 Salt pond, and at Thurston's Mills in Hancock county, 1880, c. 208.
 Sanborn Brothers' pond in Baldwin, 1878, c. 46.
 Schoodiac waters, 1857, c. 59.
 Sebago lake, Brandy pond, Long pond, Crooked river, Thompson pond, Saturday pond, Moose pond, 1858, c. 232.
 Sewall's pond or its outlets, 1858, c. 147.
 Twenty-Five Mile pond in Waldo County, 1872, c. 60.
 Warren, to amend an act to regulate the shad and alewife fishery in the town of, passed March 6, 1802,—1878, c. 49.
 Winnegance creek, 1865, c. 472; 1878, c. 43; 1881, c. 150.
 Winthrop pond, 1866, c. 110.
 Worthley pond and brook in Poland, 1872, c. 171.

The special laws given below expire by express limitation as follows:—in

- 1883, Messabesic pond in Alfred, 1881, c. 25.
 Moose pond in Somerset county, 1880, c. 297.
 1884, Allen pond in Greene, 1879, c. 143.
 Branch river in Wells, 1879, c. 144.
 Gay brook in Casco, 1879, c. 136.
 Great and Long ponds in Belgrade and Rome, 1879, c. 108.
 No Name pond in Lewiston, 1881, c. 96.
 Pleasant pond in Garland, 1881, c. 79.
 Sabbath Day pond in New Gloucester, 1881, c. 80.
 Sabbath Day pond in Sebago, 1881, c. 36.
 Sibley's pond in Canaan and Pittsfield, 1879, c. 106.
 1885, Certain lakes in Aroostook county, 1880, c. 253.
 Hosmer pond in Camden, 1881, c. 22.
 Sunday pond in Oxford county, 1876, c. 212.
 (This act expired in 1880 but was extended on certain conditions.)
 Wilson pond in Greenville, 1880, c. 278.
 1886, Berry, Dexter and Wilson ponds, 1876, c. 235.
 Cold Stream pond in Enfield, 1881, c. 32.
 Great Watchic pond in Standish, 1881, c. 88.
 Lufkin pond in Phillips, 1881, c. 52.
 Wilson pond in Auburn, 1881, c. 89.
 1889, Letter B pond in Upton, 1874, c. 539.
 1890, Rangely, South Bog, Bemis, Cupsuptic, and Kennebago streams, 1880, c. 280.

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CHAPTER 41.

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

WOOD AND BARK.

- SEC. 1. Towns may regulate sale and measure of wood. Dimensions of a cord.
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 measurement.
4. Ticket, stating quantity and driver's name, required before wood is 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.

- SEC. 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.

HARD COAL.

- SEC. 11. Hard coal to be sold by weight, and 2000 pounds a ton.
12. Weighers of hard coal to be appointed by municipal officers, and sworn.
13. Coal, unless sold by the cargo, on request of buyer, to be weighed by a sworn weigher, or pay not recovered.

BOARDS, PLANK AND OTHER LUMBER.

- SEC. 14. 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.
15. All boards, plank, timber and joist to be surveyed before delivery on sale. 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.

- SEC. 16. Dimensions and quality of shingles Nos. 1, 2, and 3.
17. 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.
18. Dimensions and quality of clapboards.

STAVES AND HOOPS.

- SEC. 19. Dimensions and quality of staves, and how enumerated.
20. Dimensions and quality of hogshead hoops; how packed and enumerated; and forfeiture of deficient bundles.

- SEC. 21. The articles hereinbefore named, not to be offered for sale, before they are surveyed and branded and certificate given. Penalty. Forfeitures for master of vessel unlawfully exporting same. CHAP. 41.
22. Master or owner to produce surveyor's certificate before clearance, and affidavit thereto.
23. Penalty of surveyor or culler to neglect or refuse oath of office, and for neglecting or practising fraud in, his official duties.
24. Penalty and forfeitures, how recovered.

Logs.

- SEC. 25. Duty of surveyors of logs.

WOOD AND BARK.

SEC. 1. Towns may, by an ordinance, regulate the measure and sale of wood, coal, and bark therein, and the location of teams hauling the same; and enforce it by reasonable penalties. All cord wood exposed to sale shall be four feet long including half the scarf, and well and closely laid together; a cord of wood or bark shall measure eight feet in length, four feet in width, and four feet in height, or otherwise contain one hundred and twenty-eight cubic feet; and the measurer shall make due allowance for refuse or defective wood, and bad stowage. Dimensions of a cord of wood. R.S., c. 41, § 1. 14 Me., 406.

SEC. 2. If any fire wood or bark, brought into any town by land, is sold and delivered, unless otherwise agreed to by the purchaser, before it is measured by a sworn measurer, and a ticket signed by him and given to the driver, stating the quantity the load contains, the name of the driver, and the town in which he resides, such wood or bark shall be forfeited, and may be libelled and disposed of according to law. Penalty for selling wood or bark before survey. R.S., c. 41, § 2. 72 Me., 119.

SEC. 3. All cord wood, brought by water into any town for sale, shall be corded on the wharf or land, on which it is landed, in ranges making up in height what is wanting in length; then it shall be so measured and a ticket given to the purchaser, who shall pay the stated fees; and no such wood shall be carried away by any wharfinger or carter, before it has been so measured, under a penalty of one dollar for every load. How cord wood brought by water, shall be measured. Penalty for carrying it away before. R.S., c. 41, § 3.

SEC. 4. Every person, carrying any fire wood from a wharf or landing for sale, shall be furnished by the owner or seller of it with a ticket stating the quantity and name of the driver; and if such fire wood is carried away without such ticket, or any driver refuses to exhibit such ticket to any sworn measurer on demand, or does not consent to have the same measured, if in the opinion of the measurer the ticket certifies a greater quantity of wood than the load contains, such wood shall be forfeited, and may be seized and libelled by said measurer according to law. Ticket stating quantity, and name of driver required, and penalty for not showing it. R.S., c. 41, § 4.

SEC. 5. When any wood, bark, or charcoal, is sold by the cord, foot, or load, which is stowed in such a manner as to prevent the surveyors from examining the middle of the load, and it appears Penalty for fraudulent stowage. R.S., c. 41, § 5.

CHAP. 41. on delivery, that it was stowed with a fraudulent intent of obtaining payment for a greater quantity than there was in fact, the seller or owner thereof shall pay ten dollars for the use of the county, with costs of prosecution.

CHARCOAL.

How charcoal may be measured and sold.
R.S., c. 41, § 6.

SEC. 6. Any charcoal brought into a town for sale, may be measured and sold by the cord or foot, estimating the cord at ninety-six bushels, when the purchaser and seller agree to the same; and the measurers before named shall be measurers of charcoal also.

Coal baskets to be sealed; dimensions.
R.S., c. 41, § 7.

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

Penalty for using smaller one.
R.S., c. 41, § 8.

SEC. 8. Whoever measures charcoal for sale, in any basket of less dimensions, or not sealed, shall forfeit, for each offence, five dollars.

Seizure of unlawful baskets.
R.S., c. 41, § 9.

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

Penalty for refusing to give certificate, and how penalties recovered and appropriated.
R.S., c. 41, § 10.

SEC. 10. If any measurer of wood, bark, or charcoal, neglects or refuses to give to the owner or purchaser a certificate of the contents of any load, he shall forfeit five dollars for each offence; and all the penalties herein before provided, may be recovered by action of debt or complaint, one half to the town where the offence is committed, and the other to the prosecutor.

HARD COAL.

Hard coal to be weighed, and ton to be 2,000 lbs.
R.S., c. 41, § 11.

SEC. 11. Anthracite, bituminous, and other mineral coal shall be sold by weight; and two thousand pounds thereof shall be a ton.

Weighers of hard coal to be appointed.
R.S., c. 41, § 12.

SEC. 12. The municipal officers of towns shall annually appoint weighers of such coal, who shall be sworn, and receive such fees as said officers may establish, to be paid by the buyer.

Coal unless sold by cargo, weighed by sworn weigher, or suit not maintained.
1879, c. 142.
65 Me., 138-9.
68 Me., 268.

SEC. 13. Unless the coal is sold by the cargo, the seller shall, on request of the purchaser, cause the same to be weighed by a sworn weigher, who shall make a certificate of the weight thereof; and the seller shall not maintain a suit for the price of such coal unless he had delivered such certificate to the buyer before its commencement.

BOARDS, PLANK AND OTHER LUMBER.

Towns to elect survey-

SEC. 14. Every town, at its annual meeting, shall elect one or more surveyors of boards, plank, timber, and joist; one or more

surveyors of shingles, clapboards, staves and hoops; and every town containing a port of delivery whence staves and hoops are usually exported, shall also elect two or more viewers and cullers of staves and hoops; and the municipal officers of any town may, if they deem it necessary, appoint not exceeding seven surveyors of logs; and all of said officers shall be duly sworn.

CHAP. 41.
ors of lum-
ber.
R.S., c. 41, § 14.

SEC. 15. All boards, plank, timber, and joist, offered for sale, shall, before delivery, be surveyed by a sworn surveyor thereof, and if he has doubts of the dimensions, he shall measure the same, and mark the contents thereon, making reasonable allowance for rots, knots, and splits, drying and shrinking; pine boards three fourths of an inch thick when fully seasoned, and in that proportion when partly seasoned, shall be considered merchantable; and no pine boards, except sheathing boards, shall be shipped for exportation beyond the United States, but such as are square edged, not less than seven eighths of an inch thick, nor less than ten feet long, under penalty of being forfeited to the town whence shipped.

Lumber to
be surveyed
before deliv-
ery.
R.S., c. 41, § 15.

SHINGLES AND CLAPBOARDS.

SEC. 16. All shingles, packed for exportation beyond the state, shall be sixteen inches long, free from shakes and worm holes, and at least three eighths of an inch thick at the butt end when green, and if of pine, free from sap. They shall be four inches wide on an average, not less than three inches wide in any part, hold their width three fourths of the way to the thin end, well shaved or sawed, and be denominated number one; but shingles intended for sale within *this* [the] state, if of inferior quality or of less dimensions, may be surveyed and classed accordingly, under the denominations of number two, and number three.

Dimensions
and quality
of shingles,
Nos. 1, 2
and 3.
R.S., c. 41, § 16.

SEC. 17. All shingles shall be split or sawed crosswise the grain; each bundle shall contain two hundred and fifty shingles, and if in square bundles, twenty-five courses, and be twenty-two inches and a half at the lay; and when packed to be surveyed as number one, or for exportation, if in any bundle there are five shingles deficient in the proper dimensions, soundness or number, to make two hundred and fifty merchantable shingles; or if any shingles are offered for sale, before they are surveyed and measured by a sworn surveyor of some town in the county where [they were] made, and the quality branded on the hoop or band of the bundle, unless the parties otherwise agree, they shall be forfeited to the town where the offence is committed.

How shin-
gles shall be
split or saw-
ed, and pack-
ed, and when
forfeited.
R.S., c. 41, § 17.

SEC. 18. All clapboards, exposed to sale or packed for exportation, shall be made of good sound timber, free from shakes and worm holes, and if of pine, clear of sap; and they shall be at least

Dimensions
and quality
of clap-
boards.

CHAP. 41. five eighths of an inch thick on the back or thickest part, five
 R.S., c. 41, § 18. inches wide, and four feet six inches long, and straight and well
 shaved or sawed.

STAVES AND HOOPS.

Dimensions
 and quality
 of staves,
 and how
 enumerated.
 R.S., c. 41, § 19.

SEC. 19. Staves packed for sale or exportation shall be well and proportionably split, and of the following dimensions, viz :

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

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

White or red oak hogshead staves *shall be* at least forty-two inches long, and not less than half an inch thick on the least or thinnest edge ;

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

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

Dimensions
 and quality
 of hogshead
 hoops ; how
 packed, and
 forfeiture
 for defi-
 ciency.
 R.S., c. 41, § 20.

SEC. 20. All hogshead hoops, exposed for sale, or packed for exportation, shall be from ten to thirteen feet in length, and of oak, ash or walnut, and of good and sufficient substance, well shaved ; if of oak or ash, at least one inch broad, and, if of walnut, three quarters of an inch at the least end ; the different lengths shall be made up in bundles by themselves ; each bundle shall contain twenty-five hoops, four bundles [shall] make one hundred, and ten hundred, one thousand ; and every bundle, packed for sale or exportation, found to be deficient in number or dimensions, shall be forfeited to the use of the town where [it is] exhibited.

The articles
 hereinbefore
 named, not
 to be offered
 for sale till
 surveyed and
 branded.
 R.S. c., 41, § 21.
 68 Me., 144.
 —penalty
 for so offer-
 ing.
 —ship-
 master also
 liable.

SEC. 21. No person shall deliver on sale, or ship or attempt to ship for exportation, any boards, plank, timber, joists, shingles, clapboards, staves, or hoops, before they have been surveyed, measured, viewed or culled, as the case may be, and branded by the proper officer, and a certificate thereof given by him, specifying the number, quality, and quantity thereof, under a penalty of two dollars a thousand, by quantity or tale, as such article is usually sold, one half to the town where the offence is committed, and the other to the prosecutor ; and in addition thereto, the master or owner of any vessel, exporting any of the articles aforesaid

beyond the limits of the United States contrary to law, shall, for the first offence, forfeit two hundred dollars for the use of the town whence said articles are exported ; and if after conviction he commits a second offence in the same vessel, he shall forfeit the same sum, and the vessel, if found in this state, shall also be forfeited to the same use.

SEC. 22. The master or owner of any vessel, having any of the lumber or other articles mentioned in the preceding section on board, for exportation as aforesaid, shall, before the vessel is cleared at the custom house, produce to the collector a certificate from the proper officer, that the same have been duly surveyed, measured, viewed, or culled, as the case may require ; and such master or owner shall likewise make oath before the collector, or any justice of the peace, whose certificate shall be returned to the collector, that the articles so shipped for exportation are the same articles thus surveyed, measured, viewed or culled, that he has no others on board of the like description, and that he will not take any others.

Master or owner to produce surveyor's certificate before clearance, with affidavit thereto.
R.S., c. 41, § 22.

SEC. 23. If any person, duly elected a surveyor, measurer, viewer, or culler of any of said articles under the provisions of this chapter, neglects or refuses to take the oath of his office and to serve therein, he shall forfeit three dollars to the use of the town, and another person shall be elected to his place, who shall take the oath and serve as aforesaid under the like penalty ; and the like proceedings shall be had, until the office is filled ; or if any such officer duly qualified unnecessarily refuses or neglects to attend to the duties of his office when requested, he shall forfeit three dollars ; and if he connives at or willingly allows any breach of the provisions hereof, or practices any other fraud or deceit in his official duties, he shall forfeit thirty dollars to the use aforesaid.

Penalty for surveyor or culler to neglect or refuse oath of office, or for fraud in his office.
R.S., c. 41, § 23.

SEC. 24. All pecuniary penalties aforesaid may be recovered by action of debt, indictment, or complaint, and all other forfeitures, by a libel filed according to law by the treasurer of the town interested therein, or by any inhabitant thereof.

Penalties, how recovered.
R.S., c. 41, § 24.

LOGS.

SEC. 25. Surveyors of logs may inspect, survey, and measure all mill logs floated or brought to market or offered for sale in their respective towns, and divide them into several classes, corresponding to the different quality of boards and other sawed lumber, which may be manufactured from them ; and they shall give certificates under their hands of the quantity and quality thereof to the person, at whose request they are surveyed.

Duty of surveyors of logs.
R.S., c. 41, § 25.
53 Me., 491.

CHAPTER 42.

TIMBER UPON RIVERS, STREAMS AND ADJACENT LANDS.

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

Penalty for unlawful conversion of timber, how recovered.
 R.S., c. 42, § 1.
 2 Me., 131.
 3 Me., 203.
 16 Me., 68.
 64 Me., 442.

SEC. 1. If any person takes, carries away, or otherwise converts to his own use, without the consent of the owner, any log suitable to be sawed or cut into boards, clapboards, shingles, joists or other lumber, or any mast or spar the property of another, whether the owner thereof be known or unknown, lying and being in any river, pond, bay, stream or inlet, or on, or near the bank or shore thereof, *within this state*, or cuts out, alters or destroys any mark made thereon, without the consent of the owner, and with intent to claim the same, he shall forfeit for every such log, mast, or spar, twenty dollars, to be recovered on complaint before any justice of the peace of the county where the offence is committed; one half to the use of the state, and the other to the use of the complainant.

Such unlawful conversion declared larceny.
 R.S., c. 42, § 2.
 64 Me., 443.

SEC. 2. Whoever fraudulently and willfully takes and converts to his own use, either by himself or by another in his employment, any such log, mast, or spar, lying or being as aforesaid, for the purpose of being driven to a market or place of manufacture, shall be deemed guilty of larceny and punished accordingly.

What is presumptive evidence of guilt.
 Double damages recoverable by owner.
 R.S., c. 42, § 3.
 64 Me., 442-4.

SEC. 3. In prosecutions under sections one and two, if such log, mast, or spar is found in the possession of the accused partly destroyed, partly sawed, or manufactured, or with the marks cut out or altered, not being his property, it shall be presumptive evidence of his guilt; and the burden of proof shall then be on him; and whoever is guilty of the offence described in either section shall also be liable to the owner, in an action of debt, for double the value of the log, mast or spar so dealt with.

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

SEC. 5. If any boom across or partly across the Saco river, or any of the waters connected therewith, is placed, or constructed, so as to prevent the free and usual passage of timber down the river, the owner or occupier thereof, at his own expense, shall release and turn out the timber so detained, when requested to do so by the owner thereof, if it can be done with safety; and if for two days after request he neglects or refuses to do so, he shall be liable to the owner of the timber, in an action on the case, for all damages by him sustained.

SEC. 6. Any person, whose timber in any of the waters of this state is so intermixed with the logs, masts or spars of another, that it cannot be conveniently separated for the purpose of being floated to the market or place of manufacture, may drive all timber with which his own is so intermixed, toward such market or place, when no special and different provision is made by law for driving it; and shall be entitled to a reasonable compensation from the owner, to be recovered after demand therefor on the said owner or agent, if known, in an action on the case; and he shall have a prior lien thereon until thirty days after it arrives at its place of destination, to enable him to attach it; and if the owner thereof cannot be ascertained, the property may be libelled according to law, and enough disposed of to defray the expenses thereof; the amount to be determined by the court hearing the libel.

SEC. 7. All logs or other timber carried by freshets or otherwise lodged upon any lands adjoining any of the waters *within this state*, shall be forfeited to the owner or occupier of such lands, after the same has so remained two years, if such lands, during that time, were improved; otherwise after six years; provided the owner or occupier of such lands, within one year after the same was found so lodged, advertises as near as practicable the number of pieces of timber, the time when lodged, together with the marks thereon, and the place where found, three weeks successively in some public newspaper in the county, if any, otherwise in the state paper.

SEC. 8. The owner of said timber may enter on said land and remove it at any time before forfeiture, having previously tendered to the owner or occupier of the land a reasonable compensation

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Right of owner to search mill, boom or raft, for lost logs.
Penalty for obstructing, R.S., c. 42, § 4.

Logs on any boom on Saco river to be released on request, if safe to do so.
Liability for all damages for neglect to do so.
R.S., c. 42, § 5.

When logs of different owners are intermixed, how driven, and lien for expenses.
R.S., c. 42, § 6.
46 Me., 365.
71 Me., 39.

When timber, lodged on banks, shall be forfeited, if advertised.
R.S., c. 42, § 7.

Owner may remove by tendering damages; otherwise,

CHAP. 43. damages for owner.
R.S., c. 42, § 8.
31 Me., 24.
57 Me., 276.
62 Me., 44.

Penalty for unlawful conversion of railroad sleepers, ship knees or other lumber on ponds or streams. Double damages.
R.S., c. 42, § 9.
57 Me., 9.

for all damages occasioned by the lodging, remaining, or removal of said timber, and the expenses of advertising it; but if the timber is removed by the owner, or otherwise, without such tender, the owner of the land may recover, in an action of trespass, the damages aforesaid.

SEC. 9. Whoever willfully and fraudulently takes, carries away, or otherwise converts to his own use, any railroad sleeper, any knee or other ship timber, or cedar for shingles or other purposes, the property of another, whether known or not, without his consent, lying in any river, stream, pond, bay or inlet, or on or near the shore thereof; or cuts out, alters, or destroys any mark thereon, shall forfeit ten dollars for each offence, to be recovered and appropriated as in section one; and shall be liable to the owner in double the amount thereof in an action of debt; and such owner shall have all the rights and be subject to all the liabilities provided for the owner of logs, masts, and spars, in the six preceding sections.

CHAPTER 43.

STANDARD WEIGHTS AND MEASURES, AND MERIDIAN LINES.

- SEC. 1. U. S. standard of weights and measures. State sealer to regulate smaller denominations thereby, and to keep standard balances at the state house for regulating weights and measures.
2. 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 and sealed once in ten years, penalty for neglect, &c.
 5. Appointment of sealers by town officers, penalty for neglect, &c.
 6. Penalty for sealer not accepting office. Sealer is to be custodian of standards and seals and 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, to conform to public standard. Penalty for selling by beams, weights or measures not sealed, and how appropriated.
 10. Twenty-five pounds to be a quarter; four quarters one hundred; twenty hundreds, one ton; and articles, sold by tale, to be by decimal hundreds.
 11. Fees of sealers of weights and measures, and by whom paid.

MERIDIAN LINES.

- SEC. 12. County commissioners to establish meridian lines, and provide a record book, accessible to all.

- SEC. 13. Clerk of courts to have care thereof, accessible to all surveyors.
14. Surveyors to verify compass annually, make record thereof, and enter same in field notes, under a penalty.
15. Penalty for injuring meridian lines, or inclosures, and how appropriated.
16. Governor and council to appoint a commissioner to verify meridian lines; his duty and pay.
17. Meridian line on state land in Orono.

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SEC. 1. The standard of weights and measures furnished by the United States and adopted by this state shall continue the standard of weights and measures for the state; and the state sealer of weights and measures shall cause all such weights and measures of a smaller denomination than those furnished by the United States, as are necessary to make a complete set, to be compared and regulated by the standards aforesaid; and keep, at the expense of the state, a suitable standard balance for gold, and also for avoirdupois weights, to be kept with the weights and measures at the state house, and used only for regulating other weights and measures.

Standard of weights and measures, official tests. R.S., c. 43, § 1.

SEC. 2. The treasurer of state, at the expense of the state, shall procure and preserve as public standards, until otherwise provided, in the manner mentioned in the first section, and which shall be used only as such, the following beams, weights, and measures, to wit: one bushel, one half bushel, one peck, one half peck, one ale quart, one wine gallon, one wine half gallon, one wine quart, one wine pint, one wine half pint, and one wine gill; said measures to be made of copper or pewter, conformable as to contents to said standard measures; and the diameter of the bushel shall not be less than eighteen inches and a half, containing thirty-two Winchester quarts; of the half bushel, not less than thirteen inches and three quarters, containing sixteen Winchester quarts; of the peck, not less than ten inches and three quarters, containing eight Winchester quarts; and of the half peck, not less than nine inches, containing four Winchester quarts; the admeasurements to be made in each instance in the inside; also one ell, one yard; one set of brass weights, to four pounds, computed at sixteen ounces to the pound, with fit scales and steel beam; also a good beam and scales, and a nest of troy weights, from one hundred and twenty-eight ounces, down to the least denomination, with the weight of each weight, and the length of each measure, marked or stamped thereon, and sealed with a seal, to be procured and kept by the treasurer aforesaid; and also one fifty-six pound weight, one twenty-eight pound weight, one fourteen pound weight, and one seven pound weight, made of iron.

Beams, weights and measures to be kept by the treasurer of state. R.S., c. 43, § 2.

SEC. 3. The treasurer of each county, at the expense thereof, shall have one complete set of beams, and of brass, copper, pewter,

Also by county treasurers, and to

CHAP. 43.

be sealed
once in ten
years by
state treas-
urer.
R.S., c. 43, § 3.

Penalty.

Town seal,
and standard
of beams,
weights and
measures to
be kept by
treasurers,
and sealed
once in ten
years.
R.S., c. 43, § 4.

Appoint-
ment of
sealers by
towns, and
penalties.
R.S., c. 43, § 5.
68 Me., 470.

Penalty for
sealer not
accepting
office.
When sworn
to receive
standard and
seal.
R.S., c. 43, § 6.
68 Me., 470.

Duty of
town sealer,
penalty for
neglect, how
appropriat-
ed.
R.S., c. 43, § 7.

and iron weights, and of the measures before mentioned, except the bushel measure, proved and sealed by the state standards, and conformable thereto in breadth and contents; and preserve them for the use of such county only as standards; and once in every ten years, commencing July first, eighteen hundred and thirty-nine, he shall have them compared, proved, and sealed by the state standards; and for each neglect of his duty aforesaid, he shall forfeit two hundred dollars, to be recovered in an action of debt in the name of the state.

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

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

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

SEC. 7. Every such sealer shall annually, in the month of May, post notices in different parts of his town stating the times and places, at which he will attend to the proof and sealing of weights and measures; shall deface or destroy all weights and measures that are not or cannot by him be made conformable to the standard; shall visit the houses of innholders, the warehouses and stores of merchants, and the dwelling houses of such other inhabitants, as

neglect to send to him their weights and measures, and there prove and seal the same; and every sealer, neglecting any duty herein required of him, and every person neglecting or refusing to have his weights and measures proved and sealed as aforesaid, shall forfeit ten dollars, to be appropriated as in section four.

SEC. 8. In all cases of weighing, the vibrating steelyard invented by Benjamin Dearborn, or the vibrating steelyard invented by Benjamin Dearborn and improved by Sannel Hills, or the Fairbanks Scale, may be used; but before being offered for sale, or used, each beam and the poises thereof shall be sealed by a public sealer of weights and measures, appointed according to law.

SEC. 9. All measures, by which fruit and other things, usually sold by heaped measures, are sold, shall be conformable in capacity and breadth, to the public standard; and if any person otherwise sells and exposes to sale any such fruit or other thing, [or] any goods or commodities whatever, by any other beams, weights, or measures than those proved and sealed as aforesaid, he shall forfeit for each offence not less than one dollar nor more than ten dollars; one half to the use of the town, and the other to the sealer, or to him who prosecutes therefor.

SEC. 10. Such articles as are sold or exchanged in any market or town in this state by gross or avoirdupois weight, shall be sold or exchanged as follows; twenty-five avoirdupois pounds constitute one quarter; four quarters, one hundred; and twenty hundreds, one ton; and all other articles, usually sold by tale, shall be sold by decimal hundred.

SEC. 11. The fees of sealers of weights and measures for trying and proving beams, weights and measures by the town standard, shall be as follows, to be paid by the person for whom the service is rendered: for a platform or hay scale weighing six thousand pounds or more, one dollar; for one weighing one thousand pounds and under six thousand, fifty cents; for a platform scale weighing six hundred pounds and under one thousand, twenty-five cents; for one weighing less than six hundred, ten cents; for any other scale or steelyard that weighs with a poise, five cents; for each dry measure and for all other weights, measures, scales or beams, three cents each; and a reasonable compensation for all repairs, alterations and adjustments necessary to make the same conformable to the town standard.

MERIDIAN LINES.

SEC. 12. The county commissioners, at the expense of their county, shall erect and forever maintain, in their several counties, at such place or places as the public convenience requires, a true meridian line, to be perpetuated by stone pillars with brass or

CHAP. 43.

What scales may be used, if sealed.
R.S., c. 43, § 8.
68 Me., 470.

Measures for articles sold by heaped measure, shall be conformable to standard.
R.S., c. 43, § 9.

Twenty-five pounds shall be a quarter, and so on.
R.S., c. 43, § 10.

Fees of sealers of weights and measures, and by whom paid.
R.S., c. 43, § 11.

County commissioners to erect and maintain meridian line.

CHAP. 43.

1881, c. 25.

—record to be kept by clerk of courts.

Under care of clerks of court, accessible to surveyors.
R.S., c. 43, § 13.Surveyors to verify compass annually, make record thereof, and enter same in field notes, under a penalty.
R.S., c. 43, § 14.Penalty for injuring meridian lines or inclosures, and how recovered and disposed of.
R.S., c. 43, § 15.
Governor and council to appoint a commissioner to verify meridians and make report.
1881, c. 25.

Compensation.

Meridian line on state land in Orono.
1871, c. 182.

copper points firmly fixed on the tops thereof, indicating the true range of such meridian, and shall protect the same, and provide a book of records to be kept by the clerk of the courts, or by a person appointed by them nearer to such structure, and accessible to all persons wishing to refer thereto.

SEC. 13. Such structures shall be under the care and custody of the clerks of the court; and any surveyor or civil engineer residing in said county or engaged in surveying therein, shall have free access thereto for the purpose of testing the variation of the compass.

SEC. 14. Every land surveyor shall, at least annually, adjust and verify his compass by the meridian line so established in the county where his surveys are to be made, and shall enter the variation thereof from the true meridian line in the book mentioned in section twelve, and subscribe his name thereto for future reference; and shall also insert in his field notes, the true as well as magnetic bearings of the lines of his surveys, and the day on which they were made; under a penalty of ten dollars for each offence, to be recovered on complaint, in the county where the survey is made, one half to the complainant and the other to the county; but no surveyor living on an island not connected with the main land by a passable bridge, shall be required to go beyond its limits to verify his compass, for the purpose of making surveys thereon.

SEC. 15. Whoever willfully displaces, alters, defaces, breaks or otherwise injures any of the pillars or points, inclosures, locks, bars, bolts or any part of said structures, shall be liable to a penalty not exceeding a hundred dollars, to be recovered by indictment, one half to the prosecutor and the other to the county.

SEC. 16. When such meridian or meridians are established, repaired or rebuilt in any county, the governor and council shall appoint a competent commissioner to inspect and verify it by astronomical observations, who shall make a report of his doings, with an accurate description of such structure, its latitude and longitude and the declination of the needle at the time, and deposit a record thereof with the clerk of the courts for such county, and shall be entitled to such just compensation for his services as the governor and council may allow.

SEC. 17. The commissioners of Penobscot county are authorized to maintain the true meridian line on state land in the town of Orono under the provisions of the five preceding sections.

CHAPTER 44.

HAWKERS AND PEDLARS.

- SEC. 1. *Penalty for peddling without a license, with forfeiture of goods ; but not applicable to resident merchants selling in their own town, or to a citizen selling articles raised or manufactured in the state.*
2. *County commissioners may license, and whom, and amount paid therefor, but not to be paid by soldiers of the state disabled in the rebellion. Extra fees, if licensee is a non-resident, &c.*
3. *Blank licenses, signed by commissioners, furnished the clerk, and he to account therefor, once in three months.*
4. *All moneys paid to clerk, to be paid over to state treasurer, once in three months, except his fees. What to be allowed to clerk by commissioners in payment.*
5. *License to be exhibited when required ; penalty, with seizure and forfeiture of goods and carriages for refusal.*
6. *Penalties, how recovered, and proceedings at the trial.*
7. *Name of pedlar and words, "Licensed by C. C.," to be painted on carriage.*

SEC. 1. *No person, except as hereinafter provided, shall travel from town to town, or place to place in any town, on foot or by any kind of land or water conveyance, carrying for sale, or offering for sale, any goods, wares or merchandise, whole or by sample, under a penalty of not less than fifty nor more than two hundred dollars, and the forfeiture of all property thus unlawfully carried ; but this provision shall not apply to commission merchants and commercial brokers travelling from place to place in the city or town where they reside, and selling or offering to sell goods by sample or otherwise ; nor to any citizen of this state selling any fish, fruit, provisions, farming utensils or other articles lawfully raised or manufactured in this [the] state.*

SEC. 2. *The county commissioners may license for the purposes aforesaid, any person who proves to their satisfaction that he sustains a good moral character, and has been five years a citizen of the United States ; and such licenses shall expire in one year from their date, and shall not be transferable ; and the person receiving such license shall pay therefor, if he is to sell or offer to sell by retail, ten dollars ; if by wholesale, twenty-five dollars ; but soldiers of this state, disabled in the recent war of the rebellion, shall have their licenses free. If the licensee is not a resident of the state, or if he is acting as agent, clerk or servant of any person who is not a resident of this state, or corporation not located in the state, he shall pay for such license, if he is*

Penalty and forfeiture for peddling without a license ; exceptions. R.S., c. 44, § 1. 65 Me., 136.

County commissioners may license, and whom, and what paid therefor. Disabled soldiers licensed free. R.S., c. 44, § 2.

Extra fees if licensee is a non-resident, &c. 1879, c. 116.

CHAP. 44. *to sell or offer to sell by retail, twenty-five dollars; if by whole-sale, fifty dollars.*

Blank signed by commissioners, furnished clerk, to be accounted for quarterly.

R.S., c. 44, § 3. Clerk to pay over to state treasurer quarterly.

What to be allowed clerk by commissioners.

R.S., c. 44, § 4.

SEC. 3. *Said commissioners shall furnish the clerk of the court a sufficient number of blank licenses, signed by at least a majority of them, to meet all calls therefor; and they shall be charged to him, and he shall account therefor once in three months to said commissioners.*

SEC. 4. *All moneys paid for such licenses, shall be paid to the clerk of the court, and [be] by him paid to the state treasurer or deposited in the nearest bank where state funds are deposited, or such other place as is agreed upon with the state treasurer, once in three months, except fifty cents for each license, taking receipts therefor. Such receipts, licenses not issued, and fifty cents for each license issued and recorded, shall be allowed to such clerk by said commissioners on payment for signed licenses received by him.*

License to be shown when required; penalty with seizure and forfeiture of goods and carriages on refusal.

R.S., c. 44, § 5.

SEC. 5. *Every person receiving such license, shall exhibit it at all times when required by a trial justice, constable or other peace officer; and upon refusal, he shall forfeit the sum of fifty dollars; and his carriages, goods, wares and merchandise, which he is then and there employing under such license, on complaint before a justice of a police or municipal court or trial justice in said county, may be seized on his warrant, and detained in the custody of the officer until payment of said penalty or the discharge of the accused; and if he is convicted, and said property is not redeemed within twenty days thereafter, it shall be forfeited, and sold as if taken on execution, and the net proceeds distributed as hereinafter provided.*

Penalties, how recovered, and proceedings at the trial.

R.S., c. 44, § 6.

SEC. 6. *Such penalties and forfeitures may be recovered by indictment, or action of debt in the name of the prosecutor, one half to the use of the town where the offence is committed, and the other to his own use; and any trial justice or justice of a police or municipal court, on complaint for a violation of this chapter, may issue his warrant and cause the arrest of the accused and the seizure of the property alleged to be forfeited; and if, on examination, he finds there is probable cause to believe that he is guilty, he shall order him to recognize, with sufficient sureties, to appear before the next supreme judicial court for said county, and in default thereof, [shall] commit him, and order the detention of said property by the officer in whose custody it is, until trial in said court; and in case of conviction, said property shall be decreed forfeited to the uses aforesaid, and be sold as if taken on execution.*

What must

SEC. 7. *Every person licensed shall have painted on some*

conspicuous place on every carriage employed by him, in letters at least one inch wide, his name and the words, "Licensed by C. C."

CHAP. 45.
be painted
on carriage.
R.S., c.44, § 7.

[NOTE. Chapter forty-four has been adjudged by the Supreme Judicial Court of Maine unconstitutional and void and in conflict with the Constitution of the United States, because it discriminates in favor of goods of domestic manufacture and against those manufactured out of the state. See 91 U. S., 275; 102 U. S., 123 and a still later case not yet reported; also State v. Furbush, 72 Me., .]

CHAPTER 45.

INTEREST.

Six per cent., legal rate of interest unless parties otherwise agree in writing.

In the absence of any agreement in writing, the legal rate of interest shall be six per cent. by the year.

Rate six per cent., unless by written agreement.
R.S., c.45, § 1.
66 Me., 283,
526-8.