

# MAINE STATE LEGISLATURE

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THE  
**REVISED STATUTES**

OF THE  
STATE OF MAINE,

PASSED OCTOBER 22, 1840;

TO WHICH ARE PREFIXED

**THE CONSTITUTIONS**

OF THE

*United States and of the State of Maine,*

AND TO WHICH ARE SUBJOINED THE OTHER

PUBLIC LAWS OF 1840 AND 1841,

WITH AN

**APPENDIX.**

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PRINTED AND PUBLISHED IN COMPLIANCE WITH A RESOLVE OF OCTOBER 22, 1840.

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**Augusta:**

PUBLISHED BY WILLIAM R. SMITH & Co., PRINTERS TO THE STATE.

.....  
1841.

tificate was recorded; and published in such paper, as is directed in the seventh section of this chapter. CHAP. 45.

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

Rights and obligations in cases, not specified, the same as in general partnerships. 1836, 211, § 11.

## CHAPTER 46.

### OF SALES OF PROPERTY BY LICENSED AUCTIONEERS.

SECT. 1. Licenses by selectmen, &c. for one year.  
 2. To be recorded.  
 3. Appeal to the county commissioners.  
 4. Certain prohibitions upon auctioneers.  
 5. Accounts of sales.  
 6. Exceptions, as to sales by sheriffs and other officers.

SECT. 7. Several persons may be licensed, if necessary.  
 8. Penalty for sales by persons, not licensed.  
 9. Penalty for selling property in another town.  
 10. Penalty on occupant of any building, for unlawful sales therein.  
 11. Mode of recovering penalties.

SECTION 1. The selectmen of any town, and the assessors of any plantation, may license any suitable inhabitant of such town or plantation, by a writing under their hands, to be an auctioneer within the same for one year. Licenses by selectmen, &c. for one year. 1821, 134, § 1. 4 Greenl. 353.

SECT. 2. Such selectmen or assessors shall record every license, they shall so grant, in a book kept by them for that purpose. To be recorded. 1821, 134, § 1.

SECT. 3. If such selectmen or assessors shall unreasonably refuse or neglect, after application made in writing to them, by any person desirous of obtaining such license, such applicant, after having given ten days notice to such selectmen or assessors, may apply to the county commissioners, who are hereby authorized, after a hearing of the parties, to grant such license, if they judge it reasonable; provided such applicant shall give bond to the selectmen or assessors to pay all costs, arising in consequence of such application to the commissioners. Appeal to the county commissioners. 1821, 134, § 2.

SECT. 4. If any person duly licensed, as aforesaid, shall receive any goods for sale at public auction, of any servant or minor, knowing him to be a servant or minor, or shall sell any of his own goods before sunrise, or after sunset, at public auction, he shall forfeit and pay a sum not less than fifty dollars, nor more than one hundred and seventy dollars, for each offence. Certain prohibitions upon auctioneers. 1821, 134, § 3.

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

SECT. 6. Nothing in any of the preceding sections shall extend to sales made by sheriffs, deputy sheriffs, coroners, constables or Exceptions, as to sales by sheriffs and other

**CHAP. 46.**  
officers.  
1821, 134, § 3.

Several persons  
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1821, 134, § 1.

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4 Greenl. 333.

Penalty on oc-  
cupant of any  
building, for  
unlawful sales  
therein.  
1821, 134, § 4.

Mode of recov-  
ering penalties.  
1821, 134, § 5.

collectors of taxes, executors or administrators, or any other person, who may be, or who now is, authorized to sell goods, chattels or lands, by order of any court or judge of probate.

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

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

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

**SECT. 10.** If the tenant or occupant of any house, or store or other building, having actual possession and control of the same, shall knowingly permit any person to sell any goods or chattels at public auction, contrary to any of the provisions of this chapter, in such house, store or building, or in any apartment or yard appurtenant to the same, he shall forfeit and pay a sum; not exceeding six hundred dollars, nor less than one hundred dollars.

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

## CHAPTER 47.

### OF PILOTAGE, SHIPPING, SHIP OWNERS AND CHARTERERS.

- SECT. 1.** Of the appointment of pilots.  
2. Their oath and bonds.  
3. Of their authority, as to inward bound vessels.  
4. Their fees to be fixed by the governor and council.  
5. Liabilities of such pilots.  
6. Of the pilotage of outward bound vessels.  
7. Of the suspension, or removal, of pilots.

- SECT. 8.** Extent of ship owners' liability to the owners of goods.  
9. Apportionment amongst freighters, &c. on their claims against owners.  
10. Charterer taken to be owner; and responsible to the true owner.  
11. Exception as to fraud in master or mariners.

Of the appoint-  
ment of pilots.  
1821, 177, § 1.

**SECTION 1.** The governor, with advice of the council, may appoint and commission one or more pilots, for such ports as may apply for the same, such application to be signed by a majority of the ship owners and ship masters, in the port recommending such suitable person or persons; and give to each of said pilots, branches or warrants, for the execution of the duties of their office. All pilots, now in commission, shall hold their offices according to the tenor thereof.