

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.

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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>		

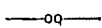
SEC. 18. *Be it further enacted,* That every inspector of fish appointed in this State, shall, on being qualified for such office, pay to the Treasurer of the town or plantation in which he shall reside, five dollars; and it shall be the duty of such Treasurers to pay over all monies so received to the Treasurer of this State, on or before the twentieth day of January annually.

Inspectors to pay duty of 5 dollars.

SEC. 19. *Be it further enacted,* That the inspectors shall be paid for each certificate for exportation, seventeen cents; and for inspecting and branding each and every cask of fish as directed by this Act; for each tierce ten cents, for each barrel seven cents, for each half barrel four cents, for each box of smoked herrings or alewives two cents; exclusive of the labour and expense of packing and coopering; and the fees for inspecting and the expense for packing and coopering shall be paid by the seller.

Inspector's fees.

[Approved March 22, 1821.]



CHAPTER CLI.

An Act to ascertain the quality of Pot and Pearl Ashes, 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 pot and pearl ashes for the State, who shall be well skilled in the knowledge and properties of the same, to be appointed by the Governor, with the advice and consent of the Council, and to be by them removable 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 three thousand dollars for the faithful discharge of his duty, and shall also be sworn faithfully to perform the same. And such inspector shall have power, when so qualified, to appoint, and shall appoint deputy inspectors in every sea port town where pot and pearl ashes are 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, and they shall also be sworn to the faithful discharge of their duty.

Governor to appoint a State inspector of pot and pearl ashes,

who shall give bond,

and be sworn, and appoint deputy inspectors,

who shall give bonds to him, and be under oath.

Size and quality of pot and pearl ashes casks.

SEC. 2. *Be it further enacted,* That every cask in which pot or pearl ashes shall be packed for exportation, shall be made of sound and well seasoned oak or white ash staves and heading, full bound, twenty nine inches in length, nineteen inches diameter in the head, and of such weight in proportion to its contents, as will amount, as near as may be, to fourteen per centum tare thereon.

Manufacturer of pot and pearl ashes to brand his name, &c. on casks.

SEC. 3. *Be it further enacted,* That every manufacturer of pot and pearl ashes within this State shall brand each cask containing the same with the initial letters of his christian name, and his surname at full length, with the name of the town where the same shall be manufactured, before the same shall be removed from the manufactory, under the penalty of one dollar for each cask so removed without being previously branded as aforesaid.

Penalty for neglect.

No person to ship for exportation any pot or pearl ashes before inspection.

SEC. 4. *Be it further enacted,* That no person or persons whatsoever shall ship any pot or pearl ashes, 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 herein after mentioned; who shall start the same out of the casks, and carefully examine, try and inspect the same, and sort the same in three different sorts, if necessary; that the said inspector shall put each sort by itself in tight new casks, well hooped and coopered, which he shall distinguish by the words, first sort, second sort, or third sort, with the words pot or pearl ashes, as the same may be, branded in plain legible letters, together with the letters of his name, and the place where such pot or pearl ashes shall be inspected, also the word "*Maine*" at full length on each cask: and the said inspector, or his deputy at the time of starting pot or pearl ashes for inspection, shall weigh the cask or casks and mark the weight with a marking iron on each head thereof.

Manner of inspecting, marking and branding.

Inspector shall weigh casks and mark the weight.

Inspector may enter vessels, &c. in search of casks not branded, &c.

SEC. 5. *Be it further enacted,* That every such inspector shall have full power and authority by virtue of this Act, and without further or other warrant, to enter on board any ship or vessel whatsoever, lying and being in the harbour where such inspector is authorized to inspect pot or pearl ashes, shipped or shipping on board any such vessel for exportation from this State: and if said inspector shall, on

search, discover any cask or casks of pot or pearl ashes, not branded as before directed, the person or persons so shipping or having shipped the same, shall forfeit all and every such cask or casks of pot and pearl ashes, so shipped or shipping, and not branded in the manner herein before directed. And such inspector, or his deputy, shall and may seize and carry away and secure the same for trial, and require necessary aid for that purpose, which it shall be the duty of every person so required to give on pain of forfeiting the sum of seven dollars for his refusal or neglect. And the master or commander of any such vessel, who shall receive on board any such cask or casks of pot or pearl ashes, not branded as aforesaid, shall forfeit the sum of twenty dollars for each cask so received. And if any master of any ship or vessel, or any of his servants or seamen, shall obstruct or hinder the said inspector in making such search, as aforesaid, every person so offending shall forfeit for each offence the sum of thirty dollars.

if any be found, to be forfeited.

Inspector may seize the same for trial.

Penalty on master of vessel for receiving such pot and pearl ashes on board, not branded.

SEC. 6. *Be it further enacted,* That if any inspector of pot or pearl ashes (according to the duties of this Act) shall, on application made for the examination of any pot or pearl ashes 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 three dollars.

Penalty on inspector for refusing or delaying inspection.

SEC. 7. *Be it further enacted,* That if any person shall brand any cask of pot or pearl ashes manufactured by himself, with the name of any other person than his own, or shall brand any such cask manufactured by another person, with his own name; or 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 of pot or pearl ashes with any brand or brands of such inspectors, or with any counterfeited as aforesaid, he shall forfeit and pay for each offence the sum of two hundred dollars.

Penalty for false and fraudulent branding,

or counterfeiting brands.

SEC. 8. *Be it further enacted,* That if any person shall empty any cask or casks of pot or pearl ashes, inspected and branded as by this Act is required, and put in any other

Penalty for fraudulently shifting contents of casks.

pot and pearl ashes for sale or exportation, without first cutting out the said brand marks, the person or persons so offending shall for each cask, forfeit and pay the sum of two hundred dollars.

Fines and forfeitures, how recovered.

SEC. 9. *Be it further enacted,* That all fines and forfeitures mentioned in this Act, above the sum of twenty dollars, and under sixty dollars, shall and may be sued for and recovered with costs, by any person to his own use: But if the sum shall amount to sixty dollars, or more, then one half to his own use, and the other half to the use of the State, and in both cases by action of debt in the Circuit Court of Common Pleas, in the county where the offence shall be committed, with liberty of appeal as in other civil actions. But if the forfeiture shall be twenty dollars or under, then it may be sued for by such action, for the use of the prosecutor, before a Justice of the Peace, with like liberty of appeal. And all casks of pot or pearl ashes, forfeited and seized as aforesaid, may be prosecuted to condemnation by the officer seizing the same, by libel before the Circuit Court of Common Pleas in the county where seizure shall be made, if above the value of twenty dollars, or before a Justice of the Peace, if under that sum, with liberty of appeal to the Supreme Judicial Court or Circuit Court of Common Pleas, respectively, as the case may require, and after condemnation, the same shall be sold at public vendue, by such officer; and after payment of all charges, one half of the remainder shall be by him paid into the Treasury, for the use of the State, and the other half be for the use of such officer.

Fees of inspectors and deputies.

SEC. 10. *Be it further enacted,* That the inspector of pot and pearl ashes, or his deputy, shall have and receive for inspecting the same, the sum of seven cents for every hundred weight so inspected, and also the further sum of eight cents for cooping and nailing each cask and putting the same in shipping order, to be paid by the purchaser.

Inspector not to receive from his deputies more than 7 1-2 per cent. of their fees.

SEC. 11. *Be it further enacted,* That the said inspector shall not in future, receive from any deputy he has, or shall appoint, more than seven and an half per cent. on the sum first above mentioned, and no part of the sum allowed for cooPAGE.

SEC. 12. *Be it further enacted,* That it shall be the duty of the inspector of pot and pearl ashes annually in the month of May to make a return of the number of casks of pot and pearl ashes, specifying the number under each brand, and the weight of each specific quality inspected by him or his deputies; said returns to be made up to the first day of May of each year, and to be transmitted to the office of the Secretary of this State, in the course of the same month. And the inspector of pot and pearl ashes shall require of his deputies to make the returns to him necessary to carry into effect the foregoing provision.

Inspector general to make annual return to secretary of State in May. Substance of such return.

His deputies to make return to him.

SEC. 13. *Be it further enacted,* That the Inspector General and his deputies, legally appointed, and now in office, shall continue to hold and enjoy their respective offices, until others shall be appointed in their stead.

Inspectors, &c. now in office to continue until, &c.

[Approved March 10, 1821.]

CHAPTER CLII.

An Act to provide for the inspection of Hops for exportation.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in Legislature assembled,* That there shall be an inspector of hops for this State, who shall be appointed by the Governor, with advice of Council, who shall be removable at pleasure, who shall give bond, with sufficient sureties, to the Treasurer of this State, in the penal sum of three thousand dollars, for the faithful discharge of his duty, and shall be sworn faithfully to perform the same; and such inspector shall have power to appoint deputy inspectors, who shall be removable by him at pleasure, for whose conduct he shall be answerable, and from whom he may require sufficient bonds for the faithful discharge of their duty.

Inspector of hops to be appointed by governor, &c.

Inspector to give bond,

and appoint deputies who are also to give bond.

SEC. 2. *Be it further enacted,* That it shall be the duty of the inspector or one of his deputies to examine the contents of every bag or pocket of hops, intended to be exported, in such manner as to ascertain the quality of such hops, and if found merchantable, as before prescribed, and that they are firmly packed, and have been so packed at least ten days previous to said examination; and that the bags or

Duty of inspectors,