

# 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.

## CHAPTER 66.

## OF THE SURVEY AND INSPECTION OF SHINGLES, CLAPBOARDS, HOOPS AND STAVES, BOARDS AND OTHER LUMBER, AND THE ADMEASUREMENT OF LOGS.

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| <p>SECT. 1. Towns to elect surveyors of boards, &amp;c.</p> <p>2. Boards, plank, timber and slit work to be surveyed, before being sold and delivered.</p> <p>3. What description of pine boards may be exported beyond the U. States.</p> <p>4. Allowance for drying and shrinking.</p> <p>5. Towns to elect surveyors of shingles, clapboards, staves and hoops.</p> <p>6. Dimensions and quality of No. 1 shingles.</p> <p>7. Nos. 2 and 3.</p> <p>8. How shingles shall be split or sawed, and packed.</p> <p>9. To be surveyed, measured and branded under forfeiture.</p> <p>10. Forfeiture of deficient bundles, packed as No. 1.</p> <p>11. Dimensions and quality of clapboards.</p> <p>12. Also of staves.</p> <p>13. Staves, how enumerated.</p> <p>14. Dimensions and quality of hog-head hoops.</p> | <p>SECT. 15. How packed and enumerated.</p> <p>16. Forfeiture of deficient bundles.</p> <p>17. Boards, &amp;c. to be surveyed before delivery on sale, or being shipped.</p> <p>18. Viewers and cullers of staves and hoops.</p> <p>19. Of the survey of staves and hoops.</p> <p>20. Forfeiture on sale, or shipment of lumber not surveyed.</p> <p>21. Surveyor's certificate to be produced before clearance. Master's or owner's affidavit.</p> <p>22. Forfeiture for neglect.</p> <p>23. For second offence, vessel also forfeited.</p> <p>24. Provision in case surveyor, &amp;c. on election, refuse the oath of office.</p> <p>25. Penalty for neglect of official duties.</p> <p>26. For fraud or connivance.</p> <p>27. Recovery of penalties and forfeitures.</p> <p>28. Of surveyors and measurers of logs.</p> <p>29. Their duties.</p> |
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Towns to elect surveyors of boards, &c. 1821, 158, § 1.

SECTION 1. Every town and plantation, at its annual meeting, shall elect one or more suitable persons, to be surveyors and measurers of boards, plank, timber and slit work, who shall be duly sworn.

Boards, plank, timber and slit work to be surveyed, before being sold and delivered. 1821, 158, § 1.

SECT. 2. All boards, plank, timber and slit work, offered for sale, shall, previously to delivery, be surveyed by one of the said surveyors, and, if he have any doubt of its dimensions, measured by him, he having due consideration for the drying and shrinking thereof; and such surveyor shall mark, on all such, their just contents, making reasonable allowance for rots, knots and splits.

What description of pine boards may be exported beyond the United States. 1821, 158, § 2.

SECT. 3. No pine boards, except sheathing boards, shall be shipped for exportation beyond the United States, but such as are square edged, and not less than seven eighths of an inch in thickness, and not less than ten feet in length, on pain of being forfeited to the use of the town where shipped.

Allowance for drying and shrinking. 1821, 158, § 2.

SECT. 4. In the surveys mentioned in the two preceding sections, a proper allowance shall be made for drying and shrinking of pine boards, and such as shall be three fourths of an inch in thickness, when fully seasoned, and in the same proportion, when partly seasoned, shall be considered merchantable.

Towns to elect surveyors of shingles, clapboards, staves and hoops. 1821, 158, § 1.

SECT. 5. Every town and plantation, at its annual meeting, shall also elect one or more persons, to be surveyors of shingles, clapboards, staves and hoops, who shall be duly sworn.

SECT. 6. All shingles, packed for exportation beyond the state,

shall be sixteen inches long, and free from shakes and worm holes, and at least three eighths of an inch thick at the but end, when green, and if of pine, free from sap. They shall be four inches wide on an average, and not less than three inches wide in any part, and shall hold their width, three fourths of the way to the thin end, and be well shaved or sawed. Such shall be denominated, *No. 1.*

SECT. 7. Shingles, intended for sale in any place within this state, if of inferior quality or of less dimensions, than those described in the preceding section, may be surveyed and classed accordingly, under the denominations of, *No. 2,* and, *No. 3.*

SECT. 8. All shingles shall be split or sawed crosswise the grain, and each bundle shall contain two hundred and fifty shingles; and, if bound in square bundles, shall contain twenty five courses; and measure twenty two inches and a half at the lay.

SECT. 9. All shingles, before they are offered for sale, shall be surveyed and measured, by a sworn surveyor of any town in the county, where made, and the quality designated upon the hoop or band of the bundle; and all shingles thus offered for sale, before being surveyed, measured or branded as aforesaid, unless the parties shall otherwise agree, shall be forfeited to the use of the town, where the offence shall be committed.

SECT. 10. In all cases of shingles, packed to be surveyed as *No. 1,* and for the purpose of exportation, if, in any one bundle, there shall be found as many as five shingles deficient in the proper dimensions, soundness, or number, to make up two hundred and fifty merchantable shingles, the whole bundle shall be forfeited to the use of the town, where exhibited.

SECT. 11. All clapboards, exposed to sale, or packed for exportation, shall be made of good, sound timber, free from shakes and worm holes, and if of pine, clear of sap; and they shall be at least five eighths of an inch thick, on the back or thickest part, five inches wide, and four feet, six inches long, and straight and well shaved or sawed.

SECT. 12. Staves, packed for sale or exportation, shall be well and proportionably split and of the following dimensions, viz:

White oak butt staves, at least five feet in length, five inches wide, and one inch and a quarter thick on the heart or thinnest edge, and every part thereof;

White oak pipe staves, shall be at least four feet and eight inches, in length, four inches broad, in the narrowest part, and not less than three quarters of an inch thick, on the heart or thinnest edge;

White or red oak hogshead staves shall be at least forty two inches long, and not less than half an inch thick, on the least or thinnest edge;

White or red oak barrel staves, for a market out of the United States, shall be thirty two inches long; if for use, within the United States, thirty inches long; and in either case, half an inch thick on the heart or thinnest edge;

All white or red oak hogshead or barrel staves shall be, at least, one with another, four inches in breadth, and no one less than three inches in breadth in the narrowest part; and those of the breadth last mentioned shall be clear of sap.

## CHAP. 66:

Dimensions and quality of *No. 1* shingles.  
1821, 158, § 3.  
1824, 250, § 1.

Nos. 2 and 3.  
1824, 250, § 1.

How shingles shall be split or sawed, and packed.  
1821, 158, § 3.

To be surveyed, measured and branded, under forfeiture.  
1821, 158, § 3.

Forfeiture of deficient bundles, packed as *No. 1.*  
1821, 158, § 3.

Dimensions and quality of clapboards.  
1821, 158, § 3.

Also of staves.  
1821, 158, § 3.

## CHAP. 66.

Staves, how enumerated.

1828, 404, § 2.

Dimensions and quality of hoghead hoops.

1821, 158, § 3.

How packed and enumerated.

1821, 158, § 3.

1828, 404, § 2.

Forfeiture of deficient bundles.

1821, 158, § 3.

Boards, &c. to be surveyed before delivery on sale, or being shipped.

1821, 158, § 1, 4.

Viewers and cullers of staves and hoops.

1821, 158, § 1.

Of the survey of staves and hoops.

1821, 158, § 4.

Forfeiture on sale or shipment of lumber not surveyed.

1821, 158, § 4, 6.

Surveyor's certificate to be produced before clearance.

Master's or owner's affidavit.

1821, 158, § 5.

Forfeiture for neglect.

1821, 158, § 7.

1824, 250, § 2.

SECT. 13. Two staves shall be sold, as one cast; fifty casts, one hundred staves; and ten hundred, one thousand.

SECT. 14. All hoghead hoops, exposed for sale, or packed for exportation, shall be from ten to thirteen feet in length, and of white oak or walnut, and of good and sufficient substance, well shaved; if of oak, at least one inch broad, and, if of walnut, three quarters of an inch at the least end.

SECT. 15. All hoops of ten, twelve and thirteen feet, respectively, shall be made up in distinct bundles by themselves; each bundle shall consist of twenty five hoops, four bundles making one hundred, and ten hundred, one thousand.

SECT. 16. Every bundle of hoops, packed for sale or exportation, found to be deficient in the number, or dimensions, of its contents, shall be forfeited to the use of the town, where exhibited.

SECT. 17. No boards, clapboards, nor shingles, shall be delivered on sale, nor shipped for exportation, until duly surveyed by one of the proper surveyors aforesaid, in the town or plantation, where sold or shipped, nor until such surveyors shall have given a certificate of the number, quality and quantity thereof.

SECT. 18. In every town, being a port of delivery, and where staves and hoops are usually exported, there shall be annually chosen, in addition to the officers before named, two or more suitable persons, to be viewers and cullers of staves and hoops, who shall be duly sworn.

SECT. 19. All staves and hoops, before being shipped to any place beyond the United States, shall be first viewed, culled and surveyed, by one of the officers mentioned in the preceding section, and a proper certificate thereof given by him to the master of the vessel, in which the same may be shipped; and the bundles shall be stamped, with the brand of the town whence exported.

SECT. 20. Any person, selling and delivering any boards, plank, timber or slit work, or any clapboards, shingles, staves or hoops, or shipping off or attempting to ship off, any of such articles, before they are surveyed, measured, viewed or culled, as the case may require, shall forfeit two dollars; a thousand, to be reckoned by quantity or tale, as such articles may be usually sold; one half to the town, where the offence shall have been committed, and the other half to the prosecutor.

SECT. 21. The master or owner of any vessel, having any of the lumber or other articles, mentioned in the preceding section, on board for exportation as aforesaid, shall, before the vessel shall be cleared at the custom house, produce to the collector a certificate from the proper officer, that the same have been duly surveyed, measured, viewed or culled, as the case may require; and such master or owner shall, likewise, make oath before the collector, or any justice of the peace, whose certificate shall be returned to the collector, that the articles, so shipped for exportation, are the same articles thus surveyed, measured, viewed or culled, that he has no others on board of the like description, and that he shall not take any others.

SECT. 22. In addition to the penalty, mentioned in the twentieth section, whenever it shall appear, that any of the articles enu-

merated in said section shall have been exported beyond the limits of the United States, contrary to the provisions of this chapter, in any vessel, the master or owner of such vessel shall, for the first offence, forfeit two hundred dollars, to the use of the town or plantation, whence the same were exported.

SECT. 23. If, after conviction and the recovery of the penalty, mentioned in the preceding section, such master or owner shall be guilty again of exporting any such articles in the same vessel, contrary to the provisions of this chapter, the like penalty shall be again incurred, and the vessel, if found in this state, shall be forfeited to the use of the town or plantation, where such subsequent offence may have been committed.

For second offence, vessel also forfeited.  
1821, 158, § 7.  
1824, 250, § 2.

SECT. 24. If any person, duly elected a surveyor, measurer, viewer or culler of any of said articles under the provisions of this chapter, shall neglect or refuse to take the oath of his office, and to serve therein, he shall forfeit three dollars to the use of the town, and another person shall be elected to his place, whose duty it shall be to take the oath and serve, as aforesaid, under the like penalty; and the like proceedings may be had, until the office shall be filled.

Provision, in case surveyor, &c. on election, refuse the oath of office.  
1821, 158, § 9.

SECT. 25. If any such officer, duly qualified, shall unnecessarily refuse or neglect to attend to the duties of his office, when requested, he shall forfeit three dollars, for each offence, to the use of the town, by which he was appointed.

Penalty for neglect of official duties.  
1821, 158, § 10.

SECT. 26. If he shall connive at, or willingly allow, any breach of the provisions of this chapter, in another person, or if he shall be guilty of any other fraud or deceit in the exercise of his office, he shall forfeit thirty dollars, to the use of such town.

For fraud or connivance.  
1821, 158, § 10.

SECT. 27. All pecuniary penalties mentioned in this chapter may be recovered by indictment, or by complaint of any inhabitant of the town, interested therein; or by an action of debt, brought by the treasurer of such town; and all other forfeitures shall be prosecuted for, and recovered, by a libel filed by any inhabitant of such town, or the treasurer thereof, under the provisions of chapter, one hundred and thirty two.

Recovery of penalties and forfeitures.

SECT. 28. The selectmen of any town, or the assessors of any plantation, may, if they deem it necessary, annually appoint any number of suitable persons, not exceeding seven, to be surveyors and measurers of logs, who shall be sworn.

Of surveyors and measurers of logs.  
1829, 447, § 1.

SECT. 29. Any such surveyor and measurer may inspect and survey, and measure all mill logs floated or brought to market, or offered for sale, in their respective towns or plantations, and divide them into several classes or denominations, corresponding to the different quality of boards and other sawed lumber, which may be manufactured from them; and they shall give certificates under their hands, of the quantity and quality thereof, to the person, at whose request the same shall be so measured and surveyed.

Their duties.  
1829, 447, § 1.