

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.

.....
1841.

CHAP. 47.

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

burden or capacity of any such boat or lighter has been increased, or diminished by any repairs or otherwise, he shall forthwith ascertain, anew, the capacity of such boat or lighter, and mark her accordingly.

SECT. 6. Such selectmen shall establish and regulate the fees of such inspectors for their services.

SECT. 7. No master of any ship or vessel shall throw overboard any ballast, in any road, port or harbor, on penalty of sixty dollars; to be recovered, one half to the use of the town in which such offence is committed, and the other half to any person, who will sue for the same.

SECT. 8. If any master of a vessel, or other person, shall take, from any island, beach, or other land, without the consent of the owner, any stone or other ballast, he shall forfeit and pay for each offence, not exceeding seven dollars; to be recovered by action of debt, and to the same uses as mentioned in the preceding section.

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be re-marked, when their capacity varies. 1821, 172, § 3.

Fees. 1821, 172, § 4.

Ballast not to be thrown over in port. 1821, 173, § 1.

Penalty for taking ballast from islands, &c. without consent. 1821, 173, § 2.

CHAPTER 49.

OF WRECKS AND SHIPWRECKED GOODS.

SECT. 1. Appointment of commissioners.

2. Their oath and bonds.

3, 4. General duties and powers.

5. Inventory to be taken. Compensation.

6. Compensation of other persons in certain cases.

7. Adjustment of compensation.

8. Penalty for unauthorized intermeddling.

9. Public information of the wreck, &c. to be given.

SECT. 10, 11. In what cases the property may be sold.

12. Property to be accounted for to the state treasurer, after one year.

13. Treasurer to allow the commissioners, pay.

14. Proceedings, when the commissioner neglects to account, &c.

15. Former commissioners retained in office.

SECTION 1. The governor, with consent of the council, may appoint in the several counties, where he may deem it necessary, one or more commissioners of wrecks and shipwrecked goods, who shall be removable at pleasure.

Appointment of commissioners. 1821, 14, § 5.

SECT. 2. Each of the said commissioners shall be duly sworn, and shall give bond to the judge of probate of the county, for which he is appointed; for the faithful discharge of his duties; and any person interested may have the same remedy for the breach of any such bond, as is given on administrators' bonds for the settlement of estates of deceased persons.

Their oath and bonds. 1821, 14, § 5.

SECT. 3. Every such commissioner, immediately, on receiving information of any shipwreck, or of finding any shipwrecked goods, or property of any kind, to the amount of one hundred dollars or more, on any of the shores or waters within his county, shall repair to the place where the said property may be found, and, in case the same shall not be in the custody of any owner or agent, he shall take charge thereof, and shall secure and preserve the same for the owner.

General duties and powers. 1821, 14, § 6.