

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. 42.

the same was found so lodged, advertises as near as practicable the number of pieces of timber, the time when lodged, together with the marks thereon, and the place where found, three weeks successively in some public newspaper in the county, if any, otherwise in the state paper.

Owner may remove by tendering damages, &c. 31 Maine, 9. R. S., c. 67, § 11, 12.

SEC. 8. The owner of said timber may enter on said land and remove it at any time before forfeiture, having previously tendered to the owner or occupier of the land a reasonable compensation for all damages occasioned by the lodging, remaining, or removal of said timber, and the expenses of advertising it; but if the timber is removed by the owner, or otherwise, without such tender, the owner of the land may recover, in an action of trespass, the damages aforesaid.

Penalty for unlawful conversion of railroad sleepers, ship knees or other lumber on ponds or streams. Double damages. 1857, c. 38.

SEC. 9. Whoever willfully and fraudulently takes, carries away, or otherwise converts to his own use, any railroad sleeper, any knee or other ship timber, or cedar for shingles or other purposes, the property of another, whether known or not, without his consent, lying in any river, stream, pond, bay or inlet, or on or near the shore thereof; or cuts out, alters, or destroys any mark thereon, shall forfeit ten dollars for each offence, to be recovered and appropriated as in section one; and shall be liable to the owner in double the amount thereof in an action of debt; and such owner shall have all the rights and be subject to all the liabilities provided for the owner of logs, masts, and spars, in the six preceding sections.

CHAPTER 43.

WEIGHTS AND MEASURES.

- SEC. 1. Standard of weights and measures. State sealer to cause other smaller denominations to be regulated by said standard, and keep standard balances at the state house for regulating weights and measures.
2. Description of beams, weights and measures to be kept by the treasurer of state.
3. Also by county treasurers. Same to be sealed once in ten years by state standards; penalty for neglect, and how recovered.
4. Town seal and standard of beams, weights and measures to be kept by treasurers. Same to be sealed once in ten years, penalty for neglect, and how recovered and appropriated.
5. Appointment of sealers by municipal officers of towns, penalty for neglect and how recovered and appropriated.
6. Penalty for sealer not accepting office and taking oath. Sealer to have custody of standards and seals and be accountable for their preservation and re-delivery.
7. Duty of town sealer, penalty for neglecting the same, and how appropriated.
8. Dearborn or Hills' steelyard, or the Fairbanks' scale may be used, provided they are sealed.
9. All measures, for articles sold by heaped measure, shall be conformable to public standard. Penalty for selling by beams, weights or measures not sealed, and how appropriated.
10. Twenty-five pounds shall be a quarter; four quarters, one hundred; twenty hundreds, one ton; and articles, sold by tale, shall be by decimal hundreds.

SEC. 1. The standard of weights and measures furnished by the United States and adopted by this state shall continue the standard of weights and measures for the state; and the state sealer of weights and measures shall cause all such weights and measures of a smaller denomination than those furnished by the United States, as are necessary to make a complete set, to be compared and regulated by the standards aforesaid; and keep, at the expense of the state, a suitable standard balance for gold, and also for avoirdupois weights, to be kept with the weights and measures at the state house, and used only for regulating other weights and measures.

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Standard of weights and measures, &c.
R. S., c. 73,
§ 1, 2, 3.

SEC. 2. The treasurer of state, at the expense of the state, shall 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 the diameter of the bushel shall not be 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 in the inside; 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, 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.

Beams, weights and measures to be kept by the treasurer of state.
R. S., c. 73, § 4.

SEC. 3. The treasurer of each county, at the expense thereof, shall have one complete set of beams, and of brass, copper, pewter, and iron weights, and of the measures before mentioned, except the bushel measure, proved and sealed by the state standards, and conformable thereto in breadth and contents; and preserve them for the use of such county only as standards; and once in every ten years, commencing July first, eighteen hundred and thirty-nine, he shall have them compared, proved, and sealed by the state standards; and for each neglect of his duty aforesaid, he shall forfeit two hundred dollars, to be recovered in an action of debt in the name of the state.

Also by county treasurers, &c.
R. S. c. 73,
§ 5, 6, 7.

SEC. 4. The treasurers of towns, at the expense thereof, shall constantly keep a town seal, and, as town standards, a complete set of beams, weights, and copper and pewter measures, conformable to the state standards, except that the bushel

Town seal and standard of beams, weights and measures to be kept by treasurers, &c.

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R. S., c. 73,
§ 8, 9, 10, 11.
1842, c. 31, § 6.

measure, and the half bushel, peck and half peck measures may be of wood instead of copper or pewter, but of the same dimensions, and except also a nest of troy weights other than those from the lowest denomination to eight ounces; they shall cause all beams, weights, and measures, belonging to their towns, to be proved and sealed by the state or county standards once in ten years, computing from July first, eighteen hundred and forty; and for every neglect of duty as aforesaid they shall forfeit one hundred dollars, half to the use of the town, and half to the use of the person suing therefor.

Appointment
of sealers, &c.
R. S., c. 73,
§ 12, 14.
1856, c. 195.

SEC. 5. The municipal officers of each town shall annually appoint a sealer of weights and measures therein, removable at pleasure and have power to fill any vacancy that occurs; and for each month's neglect of this duty, they shall severally forfeit ten dollars, to be appropriated as in the preceding section. Any city may purchase and keep for use scales for weighing hay and other articles, appoint weighers and fix their fees.

Penalty for
sealer not ac-
cepting office,
&c.

R. S., c. 73,
§ 13, 15.

SEC. 6. If any person, so appointed and notified thereof, refuses for seven days to accept the office and be sworn, he shall forfeit five dollars, to be appropriated as in section four; but when sworn, he shall receive the standards and seal from the treasurer, giving a receipt therefor, describing them and their condition, and therein engaging to redeliver them at the expiration of his office in like good order; and he shall be accountable for their due preservation while in his possession.

Duty of town
sealer, penalty
for neglect,
how appropri-
ated.

R. S., c. 73,
§ 16, 17, 18, 19.

SEC. 7. Every such sealer shall annually, in the month of May, post notices in different parts of his town stating the times and places, at which he will attend to the proof and sealing of weights and measures; shall deface or destroy all weights and measures that are not or cannot by him be made conformable to the standard; shall visit the houses of innholders, the warehouses and stores of merchants, and the dwellinghouses of such other inhabitants, as neglect to send to him their weights and measures, and there prove and seal the same; and every sealer, neglecting any duty herein required of him, and every person neglecting or refusing to have his weights and measures proved and sealed as aforesaid, shall forfeit ten dollars, to be appropriated as in section four.

What scales
may be used,
&c.

R. S., c. 73,
§ 20.

SEC. 8. 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, or the Fairbanks scale, may be used; but before being offered for sale, or used, each beam and the poises thereof shall be sealed by a public sealer of weights and measures, appointed according to law.

Measures, for
articles sold
by heaped
measure, shall
be conformable
to standard.

R. S., c. 73,
§ 21.

SEC. 9. All measures, by which fruit and other things, usually sold by heaped measures, are sold, shall be conformable in capacity and breadth, to the public standard; and if any person otherwise sells and exposes to sale any such fruit or other thing, any goods or commodities whatever by any other beams, weights, or measures than those proved and sealed as aforesaid, he shall forfeit for each offence not less than one dollar nor more than ten

dollars; one half to the use of the town, and the other to the sealer, or to him who prosecutes therefor. CHAP. 43.

SEC. 10. Such articles, as are sold or exchanged, in any market or town in this state by gross or avoirdupois weight, shall be sold or exchanged as follows; twenty-five avoirdupois pounds 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.

Twenty-five pounds shall be a quarter, &c.
R. S., c. 73, § 22.

CHAPTER 44.

HAWKERS AND PEDLERS.

- SEC. 1. Penalty for peddling without a license, and forfeiture of goods.
2. Description of persons to be licensed by county commissioners; licenses to expire in one year and not to be assigned without consent of board; amount to be paid therefor and certificate of good moral character to be attached.
 3. Persons licensed, not to carry property of those not five years residents of the state, jewelry, playing cards, or other prohibited property, under a penalty. Articles lawfully raised or manufactured in this state not included in this chapter.
 4. Every person licensed shall exhibit his license on request, or it shall not avail him in defence. Carriages and goods may be seized and held for payment of fines.
 5. Penalties and forfeitures how recovered and appropriated. Forfeited property how seized and disposed of.
 6. Name, and words, "Licensed by C. C.," painted on carriage.

SEC. 1. No person, except as hereinafter provided, shall travel from town to town, or place to place in any town in this state, on foot or by any kind of land or water, public or private conveyance whatever, carrying for sale, or offering for sale any goods, wares, or merchandise whatever, whole or by samples, under a penalty of not less than fifty, nor more than two hundred dollars, and the forfeiture of all property thus unlawfully carried.

Penalty for peddling without a license, and forfeiture of goods.
1846, c. 200, § 1.
1848, c. 63.
1853, c. 10, § 1.

SEC. 2. The county commissioners in their counties may license, for the purposes aforesaid, any person applying, who proves to their satisfaction that he sustains a good moral character; has been five years a citizen of the United States and of this state, and has resided the year preceding in some town in the county where the application is made; and such licenses shall expire in one year from their date; shall not be transferred or assigned without the consent of the board granting the same, and the applicants shall pay therefor to the county they are to travel in, if on foot or in any boat or other water craft, ten dollars; with a carriage drawn by one animal, fifteen dollars; and drawn by two animals, twenty dollars; and shall present to the commissioners with their application, a certificate of good moral character, from the municipal officers of the town where they reside, which shall be attached to their license.

Description of persons to be licensed.
1846, c. 200, § 3, 4, 8.
1853, c. 10, § 2.