

# MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE

OF THE

STATE OF MAINE,

DURING ITS SESSION

A. D. 1839.

VOL. 2.

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*AUGUSTA:*  
SMITH & ROBINSON, PRINTERS TO THE STATE.

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1839.

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**NINETEENTH LEGISLATURE.**

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**NO. 26.**

**HOUSE.**

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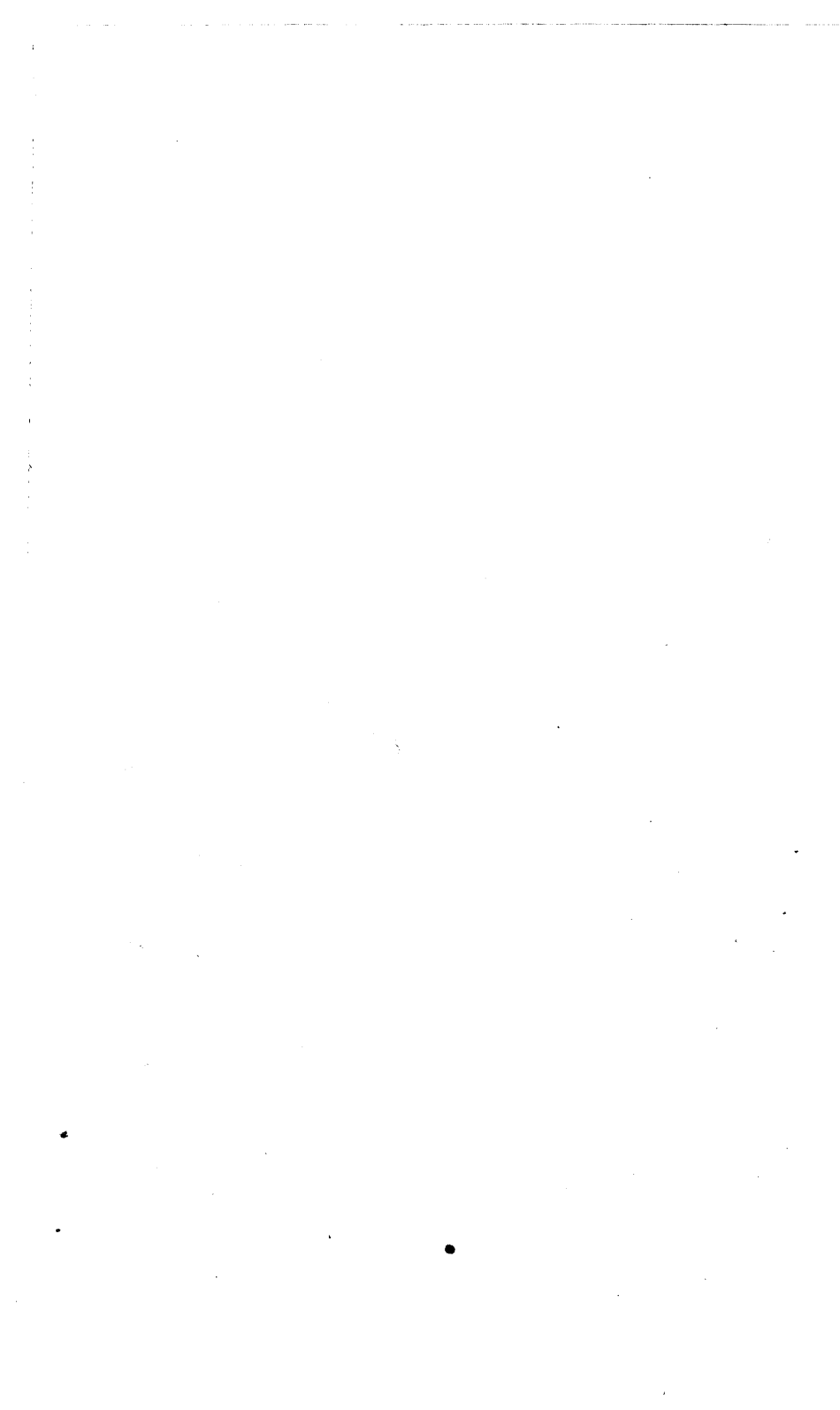
**AN ACT**

**RELATING TO**

**LIME AND LIME CASKS.**

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[SMITH & ROBINSON,.....Printers to the State.]



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**STATE OF MAINE.**

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IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED  
AND THIRTY-NINE.

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**AN ACT** to regulate the manufacture and inspection of Lime and Lime Casks.

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SEC. 1. *Be it enacted by the Senate and*  
2 *House of Representatives in Legislature*  
3 *assembled,* That no Lime manufactured within  
4 this State, shall be sold or exposed to sale, or  
5 shipped on board of any vessel, in casks, but such  
6 only as is well burnt and pure, and contained  
7 in good and sufficient casks, made of sound and  
8 thoroughly seasoned staves and heading, with  
9 at least ten good and strong hoops on each  
10 cask, well driven and secured with nails, and  
11 duly inspected; the staves of said casks to be  
12 made of sawed or rift timber, and not less than  
13 thirty inches in length, and not less than one half  
14 of an inch thick on the thinnest edge; and each

15 of the heads to be not less than three fourths of  
16 an inch thick, and well crozed in; and each  
17 hoop to be not less than one inch wide in the  
18 narrowest part; and each cask to be not less  
19 than twenty-six and a half inches in length  
20 between the heads, and seventeen inches in  
21 width between the chimes, with a good and  
22 sufficient bilge, and made in a workmanlike  
23 manner to hold Lime.

SEC. 2. *Be it further enacted*, That each  
2 Lime Cask shall be branded on the outside of  
3 the bilge with the first letter of the christian  
4 name, and with the whole of the surname of  
5 the manufacturer thereof. And any person who  
6 shall sell or expose to sale, or purchase any  
7 Lime Casks not conformable to law, shall incur  
8 a penalty of twenty cents for each cask so sold  
9 or exposed to sale, or purchased, to be recovered  
10 by an [action of debt, in any Court of compe-  
11 tent jurisdiction, to the use of the person who  
12 may sue therefor, and a lien is hereby created  
13 on such Lime Casks, for the payment of said  
14 penalty and costs.

SEC. 3. *Be it further enacted*, That there  
2 shall be appointed and commissioned by the

3 Governor, with the advice and consent of the  
4 Council, one suitable person as Inspector of  
5 Lime and Lime Casks, in each of the several  
6 towns in this State in which Lime is manufac-  
7 tured; and they shall be citizens of and resi-  
8 dent in such town, and hold their offices for the  
9 term of four years, unless sooner removed by  
10 the Governor and Council; and each of said  
11 Inspectors shall, before he enters upon the du-  
12 ties of his office, be sworn faithfully to perform  
13 the same, and shall give bonds, with sufficient  
14 sureties, to the Treasurer of the County in  
15 which such Inspectors shall reside, for the faith-  
16 ful performance thereof, in the sums following,  
17 to wit: the Inspector in and for the town of  
18 Thomaston, in the sum of ten thousand dollars;  
19 the Inspectors in and for the towns of Warren  
20 and Camden, five thousand dollars each; and  
21 the Inspectors in and for each and every other  
22 town, two thousand dollars; each of which  
23 bonds shall be approved by the County Com-  
24 missioners in and for the County in which such  
25 town is situated; and each of such Inspectors,  
26 when so qualified, shall have power to appoint  
27 in and for the town in which he resides, as many

28 Deputy Inspectors as he shall judge necessary,  
29 for whose faithful conduct in the discharge of  
30 the duties of their respective offices, the Inspec-  
31 tor appointing them shall be answerable; and  
32 shall take a bond with sufficient sureties from  
33 each of them to himself, in the sum of one  
34 thousand dollars; and said Deputies shall sever-  
35 ally be sworn to the faithful discharge of their  
36 duty before they shall enter upon the same.

SEC. 4. *Be it further enacted,* That it shall be  
2 the duty of each of the Inspectors appointed by  
3 the Governor by virtue of this Act, either by  
4 himself or his Deputy, to inspect all Lime which  
5 shall be manufactured within the town wherein  
6 such Inspector or Inspectors reside, at the time  
7 the same shall be filled into casks, at the kiln  
8 where it is burnt; and to inspect the casks into  
9 which the same shall be put, and to see that the  
10 said Lime and Casks do, in all respects, con-  
11 form to the provisions of this Act, and that the  
12 Casks are well filled with such Lime; and to  
13 brand each Cask, when so filled, on one head  
14 thereof, with the name of the town where such  
15 Lime was burnt, and the first letter of his  
16 christian name, and the surname at length of the



17 Inspector or Deputy Inspector who inspected  
18 the same, and with the word “ Inspected ” ; and  
19 if any such Inspector or Deputy Inspector, who  
20 shall so brand any Lime Cask, the contents of  
21 which he has not inspected, or shall brand any  
22 such Cask as aforesaid, which, or the contents  
23 of which, do not in all respects conform to the  
24 true intent and meaning of this Act, or shall  
25 permit any other person or persons to use his  
26 brands in violation or evasion thereof, every such  
27 Inspector or Deputy Inspector so offending, shall  
28 forfeit and pay the sum of one dollar for every  
29 Cask thus illegally branded by him or with his  
30 brands; and shall also be liable to pay all dam-  
31 ages which any person may have sustained by  
32 reason of such neglect or misdoings; such dam-  
33 ages to be recovered by such person by an action  
34 of the case in any Court proper to try the same;  
35 which action, if the damages sustained be by  
36 reason of the neglect or misdoings of any Dep-  
37 uty, may be brought either against such Deputy  
38 or against the Inspector who shall have appointed  
39 him.

SEC. 5. *Be it further enacted,* That each  
2 Inspector or Deputy Inspector appointed by

3 virtue of this Act, shall be paid by the manufac-  
4 turer or owner of said Lime, one mill for each  
5 Cask of Lime inspected and branded according  
6 to the provisions of this Act, and two dollars  
7 and fifty cents for each day he shall be employed  
8 in the inspection thereof, and in that proportion  
9 for a less time; and each of the Inspectors ap-  
10 pointed by the Governor and Council as afore-  
11 said, shall be entitled to receive from any Deputy  
12 by him appointed, one mill for every Cask of  
13 Lime said Deputy shall inspect and brand as  
14 aforesaid.

SEC. 6. *Be it further enacted,* That if any  
2 person shall sell or expose to sale, or ship, or  
3 receive on board of any vessel, in Casks, any  
4 Lime other than such as shall be contained in  
5 Casks made as aforesaid, and having the afore-  
6 said marks or brands of an Inspector or Deputy  
7 Inspector as required by this Act respectively,  
8 the offender or offenders shall incur the penalty  
9 of one dollar for each Cask of Lime so illegally  
10 sold or offered for sale, or shipped, or received  
11 on board any vessel.

*Be it further enacted,* That if after any  
2 Cask or Casks containing Lime, shall have

3 been branded as required by this Act, any per-  
4 son shall presume to shift the contents of such  
5 Cask or Casks, and put therein any other Lime,  
6 with a design to sell the same, such person so  
7 offending shall forfeit and pay the sum of one  
8 dollar for every Cask of Lime so shifted.

SEC. 7. *Be it further enacted,* That all  
2 penalties and forfeitures incurred by virtue of this  
3 Act, shall be recovered by action of debt, by and  
4 for the use of any person or persons who shall  
5 sue therefor, and in any Court competent to try  
6 the same.

SEC. 8. *Be it further enacted,* That where  
2 any judgment shall be recovered against any  
3 such Inspector or Deputy Inspector, for dam-  
4 ages, penalties or forfeitures on account of any  
5 neglect or misdoings in his said office, and the  
6 execution which shall have issued thereon shall  
7 be returned unsatisfied, and the said judgment  
8 still remaining in full force, the judgment cred-  
9 itor shall be entitled to a certified copy of such  
10 Inspector or Deputy Inspector's bond, and shall  
11 have a right to commence and prosecute to final  
12 judgment, and for his own benefit, an action  
13 thereon in the name of the legal obligee in

14 such bond, the writ being first endorsed by the  
15 party for whose benefit the suit is brought, or his  
16 Agent or Attorney, which endorser shall be  
17 answerable for all costs; and judgment, when  
18 for the defendant, shall accordingly be rendered  
19 against the party for whose benefit said action  
20 was brought.

SEC. 9. *Be it further enacted*, That when  
2 judgment is rendered on any bond as aforesaid,  
3 execution shall be awarded for the sum found  
4 due to the party for whose benefit said action  
5 was brought, and being part of the penalty  
6 forfeited. And any execution which shall issue  
7 on said judgment, shall express therein the name  
8 of the party for the use and benefit of whom the  
9 same was awarded; and if the execution shall  
10 be levied on any personal or real estate of the  
11 debtor, such levy shall inure to such party for  
12 his sole use and benefit, to every intent and  
13 purpose.

SEC. 10. *Be it further enacted*, That this  
2 Act shall have effect and be in force from and  
3 after the first day of July next, when all laws  
4 now in force relating to the subject of this Act,  
5 shall be repealed and cease to have effect; *Pro-*

6 *vided*, That any Inspector or Deputy Inspector  
7 to be appointed by virtue of this Act, may be  
8 appointed and qualified in pursuance of the same,  
9 at any time from and after the passage thereof.

## STATE OF MAINE.

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HOUSE OF REPRESENTATIVES, }  
February 16, 1839. }

This Bill was read twice, laid on the table, and 300  
copies ordered to be printed for the use of the Legislature.

CHARLES WATERHOUSE, *Clerk.*