

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
March 8, 1821.

BRUNSWICK.

Printed by J. Griffin, for the State.

.....
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>		

Form of Certificate.

This certifies that I have duly weighed the cattle bought by _____ of _____ from _____ of _____ this _____ day of _____ 182 _____.

Form of certificate.

Beef				
Hide				
Tallow				
Total				

Sworn Weigher.

SEC. 24. *Be it further enacted,* That any butcher or purchaser of beef cattle, intended for market or barrelling, who shall purchase any such beef cattle contrary to the true intent and meaning of this Act shall forfeit and pay the sum of thirty dollars for each and every such offence to be recovered with cost of suit by action, before any Court proper to try the same; one half to the use of the State, and the other half to the person who shall prosecute for the same: *Provided* nothing in this Act shall prevent any person or persons from buying or selling live cattle, commonly called cattle on the foot: and *Provided*, that no person shall be obliged to weigh any beef cattle when the weight or mode of weighing shall be agreed upon by the buyer and seller.

Penalty for buying beef cattle for market or barrelling, contrary to this act, &c.

SEC. 25. *Be it further enacted,* That the inspector of beef and pork and his deputies, who are now in office in this State, shall and may continue to exercise and perform all the duties of their respective offices, in as full and ample manner as they might lawfully do if appointed pursuant to the first section of this Act.

Provision for continuing present inspectors, &c. in office.

[Approved March 19, 1821.]

CHAPTER CXLIX.

An Act to ascertain the quality of Butter, and Hogs Lard; and for the more effectual Inspection of the same.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in Legislature assembled,* That there shall be an inspector of butter and lard for the State who shall be skilled in the knowledge and properties of the same, to be

Governor to appoint inspector of butter and lard,

who shall
give bond
and be sworn,

and may ap-
point deputies,

who shall also
give bond.

No butter or
lard to be ship-
ped before be-
ing inspected.

Mode of in-
spection.

Manner of
branding,

appointed by the Governor, with the advice and consent of the Council, to be by them removeable at pleasure; and who, before he shall enter upon the duties of his office, shall give bond, with sufficient sureties, to the Treasurer of the State, in the penal sum of one thousand dollars, for the faithful discharge of his duty; and shall also be sworn faithfully to discharge the same. And such inspector shall have power, when so qualified to appoint, and shall appoint deputy inspectors in every sea port town where butter and lard is exported, and such other places as he shall judge necessary, for whom he shall be answerable; and shall take bonds from them with sufficient surety or sureties, in the penal sum of five hundred dollars, for the faithful discharge of their duty; and they shall also be sworn to the faithful discharge of their duty.

SEC. 2. *Be it further enacted,* That no person or persons whatsoever, shall ship any butter or lard for exportation, before he shall first have submitted the same to the view and examination of the inspector or his deputy, who shall be appointed as is hereinafter provided; who shall inspect and prove all butter and lard in casks, firkins or kegs that shall be intended to be laden on board any vessel for exportation. And every such inspector or his deputy, shall examine the casks, kegs or firkins containing the said commodity, intended to be exported as aforesaid, and with a hollow iron searcher shall, from one side of the head of said casks, kegs or firkins, perforate diagonally to the other head, and thereby draw out so much butter or lard as shall determine the quality of the whole; and see that it be preserved with a due proportion of good fine salt, sweet, and in all respects fit to be exported, without danger of spoiling, to any foreign market. And every cask, keg or firkin of butter and lard which according to the inspector's best judgment, appears to be good and merchantable as aforesaid, he shall distinguish by the words first, second, or third, and all other butter and lard shall be distinguished by the word *refuse*, and branded in plain legible letters, together with the word MAINE, and the name of the town where it shall be thus inspected, with the initial letters of his christian name and his surname at large; and each cask, keg or firkin of butter or

lard, inspected as aforesaid, shall also be branded with the word *butter* or *lard*, as the case may be:

SEC. 3. *Be it further enacted*, That every cask, keg or firkin, in which butter or lard shall be packed for foreign exportation, shall be made of sound and well seasoned white oak or ash staves and heading, full bound, twelve and an half inches in length, and eight and an half inches diameter in the head, or fifteen inches in length, and ten and an half inches diameter in the head, or kegs twelve inches long and seven and an half inches diameter in the heads; or ten inches long with six inches head.

Size and quality of casks, kegs and firkins to contain butter and lard for exportation.

SEC. 4. *Be it further enacted*, That each cask, keg or firkin, before any butter or lard be packed therein, shall be filled with a strong brine, which shall remain therein three days; and as soon as the brine is emptied from the cask, keg or firkin, it shall be weighed by the owner of such butter or lard, who shall, with a marking iron, mark on one of the heads thereof, the full weight of the cask, keg or firkin, and shall brand or imprint, with a burning iron, the initial letter of his christian name; and his surname at large; and in case he shall falsely mark the same, such owner, upon conviction thereof shall forfeit three dollars.

Casks to be filled with brine, and weighed and marked, and how.

SEC. 5. *Be it further enacted*, That no butter or lard shall be exported out of this State unless the master or owner of the vessel produces to the collector or any other officer authorized by the laws of the United States to clear vessels out, a certificate from the Inspector General or his deputy, that the same has been inspected and branded according to the directions in this Act; each certificate shall express the number of casks, and their weight; and the master or owner of any vessel in which butter or lard is so exported, on producing said certificate, shall take and subscribe the following oath before the officer authorized as aforesaid:

Master of vessel to produce to collector, a certificate of inspection, before clearance,

and make oath to such certificate.

I, A. B. of ———, do swear, that, according to the best of my knowledge and belief, the certificate hereunto annexed contains the whole quantity of butter or lard (as the case may be) on board, ———, ——— master; and that no butter or lard (as the case may be) is shipped on board said vessel for the ship's company, on freight, or on cargo but what is inspected and branded according to the law of this State.
So help me GOD.

Form of oath.

Penalty for exporting from this State, any butter or lard without inspection,

on owner and master of vessel.

Justice of peace may issue his warrant for seizing butter or lard not inspected and branded, on board any vessel.

Penalty for inspector refusing or delaying to examine and inspect for three hours.

Penalty for neglect, &c. to brand butter or lard.

Penalty for counterfeiting brand.

SEC. 6. *Be it further enacted,* That if any person or persons shall export, or ship for exportation, out of this State, any butter or hogs lard, not inspected and branded as by this Act they are directed; every such exporter or shipper, and the master of every vessel having on board such uninspected butter or lard, shall on conviction thereof, respectively forfeit and pay the sums following; the owner or exporter shall forfeit and pay the sum of five dollars; and the master of every vessel having the same on board, the sum of three dollars, for each cask exported or shipped for exportation. And it shall be the duty of any Justice of the Peace, upon any information given of any butter or hogs lard being put on board any vessel as aforesaid, not inspected and branded as required by this Act, to issue his warrant, directed to the Sheriff or his deputy, or to a Constable, requiring them respectively to make seizure of any such butter or hogs lard not marked and branded as aforesaid, and to secure the same in order for trial; and said officers are hereby respectively required and empowered to execute the same; and it shall be the duty of every person, when required, to give the necessary aid for that purpose, on pain of forfeiting five dollars for his refusal.

SEC. 7. *Be it further enacted,* That if any inspector of butter and lard (according to the duties of this Act) shall on application made for the examination of any butter or lard as aforesaid, unreasonably refuse, neglect or delay to proceed to such examination and inspection, for the space of three hours after such application so made to him, the inspector so refusing, neglecting or delaying to make such examination or inspection, shall, for each offence forfeit the sum of two dollars.

SEC. 8. *Be it further enacted,* That if any inspector or deputy inspector shall neglect or refuse to brand any butter or lard, to be exported agreeably to this Act, the person or persons so offending, shall be subject and liable to the same penalties and forfeitures mentioned in the seventh section of this Act.

SEC. 9. *Be it further enacted,* That if any person shall counterfeit any brand belonging to, or proper to be used by the said inspector or any of his deputies, or shall impress or

brand any cask, keg or firkin of butter or lard with any brand or brands of such inspector, or with any counterfeit brand as aforesaid, he shall forfeit and pay for each offence the sum of ten dollars.

SEC. 10. *Be it further enacted,* That if any person shall empty any cask, keg or firkin of butter or lard inspected and branded as by this Act is required, and put in any other butter or lard for sale or exportation, without first cutting out the said brands and marks, the person or persons so offending, shall for each such cask, keg or firkin, forfeit and pay the sum of ten dollars.

Penalty for shifting contents of casks, fraudulently.

SEC. 11. *Be it further enacted,* That all fines and forfeitures mentioned in this Act shall, and may be sued for and recovered, with costs, by any person to his own use before a Justice of the Peace, or any other Court proper to try the same, with liberty of appeal, as in other civil actions.

Fines and penalties how recovered and appropriated.

SEC. 12. *Be it further enacted,* That it shall be the duty of the inspector of butter and lard in the month of January annually to make a return of the number of casks of different qualities of these articles branded by him, and his deputies, and the weight of the respective kinds, into the office of the Secretary of this State: The returns above specified to be made up to the first day of May of each year. And the said inspector shall require of his deputies to make the returns to him necessary to carry into effect the provision aforesaid.

Inspector to make annual returns to secretary of State,

and require of his deputies to make the requisite returns to him.

SEC. 13. *Be it further enacted,* That the inspector of butter and lard and his deputies, who are now in office in this State, shall and may continue to exercise and perform all the duties of their respective offices in as full and ample manner as they might lawfully do, if appointed pursuant to the first section of this Act.

Inspector and deputies now in office to continue, &c.

[Approved March 19, 1821.]

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CHAPTER CL.

An Act to provide for the packing and inspection of Pickled and Smoked Fish.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in Legislature assembled, That the Governor with the advice of Council is hereby authorized and directed to ap-

Governor to appoint inspectors of pickled fish