

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.

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

Augusta:

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

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1841.

CHAP. 46.
officers.
1821, 134, § 3.

Several persons
may be licens-
ed, if necessary.
1821, 134, § 1.

Penalty for
sales by per-
sons, not licens-
ed.

Penalty for sel-
ling property in
another town.
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.

CHAP. 47.

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

Their oath and bonds.
1821, 177, § 2.

SECT. 3. Every such pilot is authorized and directed to take charge of any vessel drawing nine feet of water or upwards, bound into any of the said ports; and shall pilot such vessel into the port, assigned to him, first showing to the commander thereof his branch, and informing him of his fees; but the master of any vessel, who may choose to hazard the pilotage of his own vessel, may do it without being subject to pay pilotage.

Of their authority, as to inward bound vessels.
1821, 177, § 2.

SECT. 4. The governor and council may fix the fees of pilotage of the several pilots, and specify the same in their warrants; and also transmit to each collector of the customs in the said ports, a schedule of said fees, to be hung up by such collector for public inspection.

Their fees to be fixed by the governor and council.
1821, 177, § 3.

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

Liabilities of such pilots.
1821, 177, § 4.

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

Of the pilotage of outward bound vessels.
1821, 177, § 5.

SECT. 7. The governor and council are empowered to hear and determine all complaints against such pilots, for misconduct in the premises, and may suspend or remove them, at their discretion, and appoint others in their room.

Of the suspension, or removal, of pilots.
1821, 177, § 6.

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

Extent of ship owners' liability to the owners goods.
1821, 14, § 8.

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

Apportionment amongst freighters, &c. on their claims against owners.
1821, 14, § 9.

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Charterer taken to be owner; and responsible to the true owner. 1821, 14, § 10.

Exception, as to fraud in master or mariners.

SECT. 10. The charterer of any vessel, in case he shall navigate such vessel at his own expense, shall be deemed the owner, within the meaning of the two preceding sections; and if any loss shall happen to any person from any of the causes, mentioned in the eighth section, and the same shall be compensated from the freight, or the proceeds of the sale of such vessel, or both, the owner or owners of such vessel or freight may recover the amount thereof from the persons, to whom the vessel was chartered.

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

CHAPTER 48.

OF BOATS AND LIGHTERS, AND PROTECTION OF HARBORS.

SECT. 1. How lighters carrying stones, gravel, &c. shall be marked.

2. Penalty for using such, not marked.
3. For putting false marks.
4. The same to be inspected annually.
5. Boats, &c. to be re-marked when their capacity varies.

SECT. 6. Fees.

7. Ballast not to be thrown over in port.
8. Penalty for taking ballast from islands, &c. without consent.

How lighters carrying stones, gravel, &c. shall be marked. 1821, 172, § 1.

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

Penalty for using such, not marked. 1821, 172, § 1.

SECT. 2. The master or owner of any boat or lighter, which shall be used or employed, not being marked as required in the preceding section, shall forfeit and pay fifty dollars, to be recovered by any person, who shall sue for the same in an action of debt.

For putting false marks. 1821, 172, § 1.

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

The same to be inspected annually. 1821, 172, § 2.

SECT. 4. The selectmen of every town, where boats and lighters are employed for the purposes above mentioned, shall annually appoint, in April or May, some suitable person to examine and ascertain the capacities of all such boats and lighters, and mark the same, as prescribed in the first section, who shall be duly sworn to perform such duties.

Boats, &c. to

SECT. 5. Whenever such inspector shall be of opinion, that the