

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. 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,

to mark bags
of hops, &c.

pockets are such as have been before prescribed; he shall distinguish the same by marking them in legible characters, with the words first sort, or second sort, or refuse, as their quality may be; he shall add thereto the date of the year of which, in his opinion, they are the growth, together with the initials of his (the inspector's) christian, and the whole of his surname, and the word MAINE; for which inspecting, marking, weighing and delivering an attested schedule of the same, he shall receive at the rate of ten cents for every hundred pounds weight so inspected, to be paid to him by the purchaser, exclusive of the charges of repacking, and mending the bags or pockets, when necessary, which shall be paid by the vender of the hops; and exclusive also of storage, should said hops be stored by said inspector more than thirty days after being inspected.

Inspector's
fees.

Quality of mer-
chantable
hops.

SEC. 3. *Be it further enacted*, That hops shall not be deemed merchantable, unless they have been well picked, are free from stems and leaves, and dried on a kiln, with charcoal fire; and the bags or pockets in which they are packed shall be made sufficiently strong to preserve the hops from damage, and of such a texture as will fairly receive the marks of the cultivator and inspector; and the bags or pockets shall be marked with the name of the cultivator and the town in which he lives.

No hops to be
shipped or ex-
ported without
inspection.

SEC. 4. *Be it further enacted*, That hops shall not be shipped or exported from this State, except they are of the quality hereinafter mentioned, and have been duly inspected and marked agreeable to the provisions of this Act; and that the hops so inspected shall be in square bags or pockets; each bag to contain four hundred weight, and each pocket two hundred weight of merchantable hops, as near as may be.

Masters of ves-
sels to produce
to collector, a
certificate of
inspection, be-
fore clearance.

SEC. 5. *Be it further enacted*, That no hops shall be exported from this State, unless the master or owner of the vessel, in which such hops are shipped, shall produce to the Collector, or other officer authorized by the laws of the United States to clear out vessels, a certificate of the inspector or one of his deputies, for which he shall be allowed to charge twenty five cents to be paid by the shipper, that the same has been duly inspected, marked

and weighed, agreeably to the directions of this Act; which certificate shall express the number of bags, or pockets of each sort of hops, with the weight of each bag or pocket; and the master or owner of every vessel in which hops are so exported, shall, on producing such certificate, take and subscribe the following oath, viz:

"I do swear, that according to the best of my knowledge and belief the certificate hereunto annexed contains the whole quantity of hops on board the—— of which —— is master; and that there are no hops on board said vessel, for the use of the ship's company, on freight, or on cargo, but what have been inspected and marked according to the law of this State. *So help me GOD.*"

Oath of master or owner.

SEC. 6. *Be it further enacted,* That if any person or persons shall export or ship for exportation out of this State, any hops not inspected and marked as by this Act is directed, every such exporter or shipper, and the master of every vessel, having on board such uninspected hops, shall, on conviction respectively forfeit and pay the sums following; the owner or exporter shall pay the sum of twenty dollars; the master of every vessel having the same on board, the sum of ten dollars, for every bag or pocket exported or shipped for exportation. And it shall be lawful for the inspector or any of his deputies, on information given of any hops being put on board any vessels as aforesaid, not inspected and marked, as required by this Act, to issue a warrant directed to the Sheriff or his deputy, or to a Constable, requiring them respectively to make a seizure of any such hops, not inspected and marked 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 any person, when requested, to give the necessary aid for that purpose on pain of forfeiting five dollars for his refusal: *Provided always,* That nothing in this Act contained, shall be construed to effect any hops shipped coastwise within this State, for the purpose of being inspected and marked as aforesaid, in which case a certificate from the owner shall accompany the same so shipped coastwise for the purpose aforesaid, setting forth the owner's name, the number

Penalties for exporting hops unless inspected and marked.

Inspector may seize hops on board vessels if not inspected.

Proviso in favour of hops shipped coastwise for inspection.

of bags, pockets or packages and the name of the inspector, to whom they are sent for inspection.

Penalty for delay of inspection.

SEC. 7. *Be it further enacted,* That if an inspector of hops, on application made to him to examine any hops, shall unnecessarily neglect or delay to examine, mark and weigh them, the inspector so neglecting or delaying shall for each offence forfeit and pay the sum of five dollars.

Penalty for counterfeiting inspector's mark.

SEC. 8. *Be it further enacted,* That if any person shall counterfeit or alter any mark, belonging to, or proper to be used by the inspector of hops, his deputy or deputies; or shall mark any bag or pockets of hops with any letters or marks aforesaid, he shall forfeit the hops so marked and for each offence the sum of ten dollars.

Penalty for shifting hops from one bag to another.

SEC. 9. *Be it further enacted,* That if any person shall empty any bag or pocket of hops, marked as by this Act is required, and put in any other hops, for sale or exportation, without first cutting out said marks, the person or persons so offending shall for each offence forfeit the sum of five dollars.

For fraud in inspector or his deputies.

SEC. 10. *Be it further enacted,* That if the inspector of hops, or any of his deputies, shall be guilty of any fraud in inspecting hops, contrary to the true intent and meaning of this Act, or shall put their marks on any bag, pocket or package of hops, which have not been actually examined, inspected and found merchantable, he or they shall forfeit and pay twenty dollars for each and every bag, pocket or package so falsely marked.

For mixing, &c.

SEC. 11. *Be it further enacted,* That if any person shall intermix, take out or shift any hops from any bag, or pocket inspected and marked as by this Act is required, or shall put in any other hops for sale or exportation, contrary to the true intention of this Act, the person or persons so offending shall forfeit and pay twenty dollars for every such offence.

Penalties how recovered and appropriated.

SEC. 12. *Be it further enacted,* That all penalties and forfeitures, arising in virtue of this Act, shall be recoverable by action of debt on information in any Court proper to try the same; one moiety to the use of the town wherein the offence shall be committed, the other moiety to him who shall sue for the same.

SEC. 13. *Be it further enacted,* That the inspector of hops shall be entitled to receive from his deputies one fifth part of all the fees said deputies may receive in the execution of this Act. Inspector entitled to one fifth of his deputies' fees.

SEC. 14. *Be it further enacted,* That it shall be the duty of the inspector of hops, annually in the month of May, to make a return into the office of the Secretary of this State, of the whole number of bags marked by him, of the different qualities, and the weight of each quality respectively, inspected by him or his deputies; said returns to be made up to the first day of May of each year. And the inspector of hops shall require of his deputies to make the returns to him necessary to carry into effect this provision. Inspector to make annual return to Secretary of State, in May. Deputies of inspector to make returns to him.

SEC. 15. *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 now in office to continue, &c.

[Approved February 20, 1821.]

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CHAPTER CLIII.

An Act for the better making and measuring of Malt.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in Legislature assembled, That no maltster or malt maker shall deliver, vend or pass away any malt by him made or caused to be made, before the same be well dried and cleansed by screening of it from the dust and taile which arises in the making, drying and ordering of it in his hands, on pain of forfeiting twenty cents per bushel for each bushel by him delivered, sold or passed away, not being so cleansed and dried, upon conviction thereof before any Justice of the Peace, where the forfeiture shall not exceed the sum of five dollars; or if above, before the Circuit Court of Common Pleas holden within the county: one moiety of such forfeiture to be unto the use of the poor of the town where the offence is committed, and the other moiety to him or them that shall complain or inform and sue for the same. And such Court or Justice respectively, are hereby empowered, in case such maltster shall stand to justify that his malt Malt to be dried and cleansed before sold. Penalty for neglect.