

MAINE STATE LEGISLATURE

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FOURTH REVISION.

THE
REVISED STATUTES

OF THE

STATE OF MAINE,

PASSED AUGUST 29, 1883, AND TAKING EFFECT JANUARY 1, 1884.

BY THE AUTHORITY OF THE LEGISLATURE.



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CHAP. 42. advertises, as nearly 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 newspaper in the county, if any, otherwise in the state paper.

Owner may remove timber, on tender of damages; otherwise, damages for owner.
R.S., c. 42, § 8.
31 Me., 24.
57 Me., 276.
62 Me., 44.

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 occupant thereof, a reasonable compensation for all damages occasioned by the lodging, remaining, or removal of said timber, and the expense 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.
R.S., c. 42, § 9.
57 Me., 9.

SEC. 9. Whoever wilfully and fraudulently takes, carries away, or otherwise converts to his own use, any railroad sleeper, 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, forfeits ten dollars for each offence, to be recovered and appropriated as in section one; and is liable to the owner in double the amount thereof in an action of debt; and such owner has all the rights and is subject to all the liabilities provided for the owner of logs, masts and spars, in the six preceding sections.

—double damages.

CHAPTER 43.

STANDARD WEIGHTS AND MEASURES, AND MERIDIAN LINES.

STANDARD WEIGHTS AND MEASURES.

- SEC. 1.** U. S. Standard of weights and measures. State sealer to regulate smaller denominations thereby, and to keep standard balances at the state house for regulating weights and measures.
2. 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 and sealed once in ten years; penalty for neglect.
5. Appointment of sealers by town officers, penalty for neglect. Cities may procure scales and appoint weighers.
6. Penalty for sealer or weigher not accepting office. Sealer is custodian of standards and seals, and accountable for their preservation and re-delivery.
7. Duty of town sealer, penalty for neglect, and how appropriated.
8. Dearborn or Hills' steelyard, or the Fairbanks' scale may be used.
9. All measures, for articles sold by heaped measure, to conform to public standard. Penalty for selling by beams, weights or measures not sealed, and how appropriated.
10. Twenty-five pounds to be a quarter; four quarters, one hundred; twenty hundreds, one ton; and articles, sold by tale, to be by decimal hundreds.
11. Fees of sealers of weights and measures, and by whom paid.

MERIDIAN LINES.

- SEC. 12.** County commissioners to establish meridian lines, and provide a record book, accessible to all.

- SEC. 13. Clerk of courts to have care thereof, accessible to all surveyors.
 14. Surveyors to verify compass annually, make record, and enter same in field notes; penalty. Surveyors on islands, exempted.
 15. Penalty for injuring meridian lines, or inclosures, how appropriated.
 16. Governor and council to appoint a commissioner to verify meridian lines; his duty and pay.
 17. Meridian line on state land in Orono.

STANDARD WEIGHTS AND MEASURES.

SEC. 1. The standard of weights and measures furnished by the United States and adopted by this State continues 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 for avoirdupois weights, to be kept with the weights and measures at the state house, and used only for regulating other weights and measures.

Standard of weights and measures.
 R.S., c. 43, § 1.

—official tests.

SEC. 2. Until otherwise provided, the treasurer of state, shall, at the State's expense, in the manner provided in the preceding section, procure and preserve as public standards, to be used only as such, the following measures, beams, and weights, 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 shall be made of copper or pewter, conformable in 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, and 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 said treasurer; also one fifty-six pound weight, one twenty-eight pound weight, one fourteen pound weight, and one seven pound weight, of iron.

Standard beams, weights and measures to be kept by the treasurer of state.
 R.S., c. 43, § 2.

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, from July one, eighteen hundred and thirty-nine, he shall have them compared, proved, and sealed by the state standards; for each neglect of said duty, he forfeits two hundred dollars to the State, to be recovered in an action of debt.

Also by county treasurers, to be sealed once in ten years by state standards.
 R.S., c. 43, § 3.

—penalty.

CHAP. 43.

Town seal, and standard of beams, weights and measures to be kept by treasurers, and sealed once in ten years.
R.S., c. 43, § 4.

—penalty.

Appointment of sealers by town officers and penalties.
R.S., c. 43, § 5.
68 Me., 470.

—of weighers, by cities.

Penalty for sealer or weigher not accepting office.
—to receive and receipt for standard and seal.
R.S., c. 43, § 6.
68 Me., 470.

Duty of town sealer.
R.S., c. 43, § 7.

—penalty for neglect, how appropriated.

What scales may be used, if sealed.
R.S., c. 43, § 8.
68 Me., 470.

Measures for articles sold by heaped measure, to conform to standard.
R.S., c. 43, § 9.

—penalty.

Twenty-five pounds shall

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 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, from July one, eighteen hundred and forty; and for every neglect of said duty they forfeit one hundred dollars, half to the town, and half to the prosecutor.

SEC. 5. The municipal officers of each town shall annually appoint a sealer of weights and measures therein, removable at pleasure, and may fill vacancies; for each month's neglect of this duty, they 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, to be paid by the purchaser.

SEC. 6. Whoever, so appointed and notified thereof, refuses for seven days to accept the office and be sworn, forfeits five dollars, half to the town, and half to the prosecutor; 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 re-deliver them at the expiration of his office in like good order; and he shall be accountable for their due preservation while in his possession.

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 dwelling-houses 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, forfeits ten dollars, half to the town, and half to the prosecutor.

SEC. 8. In all cases of weighing, the vibrating steelyard invented by Benjamin Dearborn, or said steelyard 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.

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

SEC. 10. Such articles as are sold or exchanged in any market or town in the 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.

SEC. 11. The fees of sealers of weights and measures for trying and proving beams, weights and measures by the town standard, are as follows, to be paid by the person for whom the service is rendered: for a platform or hay scale weighing six thousand pounds or more, one dollar; for such scale weighing one thousand pounds and under six thousand, fifty cents; for a platform scale weighing six hundred pounds and under one thousand, twenty-five cents; for one weighing less than six hundred, ten cents; for any other scale or steelyard that weighs with a poise, five cents; for each dry measure and for all other weights, measures, scales or beams, three cents; and a reasonable compensation for all repairs, alterations and adjustments necessary to make the same conformable to the town standard.

MERIDIAN LINES.

SEC. 12. The county commissioners, at the expense of their several counties, may, if they see fit, erect and forever maintain therein, at such place or places as the public convenience requires, a true meridian line, to be perpetuated by stone pillars with brass or copper points firmly fixed on the tops thereof, indicating the true range of such meridian, and shall protect the same, and provide a book of records to be kept by the clerk of the courts, or by a person appointed by them nearer to such structure, and accessible to all persons wishing to refer thereto.

SEC. 13. Such structures shall be under the care and custody of such clerks; and any surveyor or civil engineer residing in said county or engaged in surveying therein, shall have free access thereto for the purpose of testing the variation of the compass.

SEC. 14. Every land surveyor shall, at least annually, adjust and verify his compass by the meridian line so established in the county where his surveys are to be made, and shall enter the variation thereof from the true meridian line in the book mentioned in section twelve, and subscribe his name thereto for future reference; and shall also insert in his field notes, the true as well as magnetic bearings of the lines of his surveys, and the day on which they were made; under a penalty of ten dollars for each neglect, to be recovered on complaint, in the county where the survey is made, half to the complainant and half to the county; but no surveyor living on an island not connected with the main land by a passable bridge, is required to go beyond its limits to verify his compass, for the purpose of making surveys thereon.

SEC. 15. Whoever wilfully displaces, alters, defaces, breaks or otherwise injures any of the pillars or points, inclosures, locks, bars, bolts, or any part of said structures, forfeits not exceeding a hundred dollars, to be recovered by indictment, half to the prosecutor and half to the county.

SEC. 16. When such meridian is established, repaired or rebuilt in any county, the governor and council shall appoint a competent commissioner to inspect and verify it by astronomical observations, who shall

CHAP. 43.

be a quarter, and so on. R.S., c. 43, § 10.

Fees of sealers of weights and measures, and by whom paid. R.S., c. 43, § 11.

County commissioners to erect and maintain meridian line. 1883, c. 186.

—record to be kept by clerk of courts.

Under care of clerks of court, accessible to surveyors. R.S., c. 43, § 13.

Surveyors to verify compass annually, make record thereof, and enter same in field notes, under a penalty. R.S., c. 43, § 14.

—surveyors living on islands, exempted.

Penalty for injuring meridian lines or inclosures, how recovered, &c. R.S., c. 43, § 15.

Governor and council to appoint a commissioner to verify

CHAP. 43. make a report of his doings, with an accurate description of such structure, its latitude and longitude and the declination of the needle at the time, and deposit a record thereof with the clerk of the courts, and shall receive such just compensation therefor as the governor and council allow.

meridians
and make
report.
1881, c. 25.
—his pay.

Meridian line
on state land
in Orono.
1871, c. 182.

SEC. 17. The commissioners of Penobscot county may maintain the true meridian line on state land in the town of Orono under the provisions of the five preceding sections.

CHAPTER 44.

HAWKERS AND PEDLARS.

- SEC. 1. Penalty for peddling without a license, with forfeiture of goods; but not applicable to resident merchants selling in their own town, or to a citizen selling articles raised or manufactured in the United States.
2. County commissioners may license, and whom, and amount paid therefor, but not to be paid by soldiers of the State disabled in the rebellion. Extra fees, if licensee is a non-resident, or agent of foreign corporation.
3. Blank licenses, signed by commissioners, to be furnished the clerk, and he to account therefor, once in three months.
4. All moneys paid to clerk, to be paid over to treasurer of state, once in three months, except his fees. What to be allowed to clerk by commissioners in payment.
5. License to be exhibited when required; penalty, with seizure and forfeiture of goods and carriages for refusal.
6. Penalties, how recovered, and proceedings at the trial.
7. Name of pedlar and words, "Licensed by C. C.," to be painted on carriage.

Penalty and
forfeiture for
peddling
without a
license;
exceptions.
R.S., c. 44, § 1.
65 Me., 136.
72 Me., 493.
See c. 27, § 30.

SEC. 1. Whoever, except as hereinafter provided, travels from town to town, or place to place in any town, on foot or by any kind of land or water conveyance, carrying or offering for sale, any goods, wares or merchandise, whole or by sample, forfeits not less than fifty nor more than two hundred dollars, and all property thus unlawfully carried; but this provision does not apply to commission merchants and commercial brokers travelling from place to place in the city or town where they reside, and selling or offering to sell goods by sample or otherwise; nor to any citizen of the state selling fish, fruit, provisions, farming utensils or other articles lawfully raised or manufactured in the United States.

1883, c. 249.

County com-
missioners
may license,
and whom;
what to be
paid there-
for; disabled
soldiers
licensed free.
R.S., c. 44, § 2.

SEC. 2. The county commissioners may license for the purposes aforesaid, any person who satisfies them that he sustains a good moral character, and has been for five years a citizen of the United States; such licenses expire in one year from their date, and are not transferable; and the licensee shall pay therefor, if he is to sell or offer to sell by retail, ten dollars; if by wholesale, twenty-five dollars; but soldiers of the State, disabled in the recent war of the rebellion, shall have their licenses free. If the licensee is not a resident of the state, or if he is acting as agent, clerk or servant of any non-resident person, or corporation not located therein, he shall pay for such license, if he is to sell or offer to sell by retail, twenty-five dollars; if by wholesale, fifty dollars.

—extra fees,
if licensee is
a non-resi-
dent, or
agent of non-
resident.
1879, c. 116.