

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.

CHAP. 38.

BOUNTY ON SILK.

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.

SEC. 12. Appropriation of penalties and forfeited property.

13. Inspector and his deputies to make annual returns to the secretary of state.

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NAILS.

14. Appointment, oath and bond of inspector and his deputies.
15. Process of inspecting and branding wrought nails. Inspector to give certificate.
16. Rule of progression in marking the number of nails to a pound.
17. Dimensions and materials of casks, and by what weight wrought nails shall be sold.
18. In what kind of casks cut nails and brads shall be packed, quality of the nails, and how the casks shall be branded.
19. Penalty for attempting to sell or ship brads, wrought or cut nails not inspected and branded, and for mixing waste with them, and for falsely marking the tare on the casks. Forfeiture and disposal of the nails.
20. Penalty for unreasonable delay of inspector to inspect nails.
21. Penalty for counterfeiting brands; marking nails therewith; destroying lawful marks, and shifting branded nails. Appropriation of penalties.
22. Inspectors to make annual returns. Deputies, quarterly.

PAPER.

23. Mode of packing and marking paper.
24. Penalty for making, attempting to sell, or transporting paper not lawfully packed and stamped. Forfeiture of such paper, seizure, libel, and appropriation thereof.

LEATHER, BOOTS AND SHOES.

25. Manufacturer of leather, boots and shoes may stamp his name thereon, and it shall be a warranty. Penalty for fraudulently stamping such articles with the name of another.
26. Appointment, oath, duties and fees of inspectors of sole leather. Fees paid by buyer at last.
27. Mode of inspecting and stamping sole leather. Penalty for defacing, altering, or counterfeiting such marks, and appropriation thereof.

OILS.

28. What shall be deemed pure sperm oil. Penalty for selling adulterated oil for pure sperm, appropriation thereof, and liability to purchaser for damages.

FIRE ARMS.

29. Appointment of provers of fire arms. Their duty to prove and mark all fire arms and give a certificate.
30. Penalty for selling or attempting to sell new and unused barrels before proved and for falsely altering the mark or certificate of a prover, and how recovered and appropriated.

LIME AND LIME CASKS.

SEC. 1. The governor with advice of council, when a vacancy occurs in any town, shall appoint one resident citizen thereof, to be inspector of lime and lime casks therein, to hold his office for four years, unless sooner removed; and he shall be duly sworn, and give bond with sufficient sureties for the faithful performance of his duties, before entering thereon, to the treasurer of his county in the following sums:

Appointment and oath of inspectors and their deputies, and the amount of their bonds.
R. S., c. 51,
§ 1, 2, 3, 4, 5, 6.

The inspector of Thomaston, ten thousand dollars; of Warren and Camden, five thousand each; and of every other town, two thousand each, to be approved by the county commissioners; and each inspector may appoint in his town as many deputies,

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When and how lime shall be inspected and branded.

R. S., c. 51, § 7.

Description of lime that may be sold or shipped, dimensions and materials of casks, &c.
1846, c. 213, § 1, 2.
R. S., c. 51, § 10.
1850, c. 184, § 1, 2, 3.

SEC. 2. It shall be the duty of each inspector, by himself or deputy, to inspect all lime manufactured in his town, with the casks therefor, at the time they are filled at the kiln where it is burnt; see that in all respects the lime and casks conform to law; and brand each cask, when filled with such lime, on one of its heads with the name of the town where the lime was burnt, the initials of the christian and the whole of the surname of the inspector or deputy, and the word, "inspected."

SEC. 3. No lime manufactured in this state, shall be sold, exposed to sale, or shipped on board any vessel in casks, but such as is well burnt and pure; contained in casks made of sound and seasoned staves and heading, well fired on the inside, with at least ten good and strong hoops on each, not more than four of which shall be alderwood, well driven and secured with nails, and duly inspected; the staves of said casks to be made of sawed or rift timber, not less than thirty inches in length, and half an inch thick on the thinnest edge; each of the heads to be not less than three-fourths of an inch thick, and well crozed in; each hoop to be not less than one inch wide in the narrowest part; and each cask to be not less than twenty-six inches in length between the heads; sixteen inches in width between the chimes, and eighteen inches in the clear on the inside at the bilge, at the time of inspection; and made in a workmanlike manner to hold lime; and before any lime is inspected the manufacturer thereof shall brand on the head of each cask in a legible manner the first letter of his christian name and the surname at length with the letters "Man'r;" and all lime casks shall be branded on the outside of the bilge with the initials of the christian and the whole of the surname of the manufacturer thereof.

Penalty for inspector or deputy branding casks of lime not inspected by him, &c.

R. S., c. 51, § 8, 12, 13.
1846, c. 213, § 3.

SEC. 4. No inspector or deputy shall brand any casks of lime, not inspected by him, or not conformable in all respects to the provisions hereof, nor permit any other person unlawfully to use his brands; and no person shall sell, expose to sale, lade or receive, on board any vessel, any lime in casks not made, inspected and branded according to law; nor shift the contents of any lime cask branded as aforesaid, with intent to sell the same as inspected, under a penalty of one dollar for each cask thus illegally dealt with; and such inspector or deputy shall also be liable, in an action on the case, to any party for all the damages he sustains by such misdoings; and in case the misdoings are on the part of the deputy, the action may be against him or his principal.

Penalty for attempting to sell or buy lime casks not made conformable to law, &c.
R. S., c. 51, § 11.
1850, c. 184, § 1, 2, 3.

SEC. 5. No person shall sell, expose to sale, or purchase any lime cask not made in conformity to the provisions of section three, under a penalty of twenty cents for each cask; and a lien is hereby created on all such casks for said penalty and costs, and if an attachment is made for said penalty within three months after it is incurred, it shall be good against all prior attachments

or a sale by the owner; and the casks may be sold on execution in such action as in common cases.

SEC. 6. All the penalties before mentioned, may be recovered by and to the use of any person suing therefor; and when any judgment is recovered against any inspector or deputy for penalties or damages on account of any misdoings in his office, and the execution issued thereon is returned unsatisfied, the creditor may avail himself of the benefit of the inspector's bond to the county treasurer, who shall give him a copy thereof on request, in like manner as a judgment creditor of a sheriff or coroner may of the official bond of such officer given to the state treasurer.

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Penalties, how recovered and appropriated, &c.
R. S., c. 51,
§ 14, 15.

POT AND PEARL ASHES.

SEC. 7. The governor with advice of council, when a vacancy occurs, shall appoint some skillful person, removable at pleasure, to be inspector of pot and pearl ashes for the state; and he shall be duly sworn and give bond for three thousand dollars with sufficient sureties to the treasurer of state, for the faithful discharge of his duties, before entering thereon; and he shall appoint deputies in every seaport town, whence pot and pearl ashes are exported, and in other necessary places, for whom he shall be answerable, to be duly sworn, and give bond to their principal with sureties.

Appointment, removal, oath and bond of inspector and his deputies.
R. S. c. 52,
§ 1, 2, 3, 4.

SEC. 8. The inspector or his deputy shall, if necessary, sort pot and pearl ashes into first sort extra, first, second, and third sorts; start the ashes out of the casks, and carefully try and inspect them; put each sort by itself in tight new casks, well hooped and coopered; which he shall distinguish into the sorts aforesaid with the words pot or pearl ashes, as the case may be, his name, the place where inspected, and the word Maine, branded in plain letters on each cask; and at the same time weigh the cask and mark the weight with a marking iron on each head; and if he unreasonably delays or refuses for the space of three hours, when applied to, to inspect any such casks, he shall forfeit five dollars.

Process of inspecting, packing and branding, &c.
R. S., c. 52,
§ 5, 8, 12.

SEC. 9. Every cask, in which such ashes are packed for exportation, shall be made of sound and seasoned oak or white ash staves and heading, full bound, twenty-nine inches long, and nineteen inches diameter in the head; and of such weight in proportion to its contents, as will amount, as near as may be, to fourteen per cent. tare thereon; and every manufacturer of said ashes shall brand on each cask the initials of his christian and the whole of his surname, with the name of the town where manufactured, before they are removed from the manufactory, under penalty of one dollar for each cask.

Dimensions and materials of casks, &c.
R. S., c. 52,
§ 6, 7.

SEC. 10. No person shall transport out of the state, or receive for transportation, any such ashes, before they are inspected and branded as aforesaid, under a penalty of twenty dollars for each offence; and every inspector shall have the power to enter with or without a warrant on board any vessel within his limits, and seize, carry away, and secure for trial all unbranded ashes

Penalty for attempting to transport such ashes without inspection, &c.
R. S., c. 52,
§ 9, 10, 11.
1850, c. 199.

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Penalty for
falsely brand-
ing cask of
ashes, &c.
R. S., c. 52,
§ 13, 14.

Appropriation
of penalties
and forfeited
property.
R. S., c. 52,
§ 15.

Inspector and
his deputies to
make returns
to secretary of
state.
R. S., c. 52,
§ 16.

found therein, as forfeited property, to be proceeded against according to law; and any person, who obstructs him in said search and seizure, shall forfeit thirty dollars for each offence.

SEC. 11. If any person brands any cask of pot or pearl ashes manufactured by himself with the name of another; another's cask with his name; or with the brand of an inspector or his deputy, or in any way counterfeits any lawful brand; or shifts any such ashes from a cask lawfully branded, and puts in others for sale or exportation without first cutting out said brand, he shall forfeit two hundred dollars.

SEC. 12. All the foregoing penalties under sixty dollars shall be to the use of the person suing therefor; but all others shall be half to the person suing, and half to the state, and all forfeited property shall be half to the seizing officer and half to the state.

SEC. 13. The inspector of pot and pearl ashes shall annually in January, make a return up to the first of December, to the secretary of state's office, of the number of casks thereof inspected by him or his deputies, naming the number of each brand, and the weight of each specific quality; and the deputies shall make seasonable returns to the inspector to enable him to make his returns.

NAILS.

Appointment,
oath and bond
of inspector
and his depu-
ties.
R. S., c. 55,
§ 1, 2, 3, 4.

SEC. 14. The governor with advice of council, when a vacancy shall occur, shall appoint some suitable person to be inspector of nails; and he shall be duly sworn, and give bond to the state with sufficient sureties in such sum as the governor and council direct, for the faithful discharge of his duties, before entering thereon, and appoint one or more deputies in any town, where they are necessary, who shall be duly sworn, and give bond to the state same as the inspector.

Process of in-
specting and
branding
wrought nails.
R. S., c. 55,
§ 5, 7.

SEC. 15. The inspector or his deputy shall, on request, inspect every cask of wrought nails by opening the same, turning out the nails, weighing them, and ascertaining the number necessary to make a pound, their quality, both as to the iron and workmanship; brand on the head of such cask the number therefor, the whole weight of the cask and nails, the weight of the cask only, the number of nails necessary to make a pound, the quality thereof, viz.: first sort, second sort, and third sort, or refuse; his own name at large and the title of his office; and give a certificate expressing the number of the cask, the whole weight, the weight of tare, number of nails to a pound, and their quality.

Rules of pro-
gression in
marking the
number of
nails to a
pound.
R. S., c. 55, § 6.

SEC. 16. He need not brand the head of any cask containing nails, thirty-five of which weigh more than a pound, with the exact number to a pound; but beginning at thirty-five, he shall progress by fives, and mark accordingly above or below the exact number, whichever is nearest to the fact.

Dimensions
and materials
of casks, and
by what weight
wrought nails
shall be sold.

SEC. 17. The inspector shall see that all casks are well made of sound timber, strong, and lined at both heads; each cask to have eight or more good hoops, and to contain no more than three hundred and fifty pounds of nails; bad casks shall be

condemned and deficient hoops shall be supplied at the expense of the person applying for inspection; and all wrought nails shall be sold by the pound or by real thousands; delivering and receiving so many pounds for a thousand, as will produce ten net hundreds.

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R. S., c. 55,
§ 8, 9.

SEC. 18. Cut nails and brads shall be packed in strong and seasoned casks and well hooped, no cask containing more than three hundred pounds net, free from waste pieces of iron (unless refuse nails,) or fraudulent mixture, increasing the weight. The maker, who shall also be owner of such nails, shall brand the initials of his christian name and his surname at large on the side of the cask, the town where he resides, and the true weight of the tare under it.

In what kind of casks cut nails and brads shall be packed, &c.
R. S., c. 55,
§ 14.

SEC. 19. No person shall sell, offer for sale, transport, or lade or receive for transportation, by land or water, any wrought or cut nails, or brads not inspected and branded, as herein required, under a forfeiture equal to the value thereof; and said articles shall be forfeited, and may be seized, and disposed of according to law; and the owner shall forfeit one dollar for each pound of waste mixed with nails, or brads, and for each pound of tare, more than is marked on the cask.

Penalty for attempting to sell or ship brads, or nails not inspected and branded.
R. S., c. 55,
§ 10, 11, 15, 17.

SEC. 20. If any inspector, on request, unnecessarily or unreasonably delays to inspect any casks of nails, he shall forfeit, for each offence, the sum of four dollars.

Penalty for delay of inspector.
R. S., c. 55,
§ 12.

SEC. 21. If any person counterfeits any inspector's brand; marks any nails with the same; destroys any lawful marks made by another, or shifts any branded nails for those not branded, or from one branded cask to another; he shall forfeit twenty dollars for each offence; and all the penalties aforesaid shall belong half to the person suing therefor, and half to the town where the offence is committed.

Penalty for counterfeiting brands, &c.
R. S., c. 55,
§ 13, 16, 18.

SEC. 22. The deputies shall make returns once in three months, and oftener if required, to the inspector, and he shall make return annually on the first day of January, up to December first, to the secretary of state, of the number of casks and weight of wrought and cut nails inspected by him and his deputies, specifying the different quantities of each.

Inspector to make annual returns. Deputies quarterly.
R. S., c. 55,
§ 19, 20.

PAPER.

SEC. 23. All paper, except that of foreign manufacture, press, bonnet, and such as is usually sold by weight, made or offered for sale in this state, shall be packed in parcels of two reams, reams, and half reams, at the rate of twenty quires to the ream, and twenty-four sheets to the quire, and on the wrapper of each parcel shall be legibly printed or stamped the name of the maker, his place of residence, and the quantity and quality of paper therein.

Mode of packing and marking paper.
R. S., c. 63,
§ 1, 2.

SEC. 24. If any person makes, sells, offers for sale, transports out of the state, or places on board any vessel or carriage for transportation, any paper not packed and stamped as aforesaid, he shall forfeit four dollars for each parcel, one half to the

Penalty for making, selling or transporting paper not lawfully packed.

CHAP. 39.

R. S., c. 63,
§ 3, 4, 5.

county where the offence is committed, and the other half to the person suing therefor; and all such paper shall be forfeited, and be liable to be seized, to the use of any person libeling it according to law, within seven days after seizure.

LEATHER, BOOTS AND SHOES.

Manufacturer
of leather,
boots and
shoes may
stamp his
name thereon,
&c.

R. S., c. 65,
§ 1, 2.

SEC. 25. Every manufacturer of leather, and of boots and shoes, of any description, shall have the exclusive right of stamping them with the initials of his christian, and the whole of his surname; and such stamping shall be considered a warranty that the article is merchantable, and well made of good materials; and if any person fraudulently stamps any such articles with the name or stamp of any other person, he shall be punished by a fine not exceeding twenty dollars, or imprisonment not exceeding six months.

Appointment,
oath, duties
and fees of
inspectors of
sole leather.

R. S., c. 65, § 3.

SEC. 26. The municipal officers of each town, when they deem it expedient, may appoint one or more suitable inspectors of sole leather, who shall be duly sworn, and receive such fees from their employer, as said officers establish; and when paid by the seller, to be repaid to him by the buyer; and when requested, shall go to any place in their town to inspect any sides of sole leather, which had not been inspected according to law in this state.

Mode of in-
specting and
stamping sole
leather, &c.

R. S., c. 65,
§ 5, 6.

SEC. 27. Each inspector shall provide himself with a proper apparatus, with which he shall weigh and stamp every side of sole leather inspected by him, with the weight thereof, his surname, and the name of his town; and on all sole leather made of good hides, and in the best manner, the word, "best," shall be stamped; on all made of such hides in a merchantable manner, the word, "good;" and on all other, the words "second," or "third quality," "damaged" or "bad," according to the fact; and if any person counterfeits, alters or defaces such mark, he shall forfeit twenty dollars for each offence, half to the town and half to the person suing therefor.

OILS.

What shall be
deemed pure
sperm oil, &c.

R. S., c. 74,
§ 1, 2, 3.

SEC. 28. All oils sold under the names of sperm, summer, fall, and winter oils, shall be deemed sold for pure sperm oil, the test of which is hereby declared to be Southworth's oleometer; and if any person sells any oils under said names, which are adulterated by the mixture of any inferior article whatever, without disclosing the full extent of adulteration to the purchaser, he shall forfeit fifteen dollars for each offence, to any person suing therefor; and the oil so sold shall be deemed whale oil, and the seller shall be liable to the purchaser for the difference between pure sperm and whale oil, to be recovered in an action on the case.

FIRE ARMS.

Appointment
of provers of
fire arms, &c.

SEC. 29. The governor with advice of council, whenever a vacancy occurs, or otherwise, as he shall judge necessary, may

appoint suitable persons to be provers of the barrels of all new or unused fire arms; and it shall be the duty of each prover to prove the strength of the barrels of all fire arms offered to him for that purpose, in such manner as to satisfy him of their strength; and he shall, in a permanent manner, mark and number every barrel by him proved, and deliver to the applicant a certificate thereof in the following form:

"I certify that on this — day of —, in the year 18—, I proved for — —, a musket," (pistol or rifle), "barrel," (as the case may be), "which is numbered and marked, as in the margin, and that the same is good and strong.

"A. B., *Prover of Fire Arms.*"

SEC. 30. If any person sells or offers for sale any new or unused musket, rifle, or pistol barrel, without having it proved, marked, and certified, as aforesaid, he shall forfeit ten dollars for each barrel to any person suing therefor, or by indictment to the use of the state; and if he falsely alters the mark or certificate of any prover of fire arms, he shall forfeit to the state not less than twenty, nor more than one hundred dollars, to be recovered by indictment.

CHAP. 39.
R. S., c. 62,
§ 1, 2, 3.

Penalty for
selling new
and unused
barrels, &c.
R. S., c. 62,
§ 4, 5.

CHAPTER 40.

FISH AND FISHERIES.

FISH.

- SEC. 1. Appointment, tenure of office, oath and bond of inspectors of fish.
2. Annual revision of such bonds. What to be done if found insufficient.
3. Parties injured by misdoings of inspector to have remedy on his bond.
4. Any inspector of the county may act in towns where no inspector lives.
5. What kind of fish may be inspected for barreling; in what size casks to be packed and weight of each; proportions of salt; different qualities, and branding.
6. Dimensions, materials and branding of casks for pickled fish.
7. In what casks small fish, whole, in dry salt, shall be packed, quantity of salt and how branded.
8. How smoked herrings shall be assorted.
9. Dimensions and materials of boxes therefor, to be filled with same kind of fish and branded. What herrings merchantable.
10. Owner of fish to furnish his own brand.
11. Penalty for selling or exporting uninspected or damaged fish. Exceptions.
12. On shipping, master or owner to furnish collector with inspector's certificate, and make oath. Form of oath.
13. Penalty for attempting to export uninspected fish; forfeiture and seizure thereof; to be taken to inspector for inspection and detained till charges paid. Penalty for refusing to aid in seizure.
14. Penalty for shifting or intermixing inspected fish; and for inspector marking fish out of his town, or not inspected by him, permitting others to use his brands or using them himself after his commission expires.
15. Inspectors to make annual returns, and penalty for neglect.
16. Penalties how recovered and appropriated.
17. Fees paid by seller at first, but repaid by buyer.