

# MAINE STATE LEGISLATURE

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**L A W S**

OF THE

**S T A T E O F M A I N E ;**

TO WHICH ARE PREFIXED

THE

**C O N S T I T U T I O N O F T H E U . S T A T E S**

AND OF SAID STATE,

IN TWO VOLUMES,

**W I T H A N A P P E N D I X .**

.....  
VOL. II.  
.....

Published according to a resolve of the State, passed  
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BRUNSWICK.

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.....  
1821.

**ERRATA:**

**The following leaf is  
inserted because one or more pages  
in this chapter have errors  
noticed and corrected here.**

VOLUME THE SECOND.

| <i>Page.</i> |   | <i>Page.</i> |  |
|--------------|---|--------------|--|
| 463          | Line 7 of page, dele the word <i>whole</i>                                  | 663          | S. 2 L. 6 of S. dele <i>of</i>   |
| 464          | Sec. 8 L. 12 of Sec. for <i>towns</i> read <i>town</i>                      | 666          | 5 2 after the word <i>Governor</i> insert, and <i>Council</i>                          |
| 484          | 27 6 at the end of the line insert the word <i>that</i>                     | 666          | 5 last for <i>his</i> read <i>the</i>  |
| 492          | 43 11 after the word <i>owing</i> insert to                                 | 667          | L. 3 of the page, dele <i>who</i>  |
| 496          | 47 25 for <i>duty</i> read <i>body</i>                                      | 668          | S. 10 L. 1 of S. for <i>where</i> read <i>when</i>                                     |
| 500          | 54 3 at the end of the line dele <i>the</i>                                 | 669          | L. 3 of p. for <i>effect</i> read <i>affect</i>  |
| 506          | 7 6 after the word or dele to   | 670          | S. 5 L. 7 of S. for <i>the</i> read <i>such</i>  |
| 515          | L. 28 of p. for <i>highway</i> read <i>highways</i>                         | 671          | L. 2 of p. for <i>in</i> read <i>on</i>  |
| 517          | S. 16 L. 11 of S. after the word <i>be</i> insert <i>the</i>                | 672          | S. 9 L. 3 of S. for <i>make</i> read <i>mark</i>                                       |
| 518          | 18 9 for <i>of</i> read <i>or</i>   | 672          | 11 2 for <i>and</i> read <i>or</i>   |
| 520          | 23 11 before the word <i>proprietors</i> insert <i>the</i>                  | 674          | 11 8 before the word <i>each</i> insert <i>for</i>                                     |
| 523          | L. 6 of p. after the word <i>person</i> insert <i>of</i>                    | 674          | 2 7 before the word <i>drying</i> insert <i>the</i>                                    |
| 523          | last for <i>cannot</i> read <i>can</i>                                      | 676          | L. 5 of p. for <i>not</i> read <i>none</i>   |
| 526          | 9 for <i>laws</i> read <i>law</i>   | 677          | 4 for <i>quality</i> read <i>quantity</i>  |
| 533          | 16 for <i>assessments</i> read <i>assessment</i>                            | 681          | Sec. 4 last line of Sec. after the word <i>owner</i> insert <i>or owners</i>           |
| 534          | 13 for <i>appears</i> read <i>appear</i>                                    | 682          | Sec. 5 L. 2 of Sec. dele <i>away</i>   |
| 535          | 4 at the end of the line insert <i>of</i>                                   | 684          | 2 3 for <i>galo</i> read <i>golo</i>   |
| 535          | 3 from bottom of p. for <i>causes</i> read <i>cause</i>                     | 686          | 4 2 for <i>on</i> read <i>or</i>   |
| 537          | S. 12 L. 2 of S. for <i>in</i> read <i>of</i>                               | 687          | 3 6 before the word <i>stamped</i> insert <i>not</i>                                   |
| 539          | L. 11 of p. between the words <i>the</i> and <i>day</i> should be a '—'     | 688          | L. 24 of p. before the word <i>arms</i> at the beginning of the line insert <i>the</i> |
| 539          | 15 for <i>where</i> read <i>wherein</i>                                     | 694          | L. 15 of p. after the word <i>shall</i> insert <i>also</i>                             |
| 543          | S. 18 L. 13 of S. dele <i>the</i> before the word <i>said</i>               | 694          | 16 after the word <i>of</i> insert <i>the</i>  |
| 545          | 21 7 for <i>and</i> read <i>or</i>  | 695          | 12 for <i>usage</i> read <i>usages</i>   |
| 546          | 1 6 for <i>this</i> read <i>thus</i>  | 716          | 8 for <i>fixed</i> read <i>affixed</i>   |
| 547          | 2 7 for <i>this</i> read <i>thus</i>  | 723          | 6 from bottom of p. dele <i>in</i>   |
| 547          | 2 11 for <i>in capacity</i> read <i>incapacity</i>                          | 734          | Sec. 51 L. 4 of Sec. before the word <i>auditing</i> insert <i>the</i>                 |
| 553          | L. 2 of p. at the end of the line insert <i>such</i>                        | 742          | L. 4 of p. after the word <i>orders</i> insert <i>to be</i>                            |
| 556          | S. 1 L. 18 of p. for <i>master</i> read <i>masters</i>                      | 744          | L. 3 from bottom of p. before the word <i>refuse</i> insert <i>shall</i>               |
| 557          | L. 16 of p. for <i>in</i> read <i>of</i>                                    | 745          | Sec. 1 L. 6 of Sec. before the word <i>good</i> insert <i>six</i>                      |
| 560          | S. 7 L. 4 of S. for <i>Court of Sessions</i> read <i>Courts of Sessions</i> | 746          | 2 15 before the word <i>advice</i> dele <i>the</i>                                     |
| 566          | 1 7 for <i>every</i> read <i>any</i>  | 751          | 5 11 for <i>owners</i> read <i>owner</i>   |
| 570          | 9 5 after the word <i>them</i> insert <i>as</i>                             | 751          | 5 15 for <i>taking</i> read <i>taken</i>   |
| 572          | 12 5 after the word <i>fine</i> insert <i>of</i>                            | 751          | 5 25 for <i>owners</i> read <i>owner</i>   |
| 573          | 1 3 for <i>and</i> read <i>or</i>   | 753          | 8 23 for <i>spurs</i> read <i>spar</i>   |
| 576          | L. 18 of p. for <i>pounds</i> read <i>ounces</i>                            | 754          | 10 3 after the word <i>or</i> insert <i>any</i>  |
| 576          | last line of the page dele <i>and</i>                                       | 758          | L. 2 of p. for <i>sales</i> read <i>sale</i>   |
| 591          | S. 5 L. 2 of S. before the word <i>action</i> insert <i>an</i>              | 759          | 24 for <i>minor</i> read <i>minors</i>   |
| 592          | 3 3 for <i>time</i> read <i>times</i>                                       | 761          | 19 for <i>another</i> read <i>any other</i>  |
| 601          | L. 11 of p. at the end of the line insert <i>drawn</i>                      | 761          | last dele <i>other</i>   |
|              | After p. 604 read p. '605' instead of '506'                                 | 762          | 22 before the word <i>fish</i> insert <i>any</i>                                       |
| 604          | S. 12 L. 2 of S. after the word <i>passing</i> insert <i>on</i>             | 766          | 6 after the word <i>notice</i> insert <i>is</i>  |
| 606          | for Sec. 14 read Sec. 16  | 766          | Sec. 5 L. 6 of Sec. for <i>damages</i> read <i>damage</i>                              |
| 608          | S. 22 L. 5 of S. for <i>monies</i> read <i>money</i>                        | 769          | 4 14 dele <i>to the</i>  |
| 610          | 3 18 dele <i>any</i>  | 772          | first word of the p. for <i>damage</i> read <i>damages</i>                             |
| 614          | 4 4 for <i>funnel</i> read <i>fund</i>                                      | 774          | Sec. 2 L. 7 of Sec. for <i>and</i> read <i>or</i>                                      |
| 617          | L. 5 of the page dele <i>a</i>  | 774          | 2 14 for <i>any</i> read <i>every</i>  |
| 617          | S. 1 L. 6 of S. for <i>purpose</i> read <i>purposes</i>                     | 775          | 1 3 for <i>paasing</i> read <i>passing</i>   |
| 621          | 1 9 for <i>such</i> read <i>said</i>  | 777          | L. 17 of p. for <i>these</i> read <i>their</i>   |
| 622          | 3 16 for <i>or</i> read <i>on</i>   | 780          | 14 for <i>ninth</i> read <i>twenty ninth</i>   |
| 624          | 2 12 after the word <i>returns</i> insert <i>as</i>                         | 780          | 35 for <i>sixteenth</i> read <i>seventeenth</i>  |
| 626          | 3 6 before the word <i>Cashier</i> insert <i>the</i>                        | 788          | 25 for <i>eight</i> read <i>eighth</i>   |
| 631          | 4 3 before the end of the S. for <i>course</i> read <i>course</i>           | 790          | 28 after the word <i>Act</i> insert <i>providing</i>                                   |
| 634          | 16 5 of S. for <i>inspected</i> read <i>uninspected</i>                     | 791          | 13 after the word <i>for</i> dele <i>the</i>   |
| 635          | 17 last for <i>and</i> read <i>or</i>                                       | 791          | 14 after the word <i>idle</i> dele <i>and</i>  |
| 638          | L. 9 of p. for <i>and</i> read <i>or</i>                                    | 793          | 5 for <i>galo</i> read <i>golo</i>   |
| 642          | 7 dele <i>who</i>   | 793          | 27 after the word <i>Act</i> dele <i>for</i>   |
| 643          | S. 4 L. 6 of S. dele <i>are</i> after <i>and</i>                            | 797          | 4 at the end of the line for <i>eight</i> read <i>eighth</i>                           |
| 650          | 4 14 before the word <i>also</i> insert <i>as</i>                           | 808          | 34 for <i>from</i> read <i>upon</i>  |
| 656          | 12 3 for <i>on</i> read <i>or</i>   |              |  |
| 658          | in the title, after the word <i>Act</i> insert <i>for</i>                   |              |  |

the same shall have been paid to the Treasurer aforesaid; and in case the owner of such horse shall neglect to apply for such money for the term of one year, the same shall be appropriated as is provided by this Act.

SEC. 6. *Be it further enacted,* That if any finder of any lost goods, money or stray beast, of the value of one dollar or upwards, shall neglect to cause the same to be entered, cried and posted up in manner and time as before directed, or to withe such stray beast, he shall forfeit and pay the full value of such goods, money or stray beast, one half to the use of the town, and the other half to him or them that will prosecute and sue for the same. And if the owner of any stray beast or other person, shall take off the withe from the same, or take away such stray beast, before all the necessary charges arisen for entering, crying, notifying keeping and appraising thereof be defrayed, such person so offending, shall forfeit and pay unto the finder of such stray beast the full value of the same.

Penalty for neglect.

SEC. 7. *Be it further enacted,* That no person from the fifteenth day of April, to the first day of November, shall take up any horse, gelding, mare or other beast for a stray, unless such beast be taken damage feasant in some inclosure, and impounded for that or some other sufficient cause.

Horses, &c. not to be taken up as strays between April 15 and Nov. 1, unless, &c.

[Approved January 27, 1821.]

## CHAPTER CXXXI.

An Act for the due regulation of Weights and Measures.

SEC. 1. *BE it enacted by the Senate and House of Representatives, in Legislature assembled,* That the brass and copper weights and measures heretofore adopted, used and allowed as standards, be and remain the public allowed standards throughout this State, by which all weights and measures shall be tried, proved and sealed, in manner as is hereinafter provided. And it shall be the duty of the Treasurer of this State, at the expense thereof, to cause to be had and preserved as public standards, and which shall be used only as such, the following beams, weights and measures, to wit:

Former standards continued.

State treasurer to procure public standards of weights and measures

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 as to breadth, that is to say, the diameter of the bushel, not 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, within side of the measure: 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 pounds, down to the least denomination, with the weight of each weight, and the length of each measure marked or stamped thereon respectively, 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.

County treasurer to procure beams, weights and measures to be sealed by State standards:

SEC. 2. *Be it further enacted,* That it shall be the duty of the Treasurer of each county, at the expense thereof, to procure if the same has not already been done, one complete set of beams, and of the brass, copper, pewter, and iron weights, and of the measures aforesaid, excepting the bushel measure, well tried, proved and sealed by the said State standards, and marked or stamped as aforesaid; said measures, as to breadth, as well as contents, to be conformable to the State standards as aforesaid;—which the said county Treasurer shall keep and preserve, for the use of the respective counties, and to be used as standards only. And once in ten years, after the same are, or shall have been procured, the respective Treasurers for the time being, of the several counties, shall cause the same to be tried, proved and sealed by the Treasurer, and standards of the State: and and if any county Treasurer shall neglect his duty in this

to be proved by State standards every ten years.

Penalty for neglect.

behalf, he shall forfeit and pay, for each neglect, the sum of two hundred dollars to the use of the State, to be recovered in an action of debt, in the name of the State, in any Court proper to try the same, with costs of suit.

SEC. 3. *Be it further enacted*, That it shall be the duty of the Treasurer of each town within this State, at the expense of such town to procure, if the same has not already been done, and ever after to preserve as town standards, a complete set of the beams, weights and copper or pewter measures, conformable to the State standards as aforesaid; excepting however, the said bushel measure; and excepting also, that no Treasurer of any town shall be bound to procure a nest of Troy weights other than from the lowest denomination to the size of eight ounces, which it is hereby made his duty to procure: *Provided however*, That it shall be lawful for the Treasurer of any town aforesaid, to procure a wooden half bushel, peck, and half peck, conformable as to breadth and contents to the copper or pewter measures of the same denomination, in lieu of such copper or pewter measures, all of which he shall cause to be well tried, proved and sealed as aforesaid, either by the Treasurer of this State, or of the county within which such town shall be situated, and to have the same tried, proved and sealed as aforesaid, once in every ten years afterwards. And it shall also be the duty of town Treasurers, to procure at the expense thereof, and to preserve a proper town seal, for the purposes hereinafter mentioned. And if any town Treasurer shall neglect his duty in the premises, he shall for each neglect, forfeit and pay one hundred dollars, one moiety thereof to the use of the town; and the other moiety to him or them who shall sue for the same, to be recovered in an action of debt, with costs of suit, in any Court proper to try the same.

Town treasurers to procure beams, weights and measures conforming to State standards.

Provido—wood measurs may be used.

Town seal to be kept.

Penalty for neglect.

SEC. 4. *Be it further enacted*, That it shall be the duty of the Selectmen of each town in this State, in the month of March or April annually, to appoint a suitable person to be a sealer of weights and measures within the same. And it shall also be the duty of the Selectmen in such towns in this State, as shall, at any of their annual meetings, vote to have more than one sealer of weights and measures within

Selectmen to appoint sealers and remove them and fill vacancies.

their town, to appoint suitable persons therefor. And the Selectmen of the several towns are hereby authorized to remove from office any person or persons by them appointed as sealers of weights and measures by virtue of this Act. And it shall be the duty of the Selectmen, upon any vacancy which shall happen in the office of sealers of weights and measures, either by death, removal, resignation, refusal to accept, or otherwise, immediately to appoint some other suitable person to fill the place. And each person who shall be appointed to such office shall be notified of his appointment, and sworn as other town officers are. And if any person so appointed and notified shall refuse or neglect to take such oath, for the term of seven days after he shall have received such notice, he shall forfeit and pay five dollars, to be recovered in the manner and to the uses other fines are, for refusing to serve in other town offices. And if any Selectman shall not duly execute this law, so far as to him appertains, he shall forfeit and pay, for each months neglect, the sum of ten dollars, to be recovered in like manner, and to like uses. And the Treasurers of such towns as shall, as aforesaid, vote to have more than one sealer of weights and measures within their town, shall at the expense thereof, procure, and shall preserve the necessary additional seals, weights and measures, before specified; so that each sealer in such town may have complete sets of the same, under like penalties and forfeitures as are provided in the third section of this Act.

Sealers to be sworn.

Penalties for neglects.

Sealers when sworn to keep the town standards.

SEC. 5. *Be it further enacted,* That it shall be the duty of each Sealer of weights and measures, as soon as appointed and sworn, to receive of the town Treasurer, the said town standards and seal, and to give him a receipt therefor, expressing the contents thereof and the condition in which the same may be, and in such receipt engaging, at the expiration of his (the said sealer's) office, to deliver the same in like order and condition, to the said Treasurer; and such sealer shall be accountable to the town for the due preservation of the same, so long as he shall hold them on such receipt.

Sealer to notify, in May, the places where he will attend to seal, &c.

SEC. 6. *Be it further enacted,* That it shall be the further duty of the said sealer of weights and measures in the month of May in every year, to post up written notifications in the



several parts of the town, expressing therein the time and place, when and where he will attend such of the inhabitants as live within the limits described in his notification, and seal all such of their great and small beams, weights and measures as they shall bring in for that purpose. And the said sealer shall deface and destroy all weights and measures which cannot be brought to their just standards.

SEC. 7. *Be it further enacted*, That the said sealer be, and he hereby is, authorized and required, to go to the houses of such innholders, and to the ware houses, stores and shops of such merchants, traders and retailers of spirituous liquors, and to the houses of such of the other inhabitants, as shall neglect as aforesaid, to bring or send in, the said beams, weights and measures; and there, (at their said houses, stores, shops and ware-houses) to try, prove and seal the same beams, weights and measures. And if any such person or persons, shall refuse or neglect to have his, her or their beams, weights or measures so tried, proved and sealed, he she or they, shall forfeit and pay ten dollars for each offence; one moiety to the use of the poor of the town, and the other moiety to the sealer, to be recovered in an action of debt, with costs as aforesaid. And if any sealer of weights and measures shall neglect his duty in any of the cases in this Act specified, he shall for each neglect, forfeit and pay not less than five nor more than ten dollars: one moiety thereof to the town, and the other moiety to the informer, to be recovered by an action of debt, or on the case with costs as aforesaid.

Sealer to visit houses, stores, &c. to prove weights and measures.

Penalty for neglect.

SEC. 8. *Be it further enacted*, That the directors of the several Banks, which are or shall be incorporated within this State, shall annually, in the month of June, at the expense of said Banks, have all the weights used in their respective Banks compared, proved and sealed by the Treasurer, or by some person specially authorized by him for that purpose; which shall supersede, so far as respects such Banks, the sealing of Troy weights by the town sealer; and no tender of gold by any Bank in this State, weighed with weights other than those compared, proved and sealed as aforesaid, shall be legal. And to prevent the unavoidable imperfection of scale beams, from operating unequally in

Banks to have their weights sealed in June annually.

payments of gold, the payer or receiver may require that the gold shall be weighed in each scale, so that the irregularity of the different ends of the beam, if any, may be ascertained, and the mean weight resulting therefrom, shall be considered as the true weight of the parcel of gold so to be paid or received.

County treasurers to have weights, &c. sealed every 10 years.

SEC. 9. *Be it further enacted,* That it shall be the duty of the several county Treasurers at the expense of their respective counties, before the first day of July, which shall be in the year of our Lord one thousand eight hundred and twenty four, and once in every ten years afterwards, to have their county standards of Troy weight compared, proved and sealed by the Treasurer of the State, or some person by him thereto specially authorized: and it shall be the duty of the Treasurers of the several towns, at the expense of their respective towns within one year after the first day of July aforesaid, and once in every ten years afterwards, to have their town standards of Troy weight compared, proved and sealed by the Treasurer of the State or of the county wherein such town shall be, or some person thereto specially authorized by said State or county Treasurer.

Vibrating steelyards may be used, &c.

SEC. 10. *Be it further enacted,* That the vibrating steelyard invented by Benjamin Dearborn, and the vibrating steelyard invented or improved by Samuel Hills, be permitted to be used in all cases of weighing throughout this State: *Provided,* That before being offered for sale, or the same shall be used, each beam and the poises thereof, shall be sealed by some public sealer of weights and measures, appointed according to law.

Size of fruit measures.

SEC. 11. *Be it further enacted,* That all measures by which fruit or any other thing usually sold by heaped measure, shall be sold, shall be conformable as to capacity and breadth, to the public allowed standards as aforesaid. And if any person shall sell, or expose to sale, any fruit or other thing, usually sold by heaped measure, by any other measure as to capacity and breadth, than is before mentioned, or shall sell, or expose to sale, any goods, wares or merchandize, grain or other commodity whatsoever, by any other beams, weights or measures, than those sealed as aforesaid, he shall forfeit and pay, for each offence, not less than

Penalty for using weights, measures, &c. not sealed.

one dollar, nor more than ten dollars according to the circumstance of the case; one moiety thereof to the use of the town, and the other moiety to the said sealer or to him or them who shall sue for the same, to be recovered in an action of debt, or on the case, with costs of suit, in any Court proper to try the same.

SEC. 12. *Be it further enacted*, That this Act shall take effect and be in force until such time as the Congress of the United States shall have fixed by law the standards of weights and measures. Limitations.

[Approved February 5, 1821.]

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## CHAPTER CXXXII.

An Act respecting Engine Men, Fire Engines and the Extinguishment of fire.

SEC. 1. *BE it enacted by the Senate and House of Representatives, in Legislature assembled*, That the Selectmen of such towns in this State as are or may be provided with a fire engine, or engines, be and they are hereby empowered, if they judge it expedient, to nominate and appoint a number of suitable persons not exceeding twenty five to one engine, for engine men; who shall continue in said office during the pleasure of such Selectmen; which engine men shall be, and they are hereby authorized and empowered, to meet together some time in the month of May annually; at which meeting, they shall have authority to choose a master, or director, and Clerk of the said engine; and establish such rules and regulations, respecting their duty as engine men, as shall be approved of by the Selectmen, and to annex penalties to the same which may be recovered by the Clerk of said engine men, before any Justice of the Peace, in the same county: *Provided*, No penalty shall exceed six dollars and that such rules and regulations shall not be repugnant to the laws of this State.

Selectmen to  
appoint en-  
gine men,

who are to  
meet in May,  
choose officers  
and establish  
regulations,  
&c.

SEC. 2. *Be it further enacted*, That the respective companies of engine men who may be nominated and appointed in pursuance of this Act, shall be held and obliged to meet together once a month and oftener if necessary, for the purpose of examining the state of the engine to which they be-

Engine com-  
panies to meet  
monthly to ex-  
amine engines,  
&c.