

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.

CHAPTER 53.

OF THE INSPECTION OF BUTTER AND LARD.

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| <p>SECT. 1. Inspector, now in office, to continue.</p> <p>2. Future appointments.</p> <p>3. Oath and bond.</p> <p>4. Appointment of deputies.</p> <p>5. Their bond and oath.</p> <p>6. When butter or lard must be inspected.</p> <p>7. Manner of inspecting.</p> <p>8. Cask, &c. to be marked with the quality.</p> <p>9. Description of casks, kegs or firkins.</p> <p>10. Casks to be filled with brine, weighed and marked.</p> <p>11. Collector to be furnished with a certificate, on exportation.</p> | <p>SECT. 12. Form of certificate and master's or owner's oath.</p> <p>13. Affidavit of master or owner, as to the place of intended exportation.</p> <p>14. Effect of inspection, had in another state.</p> <p>15. Penalty for unlawful exportation.</p> <p>16. Seizure by warrant, on board of vessel.</p> <p>17. Penalty for delay, by inspector.</p> <p>18. For counterfeiting brand.</p> <p>19. For shifting contents of marked casks.</p> <p>20. Appropriation of penalties.</p> <p>21. Annual returns.</p> |
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Inspector, now in office, to continue.
1821, 149, § 1.

SECTION 1. The inspector for the state, of butter and lard, who is now in office, and his deputies, shall continue in office, according to their respective commissions or appointments.

Future appointments.
1821, 149, § 1.

SECT. 2. Whenever a vacancy in the office of inspector shall occur, it shall be the duty of the governor, with advice of the council, to appoint some person, skilled in the knowledge and properties of butter and lard, to supply the vacancy; who may be removed from office at the pleasure of the governor and council.

Oath and bond.
1821, 149, § 1.

SECT. 3. Before entering on the duties of his office, such inspector shall be duly sworn, and give bond, with sufficient sureties, to the state treasurer, in the sum of one thousand dollars, for the faithful discharge of his duty.

Appointment of deputies.
1821, 149, § 1.

SECT. 4. When thus qualified, he shall appoint, in every seaport town, where butter and lard are exported, one or more deputy inspectors thereof, and in such other places as he may judge necessary, for whom he shall be answerable.

Their bond and oath.
1821, 149, § 1.

SECT. 5. Each deputy shall give bond to the inspector, in the sum of five hundred dollars, for the faithful performance of his duty; and shall be duly sworn.

When butter or lard must be inspected.
1821, 149, § 2.
1828, 378, § 1.
Manner of inspecting.
1821, 149, § 2.

SECT. 6. No butter or lard shall be exported, except to any of the states east of New York, until the same shall have been examined by the inspector or his deputy, in the following manner:

SECT. 7. He shall examine the casks, kegs or firkins containing the commodity intended for exportation, and, with a hollow iron searcher, shall, from one side of the head of such cask, keg or firkin, perforate from one head to the other, and thereby draw out so much butter or lard, as shall determine the quality of the whole; and see that it is preserved with a due proportion of good fine salt, sweet, and, in all respects, fit to be exported to any foreign market, without danger of spoiling.

Cask, &c. to be marked with the quality.
1821, 149, § 2.

SECT. 8. Every cask, keg or firkin of butter and lard, which, according to the inspector's best judgment, appears good and merchantable, he shall distinguish according to the quality, either by the words *first*, *second*, or *third*; and all other by the word *refuse*;

and it shall be branded in plain legible letters, with the word, MAINE, and the name of the town, where it was inspected, and also with the initial letters of the christian, and surname of the inspector at large; and also with the word *butter*, or *lard*, as the case may be.

SECT. 9. Every cask, keg and firkin, in which butter or lard shall be exported, except to those states, which are east of New-York, shall be made of sound and seasoned white oak or ash staves and heading, full bound, twelve and a half inches in length, and eight and a half inches in diameter, in the head; or fifteen inches in length and ten and a half inches diameter in the head; kegs, twelve inches long, and seven and a half inches diameter in head, or ten inches long, and six inches head.

Description of
casks, kegs or
firkins.
1821, 149, § 3.
1824, 263, § 2.

SECT. 10. Each cask, keg and firkin, before any butter or lard shall be packed therein, shall be filled with strong brine, which shall remain therein three days. As soon as the brine is emptied from such cask, keg or firkin, it shall be weighed by the owner of the butter or lard, who shall, with a marking iron, mark, on one of the heads thereof, the full weight of such cask, keg or firkin, and shall brand or imprint with a burning iron, the initial letters of his christian name, and his surname at large: and if he shall falsely mark the same, he shall forfeit three dollars:

Casks to be fill-
ed with brine,
weighed and
marked.
1821, 149, § 4.

SECT. 11. No butter or lard shall be exported from this state, except to any other state east of New-York, unless the master or owner shall produce to the collector, or other officer, authorized by law to clear vessels, a certificate from the inspector or his deputy, that the same has been inspected and branded, according to the directions of this chapter.

Collector to be
furnished with
a certificate, on
exportation.
1821, 149, § 5.

SECT. 12. Each certificate shall express the number of casks, or firkins, and their weight; and the master or owner of the vessel, in which such butter and lard is so exported, shall, on producing such certificate, take and subscribe the following oath, before the officer authorized as aforesaid:

Form of certi-
ficate and mas-
ter's or owner's
oath.
1821, 149, § 5.

"I, _____ of _____, do swear, that according to the best of my knowledge and belief, the certificate, hereto annexed, contains the whole quantity of butter, (or lard, as the case may be,) on board _____, _____, master, except such, if any, as has been inspected elsewhere, and is not subject to re-inspection, or such as is shipped, and to be exported to a state or states east of New-York; and that no butter, (or lard as the case may be), is shipped on board such vessel, for the ship's company, on freight, or on cargo, but what is inspected and branded, according to the law of this state, except as before mentioned. So help me God."

SECT. 13. Whenever the master of a vessel, having on board any butter or lard, not inspected, or the shipper, or owner, of the same shall make oath, in writing, before any magistrate, that the same has been shipped for the purpose of being transported to some port or place in the United States, east of New-York, and shall deliver such affidavit to the inspector of butter and lard, or his deputy, when requested, such butter and lard shall be presumed to be shipped for such purpose; but if such affidavit shall not be so delivered on request, the presumption shall be, that the same were intended to be transported and delivered elsewhere; and no dam-

Affidavit of
master or own-
er, as to the
place of intend-
ed transporta-
tion.
1823, 378, § 2.

CHAP. 53. ages shall be recovered against the inspector for taking and detaining the same, till after such affidavit shall be offered to the detaining officer.

Effect of inspection, had in another state. 1824, 276, § 1

SECT. 14. All butter and lard, which may have been inspected in any other of the United States may be exported from any port in this state, to any foreign port, without being subject to inspection in this state, any thing contained in this chapter notwithstanding.

Penalty for unlawful exportation. 1821, 149, § 6.

SECT. 15. If any person; or master of any vessel, shall export, or ship for exportation, any butter or lard, contrary to the provisions of this chapter, he shall forfeit and pay five dollars, for every cask exported, or thus shipped.

Seizures by warrant, on board of vessel. 1821, 149, § 6.

SECT. 16. Any justice of the peace may seize any butter or lard on board a vessel, as aforesaid, for exportation, contrary to the provisions of this chapter, by his warrant to an officer, and secure the same for trial, as forfeited, according to law; and every person, required to aid such officer in executing the warrant, and refusing his aid, shall forfeit five dollars.

Penalty for delay, by inspector. 1821, 149, § 7, 8.

SECT. 17. If any inspector shall unreasonably refuse or delay, for the space of three hours, to inspect any butter or lard, or to brand it, when requested, he shall forfeit and pay the sum of five dollars, for each and every offence.

For counterfeiting brand. 1821, 149, § 9.

SECT. 18. If any person shall counterfeit, or fraudulently use, any brand belonging to, or proper to be used by, any inspector, he shall forfeit and pay ten dollars for each offence.

For shifting contents of marked casks. 1821, 149, § 10.

SECT. 19. If any person shall empty any cask, keg or firkin of butter or lard, inspected and branded according to this chapter; and put into it any other butter or lard, for exportation, without cutting out the said brands or marks, he shall forfeit ten dollars, for each such cask, keg or firkin.

Appropriation of penalties. 1821, 149, § 11.

SECT. 20. All fines, herein mentioned, may be recovered, with costs, by any person, who may sue for the same.

Annual returns. 1821, 149, § 12.

SECT. 21. The inspector, annually, in the month of January, shall make a return of the number of the casks of different qualities of the above articles, branded by him and his deputies, and the weight of the respective kinds, to the office of the secretary of state: The above returns to be made up to the first day of May, annually: and his deputies shall make their returns to the inspector, at such previous time as he may require.

CHAPTER 54.

OF THE INSPECTION OF FISH.

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| <p>SECT. 1. Inspectors of fish, to be appointed by the governor.</p> <p>2. To be sworn and give bonds.</p> <p>3. Selectmen to examine bonds yearly.</p> <p>4. Remedy on the bond, to parties aggrieved.</p> | <p>SECT. 5. Of inspection in towns, where no inspector dwells.</p> <p>6. What pickled fish are merchantable, and how to be packed.</p> <p>7. Contents of casks, and proportions of salt.</p> |
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