

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.

every contract, made in this state, for the sale and delivery of salt, by the hogshead, such hogshead shall consist of eight bushels.

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SECT. 2. Whenever the buyer or seller shall request, salt, corn or grain, in cities or towns, where such sworn measurers reside, shall be measured by them.

Party may require salt, &c. to be measured. 1836, 208, § 2.

CHAPTER 72.

OF THE STANDARD WEIGHT OF RUTA BAGA, SUGAR BEETS, MANGEL WURTZEL, AND RYE AND INDIAN MEAL.

SECT. 1. Standard weight of ruta бага, sugar beet and mangel wurtzel.

SECT. 2. Of rye and indian meal.

3. Penalty, for refusing to conform.

SECTION 1. The standard weight of all ruta бага, sugar beet and mangel wurtzel, in good order and fit for market, shall be sixty four pounds for a bushel; and the measure shall so be determined, when either the vender or vendee shall request it.

SECT. 2. The standard weight of all rye and indian meal, offered for sale, shall be fifty pounds per bushel.

SECT. 3. If any vender, or vendee, shall wilfully refuse to conform to the provisions of this chapter, he shall forfeit five dollars, for every one hundred bushels; and in the same proportion, for a greater or less quantity.

Standard weight of ruta бага, sugar beet and mangel wurtzel. 1838, 309, § 1. Of rye and indian meal. 1836, 247. Penalty, for refusing to conform. 1838, 309, § 1, 2.

CHAPTER 73.

OF WEIGHTS AND MEASURES.

SECT. 1. Of the standard of weights and measures.

2. State sealer, to cause other weights and measures to be made, conformable to the standards.

3. Also to procure suitable standard balances.

4. Description of beams, weights and measures, which are to be procured, or preserved, by the treasurer of the state.

5. Also by county treasurers.

6. County standards, to be regulated by the state standards, every ten years.

7. Forfeiture for neglect.

8, 9. Of town standards of beams, weights and measures.

10. Of the town seal.

SECT. 11. Penalty on town treasurer, for neglect.

12. Of sealer's appointment in towns, &c.

13. To be sworn. Penalty for refusal.

14. Penalty for selectmen, &c. neglecting to appoint.

15. Custody of the standards and seals.

16, 17. Duty of the sealer.

18. Penalty, for neglecting to have weights, &c. sealed.

19. Penalty for sealer's neglect.

20. Dearborn's, or Hill's steel yard, may be used.

21. Of selling by heaped measures. Penalty for selling by beams, &c. not sealed.

22. Of gross or avoirdupois weight.

SECTION 1. The standard of weights, recently furnished by the United States, and adopted by this state, shall be continued; and

Of the standards of weights and measures. 1839, 375, § 1.

CHAP. 73.

used, as the standard of weights for the state, instead of those formerly used; and the measures, adopted by the United States, as standard measures, when furnished to this state, shall be adopted and used, as standard measures of this state.

State sealer to cause other weights and measures to be made, conformable to the standard.
1839, 375, § 2.

SECT. 2. It shall be the duty of the state sealer of weights and measures, to cause all such weights, of a smaller denomination, than those furnished by the United States, as may be necessary to make a complete and perfect set, to be compared and regulated by the standard weights, already adopted; and also to cause all such measures, as are necessary, to make a complete and perfect set; to be compared and regulated by the standard, which may be furnished by the United States.

Also to procure suitable standard balances.
1839, 375, § 3.

SECT. 3. It shall be the duty of the state sealer aforesaid, to procure, at the expense of the state, if not already procured, a suitable gold standard balance; also a suitable standard balance, for avoirdupois weights; both of which, together with the weights and measures, shall be kept at the state house; to be used only for trying and regulating other weights and measures, with the standard.

Description of beams, weights and measures, which are to be procured, or preserved, by the treasurer of the state.
1821, 131, § 1.

SECT. 4. It shall be the duty of the treasurer of the state, at the expense of the state, to procure and preserve as public standards, until otherwise provided, in the manner mentioned in the first section, and which shall be used only as such, the following beams, weights and measures, to wit: one bushel, one half bushel, one peck, one half peck, one ale quart, one wine gallon, one wine half gallon, one wine quart, one wine pint, one wine half pint, and one wine gill; said measures to be made of copper or pewter, conformable, as to contents, to said standard measures; and as to breadth, that is to say, the diameter of the bushel, not less than eighteen inches and a half, containing thirty two Winchester quarts; of the half bushel, not less than thirteen inches and three quarters, containing sixteen Winchester quarts; of the peck, not less than ten inches and three quarters, containing eight Winchester quarts; and of the half peck, not less than nine inches, containing four Winchester quarts; the admeasurement to be made in each instance, within side of the measure; also one ell, one yard; one set of brass weights, to four pounds, computed at sixteen ounces to the pound, with fit scales and steel beam: also a good beam and scales, and a nest of troy weights from one hundred and twenty eight ounces down to the least denomination, with the weight of each weight, and the length of each measure marked or stamped thereon respectively, and sealed with a seal, to be procured and kept by the treasurer aforesaid; and also one fifty six pound weight, one twenty eight pound weight, one fourteen pound weight and one seven pound weight, made of iron.

Also by county treasurers.
1821, 131, § 2.

SECT. 5. The treasurer of each county, at the expense thereof, shall procure, if not already procured, one complete set of beams, and of brass, copper, pewter and iron weights, and of the measures, before mentioned, except the bushel measure, tried, proved and sealed by the state standards; the said measures, as to breadth, as well as contents, to conform to the state standards, as before mentioned; and the county treasurer shall preserve them for the use of such county, and to be used only, as standards.

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SECT. 6. Each county treasurer shall, at the expense of the county, once in every ten years, commencing the computation from the first day of July, in the year one thousand eight hundred and thirty nine, have the county standard of weights and measures compared, proved and sealed, by the state standard of weights and measures.

County standards, to be regulated by the state standards, every ten years. 1839, 375, § 4.

SECT. 7. Any county treasurer, neglecting to comply with his duty in the above mentioned particulars, shall forfeit and pay, for each neglect, the sum of two hundred dollars; to be recovered in an action of debt, in the name of the state.

Forfeiture for neglect. 1821, 131, § 2.

SECT. 8. The treasurer of each town and plantation, in the state, shall procure, at the expense of such corporation, if the same has not been already done, and constantly preserve, as town standards, a complete set of beams, weights, and copper and pewter measures, except the bushel measure, conformable to the state standards; and excepting also, a nest of troy weights, other than those from the lowest denomination to the size of eight ounces, which he is required to procure and keep.

Of town standards of beams, weights and measures. 1821, 131, § 3.

SECT. 9. Any town treasurer may procure a wooden half bushel, peck and half peck measure, conformable, as to breadth and contents, to the copper or pewter measure of the same denomination; in lieu of such copper or pewter measure; all which measures he shall cause to be proved and sealed, by the state or county standard, once in every ten years, computing from the first day of July, eighteen hundred and forty; and if the same has not been done, since the second day of March, in the year eighteen hundred and thirty nine, he shall have the same done immediately.

Same subject. 1821, 131, § 3. 1839, 375, § 4.

SECT. 10. Each town treasurer shall constantly have and keep a town seal, at the expense of the town, and for the purposes hereinafter mentioned.

Of the town seal. 1821, 131, § 3.

SECT. 11. Every such treasurer, neglecting his duty, required in the three preceding sections, shall forfeit and pay, for each neglect, one hundred dollars; one half to the use of the town, and the other half to him; who shall sue for the same.

Penalty on town treasurer, for neglect. 1821, 131, § 3.

SECT. 12. The selectmen of each town, and the assessors of each plantation, shall annually appoint a sealer of weights and measures, within the same; and they may remove any person, so appointed by them: and in case of vacancy in the office, however occasioned, they may appoint a suitable person, to fill his place.

Of the sealer's appointment in towns, &c. 1821, 131, § 4.

SECT. 13. Every person, appointed to the office of sealer, shall, on his acceptance of the office, be duly sworn; and if any person, so appointed and notified thereof, shall refuse, for seven days, to accept the office and be sworn, he shall forfeit and pay five dollars; to be recovered and appropriated in the same manner, as in case of fines for refusing to serve in other town offices.

To be sworn. Penalty for refusal. 1821, 131, § 4.

SECT. 14. Any selectman or assessor, who shall neglect to perform the duties appertaining to his office, under the twelfth section, shall forfeit ten dollars for each month's neglect; to be recovered in like manner and to like uses.

Penalty for selectmen, &c. neglecting to appoint. 1821, 131, § 4.

SECT. 15. Each sealer of weights and measures, when appointed and sworn, shall receive the standards and seal from the treasurer, giving a receipt therefor, describing them and their condition, and

Custody of the standards and seals. 1821, 131, § 5.

CHAP. 73. therein engaging at the expiration of his term of office, to deliver the same in like good order to the treasurer; and the sealer shall be accountable for their due preservation, while in his care and possession.

Duty of the sealer.
1821, 151, § 6.

SECT. 16. Every such sealer shall, annually, in the month of May, post notifications in different parts of the town or plantation to which he belongs, stating therein the times and places, when and where, he will attend to the proof and sealing of such weights and measures, as may be brought to him for that purpose; and all weights and measures, that shall be found not conformable to the standard, he shall deface or destroy, unless he can bring them to the just standard.

Same subject.
1821, 151, § 7.

SECT. 17. Such sealer is authorized, and required, to visit the houses of innholders, the ware houses and stores of merchants, traders, and retailers of spirituous liquors, and the dwelling houses of such other inhabitants, as shall neglect to send to him their beams, weights and measures, and there to prove and seal the same.

Penalty, for neglecting to have weights, &c. sealed.
1821, 151, § 7.

SECT. 18. Every person, refusing or neglecting to have his beams, weights and measures, tried, proved and sealed, shall forfeit and pay ten dollars; one half to the use of the town, and the other half to the sealer.

Penalty for sealer's neglect.
1821, 151, § 7.

SECT. 19. If any such sealer shall neglect his duty, in any of the cases mentioned in this chapter, he shall pay ten dollars; one half to the use of the town, and the other to the person, who shall sue for the same, with costs.

Dearborn's, or Hill's steel yard, may be used.
1821, 151, § 10.

SECT. 20. In all cases of weighing, the vibrating steelyard, invented by Benjamin Dearborn, or the vibrating steelyard invented by Benjamin Dearborn and improved by Samuel Hills, may be used; provided, that before being offered for sale, or the same shall be used, each beam, and the poises thereof, shall be sealed by a public sealer of weights and measures, appointed according to law.

Of selling by heaped measures.

SECT. 21. All measures, by which fruit and other things, usually sold by heaped measures, shall be sold, shall be conformable, as to capacity and breadth, to the public standard; and if any person shall sell, or expose to sale, any fruit or other thing, usually sold by heaped measure, otherwise than is mentioned in this section, or shall sell or expose to sale any goods or commodities whatever, by any other beams, weights or measures, than those proved and sealed, as aforesaid, the offender shall forfeit for each offence, not less than one dollar, nor more than ten dollars; one moiety to the use of the town or plantation, and the other to the sealer, or to him, who shall prosecute therefor.

Penalty for selling by beams, &c. not sealed.
1821, 151, § 11.

Of gross or avoirdupois weight.
1828, 404, § 1.

SECT. 22. All such articles, as have been sold or exchanged, in any market or town in this state, by gross or avoirdupois weight, shall be sold or exchanged by the following regulations of said weights, viz: twenty five avoirdupois pounds shall constitute one quarter; four quarters, one hundred; and twenty hundreds, one ton; and all other articles, usually sold by tale, shall be sold by decimal hundred, any law to the contrary notwithstanding.