

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

THE
REVISED STATUTES

OF THE
STATE OF MAINE,

PASSED JANUARY 25, 1871;

TO WHICH ARE PREFIXED

THE CONSTITUTIONS

OF THE

UNITED STATES AND OF THE STATE OF MAINE:

WITH AN APPENDIX.

BY AUTHORITY OF THE LEGISLATURE.



PORTLAND:
PUBLISHED BY BAILEY & NOYES.

SEC. 7. The penalties provided in this chapter may be recovered by complaint or indictment, in any court of competent jurisdiction, for the use of the state, when not otherwise appropriated.

CHAP. 36.
Penalties, how recovered and appropriated.
R. S. c. 35, § 7.

CHAPTER 36.

PILOTS, SHIP OWNERS, WRECKS AND SHIPWRECKED GOODS, LIGHTERS AND HARBORS.

PILOTS.

- SEC. 1. Appointment, oath and bond of pilots.
2. Their duty to pilot inward and outward bound vessels, but master may pilot his own vessel.
 3. Governor and council to fix their fees, and hear complaints against them, and suspend or remove.
 4. Liable for all damage to vessels caused by their fault.

SHIP OWNERS.

- SEC. 5. Ship owners' liability to freighters for acts of master and crew, payment to same pro rata, and equity power of court therefor.
6. Charterer deemed the owner, and responsible to the real owner.

WRECKS AND SHIPWRECKED GOODS.

- SEC. 7. Appointment, oath and bond of commissioners of wrecks and the remedy on said bonds.
8. Their powers and duties.
 9. Penalty for disobeying order of commissioner, and how recovered and appropriated.
 10. All property to be inventoried and delivered to owner, on payment of fees and expenses.
 11. Commissioner to decide compensation of other persons.
 12. Appeal to judge of probate allowed in certain cases, and his power to decide and enforce his decision.
 13. Penalty for intermeddling with such property after arrival of commissioner without authority.
 14. Commissioner to publish all the particulars of the wreck, under a penalty.
 15. When property may be sold to pay custom house duties, and to prevent its perishing, and notice of sale.
 16. Property to be accounted for to the state treasurer after one year, and liability for neglect to do so.
 17. Treasurer to allow commissioner just compensation, and how ascertained.

LIGHTERS AND HARBORS.

- SEC. 18. Lighters, carrying stone, sand, or gravel, shall be marked, and marks inspected and renewed yearly.
19. Penalty for using lighters without marks, or falsely marking them.
 20. Municipal officers annually to appoint inspectors, and regulate their fees.

- CHAP. 36. SEC. 21. When capacity of lighters has been altered, they shall be inspected and marked anew.
22. Penalty for throwing ballast into any road, port or harbor, and for taking it from land without consent of owner, and how recovered and appropriated.

PILOTS.

Appointment,
oath and bond
of pilots.
R. S. c. 36, § 1.

SEC. 1. The governor, with advice of council, may appoint pilots for any port, in which a majority of the ship owners and masters apply in writing therefor and recommend suitable persons; and give to each of them branches or warrants for the execution of the duties of their office; and they shall, before entering upon the same, be duly sworn, and give bond to the treasurer of state in the sum of five thousand dollars for the faithful performance thereof.

Their duty.
Master may
pilot his own
vessel.
R. S. c. 36, § 2.

SEC. 2. Such pilots are authorized and directed to take charge of all vessels, drawing nine feet of water and upwards, bound into, and of all such vessels, except coasting and fishing vessels, bound to sea out of any of said ports, and shall pilot them into or out of the port assigned them, first showing to the master thereof their branch and informing him of their fees; but any master may pilot his own vessel without being subject to pay therefor.

Governor and
council to fix
fees, hear com-
plaints, and
suspend or
remove.
R. S. c. 36, § 3.

SEC. 3. The governor and council may fix the fees of pilotage; specify the same in the warrant of each pilot; transmit to each collector of customs in said ports a schedule thereof, to be hung up by him for public inspection; hear and determine all complaints against such pilots for misconduct, and suspend or remove them and appoint others in their room.

Liable for
damage caused
by their fault.
R. S. c. 36, § 4.

SEC. 4. If any vessel, while under the charge of such pilot, is lost, run aground, or cast away, through his fault, he shall be liable to pay the owner or insurer a just compensation for any damage thereby sustained.

SHIP OWNERS.

Ship owners'
liability to
freighters.
R. S. c. 36, § 5.

SEC. 5. No ship owner shall be answerable, beyond the amount of his interest in the vessel and freight, for any embezzlement, loss, or destruction, by the master and mariners of any property put on board of such vessel; nor for any act of theirs without his privity or knowledge; but if several owners of property on the same voyage suffer damage as aforesaid, and the whole vessel and her freight for the voyage are not sufficient to compensate each of them, they shall be compensated by the owner of the vessel in proportion to their respective losses, and for that purpose, they or the owner of the vessel, or any of them, may prosecute a bill in equity for discovery and payment of the sum, for which said owner is liable to the parties entitled thereto.

SEC. 6. For the purposes of the preceding section the charterer of any vessel, navigating the same at his own expense, shall be deemed the owner; and if any loss happens to any person, from the causes therein mentioned, and it is compensated from the freight or vessel, the owner thereof may recover the amount from the charterer.

CHAP. 36.

Charterer deemed the owner, and responsible to the real owner.
R. S. c. 36, § 6.

WRECKS AND SHIPWRECKED GOODS.

SEC. 7. The governor, with the advice of council, may appoint in counties where needed, commissioners of wrecks and shipwrecked goods, removable at pleasure; each to be duly sworn and to give bond to the judge of probate for his county for the faithful discharge of his duties; and any person interested may have the same remedy for the breach of such bond, as on administrators' bonds.

Appointment, oath and bond of commissioners of wrecks, and remedy on bond.
R. S. c. 36, § 7.

SEC. 8. Every such commissioner, immediately on receiving information of any shipwreck, or of finding any shipwrecked property of any kind, to the amount of one hundred dollars on any of the shores or waters within his county, shall repair to the place where the property is, and in case the same is not in the custody of any owner or agent, he shall take charge of it, and secure and preserve the same for the owner.

Their powers and duties.
R. S. c. 36, § 8.

SEC. 9. The commissioner, in such case, may employ as many persons, as he thinks necessary, to assist in preserving the property; appoint guards to receive it; suppress all tumults and disorders; and if any person disobeys any of his lawful orders, he shall forfeit for each offence a sum not exceeding ten dollars, to be recovered in an action on the case in the name of the commissioner, to the use of the town.

Penalty for disobeying order of commissioner, and how recovered and appropriated.
R. S. c. 36, § 9.

SEC. 10. The commissioner shall, on every such occasion, take an inventory of all the property that comes to his possession; and when required by any person interested, make oath to its truth; and deliver a copy thereof, if required, together with all the said property to the person lawfully authorized to receive it; *provided* there is first paid or secured to him a reasonable compensation for his services, and such custom house duties and other charges, if any, as he has paid, or become liable to pay on account of the property in question.

All property to be inventoried and delivered to owner.
R. S. c. 36, § 10.

SEC. 11. No person interested in any such property shall be held to pay to any person, other than a commissioner, any compensation for services or expenses in taking or securing the property, except for property taken or secured before the arrival of the commissioner; in which case the commissioner shall, upon due hearing of all parties interested, determine the amount of compensation by his award in writing; which shall be final, unless the sum awarded to any party exceeds fifty dollars.

Commissioner to decide compensation of other persons.
R. S. c. 36, § 11.

- CHAP. 36.** **SEC. 12.** If the commissioner and the party interested disagree respecting the charges of the commissioner, or if the award aforesaid exceeds fifty dollars, any party aggrieved may appeal to the judge of probate for the county where the property is situated; who shall, either in vacation or term time, on due notice, decide the case in a summary manner, and issue, under the seal of the court, any process necessary to carry his decision into effect.
- Appeal to judge of probate allowed; his power to decide and enforce his decision. R. S. c. 36, § 12.
- SEC. 13.** If any person, after the arrival of the commissioner and without his direction or that of some person interested, takes, detains, or intermeddles with any such property, he shall forfeit not exceeding one thousand dollars for each offence, to be recovered in an action of debt by the commissioner or any person interested, to his own use.
- Penalty for intermeddling with property after arrival of commissioner, without authority. R. S. c. 36, § 13.
- SEC. 14.** The commissioner shall, as soon as practicable, publish all the facts and particulars of the shipwreck and of the property found, in such manner as shall be best for the information of all parties; and in case of neglect, shall forfeit fifty dollars to the interested party first suing therefor in an action of debt.
- Commissioner to publish all the particulars of the wreck, under penalty. R. S. c. 36, § 14.
- SEC. 15.** He may dispose of so much of the property by public auction within thirty days after taking it, as is necessary to pay the duties thereon to the custom house; and whenever necessity requires it, may, in the same way sell such as is perishable, giving reasonable public notice, and if practicable, in a public newspaper.
- When property may be sold to pay duties, and prevent its perishing. R. S. c. 36, § 15.
- SEC. 16.** If no person interested appears within one year after such property is taken into custody, and establishes his claim thereto, the commissioner shall present, under oath, to the treasurer of state, an inventory of the property; and if sold, an account of the sales, with an account of all moneys paid by him as duties and expenses thereon; and pay and deliver to the treasurer the balance of such accounts, with all the property remaining in his hands for the use of the state; and if he neglects to do so for sixty days after the expiration of said year, the treasurer shall cause a suit therefor to be commenced for the use of the state.
- Property to be accounted for to state treasurer after one year, and liability for neglect. R. S. c. 36, § 16.
- SEC. 17.** The treasurer may make to the commissioner on the settlement of his account as aforesaid, a just compensation for his services and expenses, to be ascertained in case of disagreement between them, as provided in section twelve.
- Treasurer to allow compensation, and how ascertained. R. S. c. 36, § 17.

LIGHTERS AND HARBORS.

- SEC. 18.** Every boat or lighter employed in carrying stones, sand, or gravel, shall be marked at light water mark, and at least at five other places, with figures four, twelve, sixteen, twenty-four, and thirty, legibly made on the stem and stern post thereof; expressing the weight such boat or lighter is capable of carrying, when the lower part of the respective numbers touch the water in which it floats; and
- Lighters, carrying stone, sand or gravel, shall be marked, and marks inspected and renewed yearly. R. S. c. 36, § 18.

such marks shall be inspected yearly, and when found illegible in the whole or in part, they shall be renewed. CHAP. 37.

SEC. 19. The master or owner, who uses without such marks, and any person, who falsely marks any such boat or lighter, shall forfeit fifty dollars, to be recovered by any person suing therefor in an action of debt. Penalty for using lighters without marks, or falsely marking them. R. S. c. 36, § 19.

SEC. 20. The municipal officers of every town, where boats and lighters are employed for the purposes aforesaid, shall annually appoint, in April or May, some suitable person to examine and ascertain the capacities of all such boats and lighters, and mark them as above prescribed, who shall be duly sworn; and said officers shall establish and regulate the fees therefor. Municipal officers to appoint inspectors, and regulate fees. R. S. c. 36, § 20.

SEC. 21. When such inspector thinks that the burden or capacity of any such boat or lighter is altered by repairs or otherwise, he shall forthwith ascertain the same anew, and mark it accordingly. When capacity of lighters has been altered, &c. R. S. c. 36, § 21.

SEC. 22. No master of any vessel shall throw overboard any ballast in any road, port, or harbor, on penalty of sixty dollars; and no person shall take any stone or other ballast from any island, beach, or other land, without consent of the owner, under a penalty not exceeding seven dollars for each offence, to be recovered in an action of debt by any person suing therefor, one-half to his own use, and the other to the use of the town where the offence is committed. Penalty for throwing ballast into any road port or harbor, &c., R. S. c. 36, § 22.

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. R. S. c. 37.