

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.

which has not been surveyed and approved, he shall forfeit and pay CHAP. 57.
the sum of thirty dollars for each cask, so shifted.

SECT. 10. If any such surveyor or inspector shall be guilty of any neglect or fraud, in surveying and inspecting any flax seed, or, in any other particular, neglect, or violate his duty and the provisions of this chapter, he shall forfeit the sum of thirty dollars, for every such neglect or offence. For misconduct of inspector. 1821, 155, § 6.

SECT. 11. The above mentioned penalties, when recovered, shall be, one half to the use of the state, and the other half to the use of him, who shall sue for the same. Appropriation of penalties. 1821, 155, § 7.

CHAPTER 58.

OF HOPS FOR EXPORTATION.

- SECT. 1. Inspectors to remain in office.
2. Vacancies to be filled by the governor.
3. Oath and bond.
4. Deputies.
5. What hops deemed merchantable.
6. Manner of inspecting and branding.
7. Certificate to be produced before clearance.
8. Master's or owner's oath.

- SECT. 9. Penalty for exporting, &c. contrary to law.
10. Seizure.
11. Penalty for inspector's delay.
12. For fraudulently marking bales or pockets.
13. For shifting the contents.
14. For frauds by inspector.
15. For fraudulent intermixtures.
16. How appropriated.
17. Annual returns.

SECTION 1. The inspectors of hops, in the several counties of the state, and their respective deputies, shall continue to hold their offices, according to the terms of their respective appointments. Inspectors to remain in office. 1836, 202, § 1.

SECT. 2. When a vacancy shall occur, in the office of an inspector of hops in any county, it shall be the duty of the governor, with advice of the council, to appoint a suitable person, to supply the vacancy; who shall be removable at the pleasure of the executive. Vacancies to be filled by the governor. 1836, 202, § 1.

SECT. 3. Before entering on the duties of his office, he shall be duly sworn, and shall give bond to the state treasurer with sufficient sureties, in the sum of five hundred dollars, for the faithful discharge of the duties of his said office. Oath and bond. 1836, 202, § 1.

SECT. 4. Each inspector may appoint deputy inspectors in his county, for whom he shall be answerable, and from whom he may require sufficient bonds, for the faithful discharge of their duty; and they shall be duly sworn. Deputies. 1836, 202, § 1.

SECT. 5. Hops shall not be deemed merchantable, unless they have been picked well, and free from stems and leaves, and dried in a kiln, with a charcoal fire; and the bales or *packets*, [pockets], in which they are packed, shall be firm and strong, and of such a texture, as to receive the marks of the cultivator and inspector; and each bale or *packet* shall be marked with the name of the cultivator, and of the town, in which he lives. What hops deemed merchantable. 1821, 152, § 3.

SECT. 6. The inspector, or one of his deputies, shall examine Manner of in-

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Inspecting and branding.
1821, 152, § 2.

the contents of every bale or *packet* of hops, intended to be exported, so as to ascertain the quality; and, if found to be merchantable and firmly packed, and that they were packed, at least ten days before inspection, and that the bales or *packets* are such as are before described, he shall distinguish the same by marking them with the words, *first sort*, or *second sort*, or *third sort*, or *refuse*, according to their quality. He shall also add the date of the year, and the weight of each bale or *packet*, and the initials of his own christian name; the whole of his surname, the name of the county, and the word, MAINE.

Certificate to be produced before clearance.
1821, 152, § 5.

SECT. 7. Hops shall not be shipped, or exported from this state, unless the master or owner of the vessel, in which such hops are shipped, shall produce to the collector, or other person authorized by the laws of the United States to clear out vessels, a certificate of the inspector, or one of his deputies, that the same have been duly inspected, marked, and weighed, according to the provisions of this chapter; which certificate shall express the number of bales or *packets*, of each sort of hops, with the weight of each bale.

Master's or owner's oath.
1821, 152, § 5.

SECT. 8. Any such master or owner, on producing such certificate, shall take and subscribe the following oath, viz: "I do swear, that, according to my best knowledge and belief, the certificate hereto annexed contains the whole quantity of hops, on board the _____, of which _____ is master; and that there are no hops on board the said vessel, for the use of the ship's company, on freight, or on cargo, but what have been inspected and marked, according to the law of this state. So help me God."

Penalty for exporting, &c. contrary to law.
1821, 152, § 6.

SECT. 9. Every person who shall export, or ship for exportation, from this state, any hops, contrary to the provisions of this chapter, shall forfeit and pay the sum of twenty dollars; and the master of every vessel, having the same on board, the sum of ten dollars; for every bale or *packet*, so shipped for exportation, or exported.

Seizure.
1821, 152, § 6.

SECT. 10. Any inspector may issue a warrant to the sheriff, or his deputy, or constable, to go on board a vessel, and seize any hops on board, which have not been inspected and marked, as aforesaid, and secure the same as forfeited; and the officer may require all necessary assistance; and every person thus required to assist, shall forfeit five dollars for refusal so to do; provided, that nothing in this chapter shall apply to hops, shipped and transported coastwise, within the state, for the purpose of inspection; in which case a certificate of the owner shall accompany the same, stating the owner's name, the number of bales or packages, and to whom they are sent.

Penalty for inspector's delay.
1821, 152, § 7.

SECT. 11. If an inspector shall unreasonably delay the inspection and marking hops, when requested, he shall forfeit five dollars.

For fraudulently marking bales or packets.
1821, 152, § 8.

SECT. 12. If any person, not being an inspector, nor deputy, shall alter or counterfeit any mark belonging to, or proper to be used by, any inspector or deputy, or shall mark any bale or *packet*, with any letters or marks aforesaid, he shall forfeit ten dollars for each offence; and the hops shall be forfeited.

For shifting the contents.
1821, 152, § 9.

SECT. 13. If any person shall empty any bale, marked as above required, and put in any other hops for sale or exportation, without cutting out or obliterating the marks, he shall forfeit and pay five dollars for each offence.

SECT. 14. If any inspector or deputy shall be guilty of fraud, in inspecting hops, contrary to this chapter, or put his marks on any bale or *packet*, not inspected by him, and found merchantable, he shall forfeit and pay twenty dollars for each bale or *packet*.

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For frauds by inspector. 1821, 152, § 10.

SECT. 15. If any person shall mix hops, not inspected, with those which have been inspected, contrary to this chapter, he shall forfeit and pay twenty dollars for each offence.

For fraudulent intermixtures. 1821, 152, § 11.

SECT. 16. All said penalties, when recovered, shall be, one half to the prosecutor, and the other half to the town, where the offence was committed.

How appropriated. 1821, 152, § 12.

SECT. 17. The several inspectors shall, annually, in the month of May, make return, to the secretary of state, of the whole number of bales or *packets*, marked by him, of the different qualities, and the weight of each quality, making up his account to May first; and the deputies of each inspector shall make seasonable returns to them.

Annual returns. 1821, 152, § 14.

CHAPTER 59.

OF PACKING CLAMS.

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| SECT. 1. Of the appointment of inspectors; tenure of office. Bond. | SECT. 4. Seizure of clams, fraudulently shipped. |
| 2. How clams shall be packed and marked. | 5. Forfeiture for inspector's misconduct. |
| 3. Forfeiture for exporting or selling damaged clams. | 6. Penalties, how appropriated. |

SECTION 1. All inspectors of clams in this state, who have been appointed by the governor and council, as such, shall continue in office according to the tenure thereof; and when in any city or town, where clams are packed for exportation, a vacancy shall happen, another person skilled in the quality of the same, shall be appointed, by the governor and council, to fill the vacancy during their pleasure; and he shall give bond to the treasurer of the city or town, where he resides, in the sum of two hundred dollars; for the faithful discharge of his duty.

Of the appointment of inspectors; tenure of office. 1839, 379, § 1.

Bond.

SECT. 2. All clams, packed for exportation, shall be shelled and well struck with salt, before freezing, and preserved from taint or damage, and shall be packed in barrels or half barrels; each barrel to contain two hundred pounds of clams, and thirty pounds of salt; and each half barrel shall contain one hundred pounds of clams, and fifteen pounds of salt; and such casks shall be branded by the inspector, as follows, viz: Those of the best quality and dug in the proper season, and saved free from frost or taint, *clams No. 1*; those, which remain and are free from damage, shall be marked, *clams No. 2*. He shall brand on the head of each cask, in which clams are packed or repacked, the number of pounds in such cask, the initials of his christian name, and his surname at length, the name of the city or town, for which he is appointed, and the word, **MAINE**.

How clams shall be packed and marked. 1839, 379, § 2.