

MAINE STATE LEGISLATURE

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THE
REVISED STATUTES

OF THE
STATE OF MAINE,

PASSED APRIL 17, 1857;

TO WHICH ARE PREFIXED

THE CONSTITUTIONS

OF THE
UNITED STATES AND OF THE STATE OF MAINE:

WITH AN

APPENDIX.

PUBLISHED BY AUTHORITY OF THE LEGISLATURE.

BANGOR:
WHEELER & LYNDE.

1857.

CHAPTER 37.

ASSAYERS OF ORES AND METALS.

Assayers, their appointment, oath, duty and compensation.

The governor with advice of council, may appoint one or more suitable persons to be assayers; who shall be duly sworn, and assay such ores, metals, and other substances, requiring chemical analysis, as are offered for that purpose, and give a certificate thereof; for which they shall receive a reasonable compensation from their employers.

Assayers, their appointment, oath, duty and compensation. 1854, c. 79.

CHAPTER 38.

INSPECTION AND SALE OF AGRICULTURAL PRODUCTIONS, AND MARKING SHEEP.

BEEF AND PORK.

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BEEF AND PORK.

Appointment, removal, oath and bond of inspector general of beef and pork.
R. S., c. 50, § 1, 2.

He shall appoint deputies, and be liable for their misconduct, &c.
R. S., c. 50, § 3, 4.

Deputies to be sworn and give bond.
R. S., c. 50, § 5.

SEC. 1. The governor, with advice of council, when a vacancy occurs, shall appoint some skillful person to be inspector general of beef and pork, removable at pleasure; and he shall be sworn and give bond with sufficient sureties in the sum of four thousand dollars to the treasurer of state for the faithful discharge of his duties, before entering thereon.

SEC. 2. The inspector general shall appoint one or more deputies in every port in this state, whence beef and pork are exported, and a convenient number in the several counties; and shall be responsible for their neglect or misconduct whilst acting under him; and when the office of inspector general becomes vacant, they may continue to discharge the duties of the office, until a successor is appointed; and they shall be accountable to the state.

SEC. 3. Every deputy shall be duly sworn and give bond to the inspector general, with sureties to his satisfaction, for the faithful performance of his duty, in a sum not less than three hundred, nor more than one thousand dollars; and the bond shall be so expressed as to inure to the use of the state, for the time

the deputy exercises his duties during a vacancy in the office of inspector general. CHAP. 38.

SEC. 4. No inspector or deputy shall be concerned, directly or indirectly, in the beef or pork business, or in buying or selling it for barreling, so long as he holds such office. Any one violating the provisions of this section, shall forfeit twenty dollars, and forever after be disqualified from holding such office. Shall not be concerned in the beef and pork business, under a penalty. 1855, c. 168, § 8.

SEC. 5. The inspector general, within the county where he resides, or his deputy within the district for which he is appointed, shall, as soon as may be, within twenty-four hours after request, attend at any suitable place for the purpose of inspecting any quantity of beef or pork, or both, exceeding five barrels; and commence thereon, as soon as a convenient, strong, and secure place is provided by the party claiming such inspection, and the key thereof lodged with him; and it shall be his duty to keep the said key, until such beef or pork is packed, or repacked, salted, coopered, and branded, or otherwise prepared for exportation as provided in this chapter. General duties of inspectors. R. S., c. 50, § 6, 7.

SEC. 6. Such officer shall not be liable for neglecting or refusing to commence upon any inspection or other service, before all the charges for inspecting, cutting, salting, coopering, and branding such beef or pork are either paid or satisfactorily secured to him. Not obliged to act till all charges paid. R. S., c. 50, § 8.

SEC. 7. When the inspector or his deputy has inspected and assorted any beef or pork, as hereinafter directed, he shall with the assistance, if necessary, of laborers and coopers in his employ, and for whose conduct he shall be responsible, cut, weigh, pack, salt, and cooper said beef and pork in barrels or half barrels, as hereinafter required. Beef and pork how packed. R. S., c. 50, § 9.

SEC. 8. No beef shall be packed or repacked in barrels or half barrels for exportation, unless it is of fat cattle not under two years old; and all such beef shall be cut into pieces, as nearly square as may be, and of not more than eight nor less than four pounds in weight, except where otherwise expressly provided. The age of beef cattle, and how cut up. R. S., c. 50, § 10.

SEC. 9. Excepting as provided in the tenth and twelfth sections, all beef which the inspector or his deputy on examination finds to have been killed at a proper age, and otherwise good and merchantable, shall be by him divided into five different sorts for packing or repacking; to be denominated and branded mess, number one, prime, cargo, and hearts and cheeks. How to be assorted and branded, &c. R. S., c. 50, § 11.

Mess beef shall consist of oxen, cows, and steers well fattened of three years old and upwards, and weighing six hundred pounds and upwards; the shin, shoulder, clod and neck shall be taken from the fore quarters, and the leg and the leg round from the hind quarters; and each barrel and half barrel, containing beef of this description, shall be branded on one of the heads with the words, "mess beef."

Number one shall consist of oxen, cows, steers, and heifers not under three years old and weighing not under four hundred pounds, and to average five hundred and twenty pounds, without any necks or shanks. On one head of each barrel or half barrel,

CHAP. 38. containing beef of this description, shall be branded, "number one."

Prime beef shall consist of fat cattle of all descriptions, not before mentioned, of two years old and upwards, bulls excepted, with not more than half a neck, and two shanks, and without any hocks; each barrel and half barrel of which shall be branded, "prime beef."

Cargo beef shall consist of those parts of beef, which are excluded from mess, number one, and prime, not including hearts and cheeks; and shall be packed and inspected by the inspector general, or his deputy, in the same manner as No. 1, or prime, and branded "cargo beef;" first taking from the parts excluded as aforesaid, namely, from the end of the neck not less than four pounds nor more than six, and from the shank and shin of each quarter not less than four pounds nor more than eight; which pieces thus taken off shall not be exported from this state.

The hearts and cheek pieces of beef may be inspected and packed as aforesaid, and shall be branded, "hearts and cheeks."

May by request
be packed and
branded.
R. S., c. 50,
§ 12.

SEC. 10. The inspector or his deputy may also, at the request of the owner or agent, inspect and pack the following descriptions of beef, viz.:

Oxen of four years old and upwards and weighing seven hundred pounds and upwards, excluding the same parts as for mess beef, to be branded "extra mess;" and

Choice pieces of oxen, steers, cows, and heifers, of three years old and upwards, weighing four hundred pounds or more, and to average five hundred and fifty pounds, excluding the parts aforesaid, to be cut into pieces of as nearly ten pounds as practicable, and to be branded "navy mess."

Mode of salt-
ing beef.
R. S., c. 50,
§ 13.

SEC. 11. Every barrel of beef shall be well salted with seventy-five pounds of clean St. Ubes, Isle of May, Lisbon or Turk's Island salt, or eighty pounds of Liverpool salt, or other salt of equal quality, exclusive of a pickle made of fresh water as strong as salt will make it; and to each barrel of mess, extra, or navy beef, shall be added not more than four, nor less than three ounces of saltpetre; and to each barrel of number one, prime, and cargo beef, shall be added not more than three, nor less than two ounces; and for every half barrel of beef of the different kinds, one-half of the stated quantity of salt and saltpetre shall be used.

The round,
neck and
chines may be
reserved for
jerking, &c.
R. S., c. 40,
§ 14.
1855, c. 168, § 1.

SEC. 12. Any person, packing beef under the supervision of the inspector general or his deputy, may reserve for smoking, jerking, or other purposes, the round, being that part of the leg cut from the hind quarter near to the edge bone, and the neck and chines of the fore quarter, cut as provided in the tenth section; and the beef so reserved shall be at the disposal of the owner either for consumption, or to export in hogsheads, or in any other mode of packing; and he may put into each barrel of beef or pork a less quantity of salt than is provided in section eleven, and the same shall be branded "light salted;" but he shall give a good and sufficient bond to the inspector or his dep-

uty to save him harmless from all liabilities and costs in consequence of such light salting.

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SEC. 13. Excepting as provided in the next section, all pork packed, or repacked, in barrels or half barrels for exportation, shall be divided into seven different sorts, to be denominated and branded, respectively, extra clear, clear, bone middlings, navy mess, number one, prime, and cargo pork; and in all cases the following parts shall be taken out as refuse, viz.: nose pieces or faces, ears, brains, tail, feet, and lard.

Pork for exportation divided into seven sorts.

The two kinds of clear pork shall consist of the best pieces of large well fattened healthy hogs, weighing three hundred pounds or upwards, free from bones or the lean part of the meat, excepting the ends of the ribs and the brisket; and extra clear pork shall consist of such pieces, not less than three and a half inches thick, in the thickest part of such pieces, clear of lean; and the clear pork of such pieces not less than two inches and a half thick, in the thickest part of such pieces, clear of lean.

Clear and extra clear.

Bone middlings shall consist of middling pieces taken from hogs well fattened weighing two hundred and thirty pounds and upwards.

Bone middlings.

Navy mess pork shall consist of all parts of the carcass, well fattened, weighing from one hundred and sixty pounds to two hundred and thirty pounds; except the head, fore and hind legs, the shoulder joint, lard, and refuse parts above mentioned.

Navy mess.

Number one shall consist of all parts of hogs well fattened averaging two hundred and twenty pounds or upwards, and each weighing not less than one hundred and eighty pounds, and to have no more heads, legs, shoulders, or other coarse parts, than belong to one carcass, deducting the lard and refuse as above.

Number one.

Prime pork shall consist of all parts of one and a half hog well fattened, which shall weigh two hundred pounds, deducting the lard and refuse as above; and if in half barrels, it shall consist of pig pork, all parts of one carcass or not, excluding the lard and refuse as above. In all cases, where the legs of pork are taken out for any other purpose, the weight shall not be made up of heads and shoulders, but with other parts of the carcass, not less valuable than the legs would be, if salted.

Prime.

Cargo pork shall consist of the merchantable parts of wholesome pork of quality inferior to prime pork, and there shall not be more than the merchantable parts of two carcasses of pork in one barrel; except where any of the legs are taken out, the same number of shoulder pieces and no more may be added; the deficiency of weight to be made up in better parts of a carcass of pork.

Cargo.
R. S., c. 50,
§ 15.

SEC. 14. Barrels or half barrels filled with pork heads or feet shall be so branded; and the inspector general or his deputy, at the request of the owner or agent, may inspect, cut, weigh, pack, or repack, salt, cooper or brand, pork of the following description, which shall be branded mess pork; viz.: every part, except the heads, legs, shanks and lard, of well fattened hogs, in good condition, weighing from two hundred to three hundred pounds, and averaging two hundred and fifty pounds.

Pork heads and feet, and mess pork.
R. S., c. 50,
§ 16, 17.

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Pork, how salted; barrels, how branded, &c.

R. S., c. 50, § 18, 19.

Dimensions of beef barrels and half barrels.

R. S., c. 50, § 20.

Also, of pork barrels and half barrels, &c.

R. S., c. 50, § 21, 22.

The brand of the inspector and owner.

R. S., c. 50, § 23, 24.

Penalty for inspector branding packages not inspected by him, &c.

R. S., c. 50, § 25, 26.

Penalty for deputy inspecting out of his district, &c.

R. S., c. 50, § 27, 28.

Penalty for not branding beef reserved for exportation.

SEC. 15. Every barrel of pork shall be well salted with seventy pounds, and every half barrel with thirty-five pounds, of clean coarse salt, exclusive of a strong pickle, except as provided in section twelve; shall be branded on one of the heads with the quality of the pork it contains; and each barrel of beef or each half barrel one hundred pounds; and the casks shall be made of good, seasoned, rift white oak, white ash, or maple staves and headings, free from any defect.

SEC. 16. The beef barrels shall measure not less than sixteen, nor more than sixteen and a half inches between the chimes; and be not less than twenty-eight, nor more than twenty-eight and a half inches long, to be covered three-fourths of the length with good oak, ash, elm, leverwood, or walnut hoops, leaving one-fourth in the centre; the heads and staves to be of a proper thickness; the hoops to be well set and drove together.

The half barrels shall contain not less than fifteen, nor more than fifteen and a half gallons, to be hooped like barrels.

SEC. 17. The pork barrels shall measure seventeen inches and one-quarter between the chimes, and contain not less than thirty-one gallons nor more than thirty-one gallons and one-half; and be hooped like beef barrels; and all the beef and pork barrels and half barrels aforesaid shall be branded on the bilge with the manufacturer's name.

SEC. 18. Every barrel and half barrel of pork and beef, packed or repacked for exportation, shall be branded with the initials of the christian and the whole of the surname of the inspector, who inspected the same, with the name of the town where, and the month and year, in full, or intelligibly abridged, in which inspected, and the actual weight in legible letters and figures, with the addition of the word, Maine. Every barrel or half barrel of beef, marked extra mess, navy mess, number one, or prime, or of pork, marked extra clear, clear, bone middlings, or navy mess, shall be branded with the name of the person for whom the same was packed.

SEC. 19. Neither the inspector general nor his deputy shall brand any packages of beef or pork, other than those he has personally inspected, and caused to be weighed and packed, as the law requires; nor, his fees being duly tendered or secured to him, shall he neglect to perform any duty pertaining to his office; or be guilty of any fraud in the exercise thereof, under penalty of ten dollars for each offence.

SEC. 20. No deputy shall inspect or brand any cask of beef or pork out of the district for which he was appointed, under penalty of fifty dollars; and no person, other than the inspector and his deputies, shall stamp or brand any cask of beef or pork, with the intent that the same shall pass as inspected and branded according to law, under penalty of twenty dollars for each offence.

SEC. 21. When any beef is reserved for exportation agreeably to the provisions of the twelfth section, the hogshead or other package containing it, when exported, shall be branded on one

head with the name of the owner and of the town where he resides, under the penalty of one dollar for each package not branded; and the feet, ears, and faces of pork, when separated from the cheek part of the head, or any other pieces herein prohibited, shall not be exported under the brand "refuse," or any other brand, allowed for pork to be exported.

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R. S., c. 50,
§ 29, 30.

SEC. 22. If any person intermixes, takes out, or shifts, any beef or pork, out of any cask inspected or branded as hereby required, or puts in any other beef or pork for sale or exportation with a fraudulent intent, he shall forfeit twenty dollars for each offence.

Penalty for
mixing in-
spected beef
and pork with
uninspected.
R. S., c. 50,
§ 31.

SEC. 23. No pork or beef, except hams reserved for pickling or smoking, packed in this state or imported into it in barrels, half barrels, or other casks not bearing the name and brand of an inspector of some one of the United States, showing the quality and quantity thereof, shall be transported out of the state, or shipped, sold, or offered for sale therein, under a penalty of ten dollars for each package; nor shall any salted beef or pork be exported from the state, unless the master or owner of the vessel produces to the collector or other officer of the United States, granting a clearance, a certificate from the inspector general or his deputy, that it is inspected and branded according to law, and each certificate shall express the number of barrels and half barrels of beef or pork of each sort; and, on producing such certificate, he shall take and subscribe the following oath before said officer, namely:

Penalty for
transporting
or shipping, or
offering for
sale beef and
pork not in-
spected, &c.
R. S., c. 50,
§ 32, 33, 34,
39, 40.
1855, c. 168, § 2.

"I, A. B., master (or owner as the case may be) of the —, do swear, that according to my best knowledge and belief, the certificate hereunto annexed, contains the whole quantity of salted beef (or pork as the case may be) on board the —, — master; and that no salted beef, or pork, is shipped on board the said vessel for the ship's company, on freight or cargo, but what is inspected and branded, according to the law of this state."

SEC. 24. If any person exports or ships for exportation out of this state any salted beef or pork, not inspected and branded, as herein directed, every owner or shipper thereof privy to such offence, shall forfeit six dollars, and the master of every vessel, having on board such uninspected beef or pork, two dollars, for every such cask.

Penalty for
shipping,
exporting or
having on
board unin-
spected salt
beef or pork.
R. S., c. 50,
§ 35.

SEC. 25. Any justice of the peace, on complaint made to him, that any such beef or pork is put on board any vessel in his county for exportation, may issue his warrant directed to the proper officer, requiring him to seize and secure the same for trial; or the inspector general or his deputy may, on like information, seize and secure the same for trial.

How the same
may be seized.
R. S., c. 50,
§ 36.

SEC. 26. The officer, making such seizure, shall, as soon as may be, file a libel or information thereupon in any court proper to try the same; and if upon trial it appears that such beef and [or] pork was thus shipped against the provisions hereof, it shall be liable to forfeiture according to law; one-half

The officer
seizing to libel
the same; for-
feiture, how
appropriated.
R. S., c. 50,
§ 37.

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Inspector general and deputies to make returns.

R. S., c. 50, § 42.

Inspector general may administer oaths.

R. S., c. 50, § 43.

By what scales beef and pork are to be weighed.

R. S., c. 50, § 44.

Municipal officers may appoint weighers of beef under oath.

R. S., c. 50, § 45.

Weigher's certificate.

R. S., c. 50, § 46.

Penalty for purchasing dead beef cattle without weighing, unless agreed.

R. S., c. 50, § 47.

Hides to be weighed and certified by inspector.

R. S., c. 50, § 48.

to the use of the state, and the other to the use of the officer seizing and prosecuting therefor.

SEC. 27. Every deputy inspector shall make an annual return to the inspector general of the number of barrels and half barrels of beef and pork inspected by him ; and the inspector general, in the month of January annually, shall make a return, up to the first day of December, into the office of the secretary of state, of the whole number of barrels and half barrels inspected by him and his deputies the preceding year, under each of the respective brands used by them ; designating in the return the different sorts, and places where inspected.

SEC. 28. The inspector general may administer the several oaths required of his deputies or of others, pertaining to the business of his office.

SEC. 29. No beef or pork shall be weighed by the owners or keepers of any slaughter-houses, stores, or warehouses, or by persons under their control in the transaction of their business, in any greater quantity than fifty pounds, unless in scales and with weights, or by the vibrating steelyard invented by Benjamin Dearborn, the vibrating steelyard invented or improved by Samuel Hills, or the Fairbanks' scales, sealed according to law, under penalty of ten dollars.

SEC. 30. The municipal officers of towns, where beef cattle are sold for immediate consumption or for barreling, shall appoint one or more suitable persons not dealers in cattle, to be weighers of beef, and they shall be duly sworn.

SEC. 31. All beef sold as aforesaid, shall be weighed by the sworn weighers, and certificates of the weight of all the beef, hide, and tallow of each head of cattle shall be signed by said weighers, and delivered to the seller thereof in the form following, viz. :

" This certifies, that I have duly weighed the cattle, bought by _____, of _____, from _____, of _____, this _____ day of _____, 18— :

Beef,					
Hide,					
Tallow,					
Total,					

" A. B., Sworn Weigher."

SEC. 32. Any person, purchasing beef cattle for market or exportation not weighed pursuant to the foregoing provisions, other than live cattle, and except when the weight or mode of weighing is agreed upon expressly by the buyer and seller, shall forfeit thirty dollars for each offence.

SEC. 33. The inspector general and his deputies, by themselves or by other persons by them appointed and sworn, shall weigh all hides taken from cattle slaughtered for barreling, making reasonable deduction for tare and drainage ; and give a

certificate, specifying the gross weight and the deductions made as aforesaid. CHAP. 38.

SEC. 34. All the foregoing fines and forfeitures, not herein otherwise provided for, may be recovered by action of debt, complaint, or indictment, in any competent court, one-half to the person prosecuting, and the other to the town where the offence is committed. Penalties, how recovered and appropriated.
R. S., c. 50, § 41.

HAY.

SEC. 35. All hay, pressed and put up in bundles for sale in this state, shall be branded on the bands or boards enclosing it with the first letter of the christian and the whole of the surname of the person putting up the same, and with the name of the state and of the place where such person lives; and all pressed hay offered for sale or shipping, not thus branded, shall be forfeited, one-half to the use of the town where the offence is committed, and the other half to the person libeling the same. Pressed hay, in bundles, to be branded; unless branded, forfeited, &c.
R. S., c. 64, § 1, 2.

SEC. 36. Every bale of screwed or pressed hay may have four pieces of seasoned board not more than four inches wide or one inch thick to keep the hay in place; on one of which, or on one of the bands, shall be marked the weight of the bale; and no sworn weigher of hay shall purchase any hay, but what is necessary for his own use. How bales may be secured with boards, &c.
R. S., c. 64, § 4, 5.

SEC. 37. If the master of any vessel takes on board pressed hay not branded as aforesaid, he shall forfeit two dollars for each bundle so received, to be recovered to the uses mentioned in section thirty-five. Penalty for master of vessel taking hay not branded.
R. S., c. 64, § 3.

MEASURERS OF SALT, CORN AND GRAIN.

SEC. 38. The municipal officers of towns are authorized annually to appoint measurers of salt, corn and grain therein, who shall be duly sworn, and receive such fees from the purchaser, as said officers establish; and in every contract made in this state for the sale of salt by the hogshead, such hogshead shall consist of eight bushels; and, when the buyer or seller requests, salt, corn, or grain in places where such measurers live, shall be measured by them. Appointment, oath and fees of measurers, &c.
R. S., c. 71, § 1, 2.

WEIGHT OF CORN, AND GRAIN, MEAL, VEGETABLES, AND HAIR.

SEC. 39. The standard weight of a bushel of potatoes in good order and fit for shipping shall be sixty pounds; of wheat, sixty pounds; of corn, fifty-six pounds; of barley and buckwheat, forty-eight pounds; of carrots, fifty pounds; of ruta бага, sugar beet, and mangel wurzel in like condition, sixty-four pounds; of rye and indian meal, fifty pounds; of oats, thirty pounds, or strike measure; and of hair used in masonry, well dried and cleansed, eleven pounds; and the measure of each of these articles shall be determined as aforesaid at the request of the vender or vendee; and if either party refuses so to do, he shall forfeit five cents for each bushel, to the person prosecuting therefor within thirty days. The standard weight fixed, &c.
R. S., c. 70, § 1, 2, 3.
R. S., c. 72, § 1, 2, 3.
1849, c. 101.
1848, c. 46.
1852, c. 228.
1857, c. 100.

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Treasurer of town to pay bounty on cocoons and silk, &c.

R. S., c. 68, § 1, 2, 3, 4.
1852, c. 263.

SEC. 40. The treasurers of towns shall pay a bounty of ten cents for every pound of cocoons, and one dollar for every pound of silk reeled from cocoons, raised in this state, to the person raising it in such town, on being furnished with satisfactory proof thereof; and such applicant shall make oath, that no bounty had been received by any person for such cocoons or silk; and each treasurer shall keep an account of the money so paid, and present it, verified by his oath, to the legislature next thereafter, and being found correct, it shall be allowed and paid from the state treasury.

MARKING SHEEP.

Owners of sheep may have a distinctive mark, &c.
1845, c. 162, § 1, 2.

SEC. 41. All owners of sheep shall mark them with some distinctive mark, by a cut in the ears, or a brand on some part of the animal, and cause such mark to be recorded by the clerk of their town in a book kept for that purpose, paying the clerk eight cents therefor.

CHAPTER 39.

INSPECTION AND SALE OF MANUFACTURED ARTICLES.

LIME AND LIME CASKS.

- SEC. 1. Appointment and oath of inspectors and their deputies, and the amount of their bonds in different towns.
2. When and how lime shall be inspected and branded.
3. Description of lime that may be sold or shipped, the dimensions and materials of the casks, and how branded, with the name of the manufacturer of the lime, and also of the casks.
4. Penalty for inspector or deputy branding casks of lime not inspected by him or not conformable to law, and for allowing another to use his brand, and for any person attempting to sell or ship any lime not lawfully branded, or shifting it after it is branded. Inspector or deputy liable for damages, an action may be against either.
5. Penalty for attempting to sell or buy lime casks not made conformable to law. Lien created on such casks for penalty and priority over other liens or sales.
6. Penalties how recovered and appropriated; remedy on inspector's bond for unpaid judgment for penalty or damages on account of his misdoings.

POT AND PEARL ASHES.

7. Appointment, removal, and bond of inspector and his deputies.
8. Process of inspecting, packing and branding, and penalty for unreasonable delay or refusal to inspect.
9. Dimensions and materials of casks, and how manufacturer of ashes shall brand casks, and penalty for not doing it.
10. Penalty for attempting to transport such ashes without inspection. Power of inspector to search vessels and seize unbranded ashes as forfeited and libel the same. Penalty for obstructing such search and seizure.
11. Penalty for falsely branding cask of ashes and for shifting ashes after they are branded.