



OF THE

STATE OF MAINE;

TO WHICH ARE PREFIXED

тне

CONSTITUTION OF THE U. STATES

AND OF SAID STATE,

IN TWO VOLUMES,

WITH AN APPENDIX.

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.

Page.	
	Page.
463 Line 7 of page, dele the word whole	663 S. 2 L. 6 of S. dele of
405 Lille 1 of page, dele die word whole	
464 Sec. 8 L. 12 of Sec. for towns read town	666 5 2 after the word Governor insert,
484 27 6 at the end of the line insert the	and Council
word that	666 5 last for his read the
492 43 11 after the word owing insert to	667 L. 3 of the page, dele who
496 47 25 for duty read body	668 S. 10 L. 1 of S. for where read when
500 54 3 at the end of the line dele the	669 L 3 of p. for effect read affect
506 7 6 after the word or dele to	670 S. 5 L. 7 of S. for the read such
515 L. 28 of p. for highway read highways	671 L. 2 of p. for in read on
517 S. 16 L. 11 of S. after the word be insert the	672 S. 9 L. 3 of S. for make read mark
518 18 9 for of read or	672 11 2 for and read or
520 23 11 before the word proprietors in-	672 11 8 before the word each insert for
sert the	674 2 7 before the word drying insert the
523 L. 6 of p. after the word person insert of	676 L. 5 of p. for not read none
523 last for cannot read can	677 4 for quality read quantity
526 9 for laws read law	681 Sec. 4 last line of Sec. after the word owner insert
533 16 for assessments read assessment	or owners
534 13 for appears read appear	682 Sec. 5 L. 2 of Sec. dele away
535 4 at the end of the line insert of	684 2 3 for galo read golo
535 3 from bottom of p. for causes read cause	
537 S. 12 L. 2 of S. for in read of	687 3 6 before the word stamped in-
539 L. 11 of p. between the words the and day should	sert not
be a ''	683 L. 24 of p. before the word arms at the begin-
539 15 for where read wherein	ning of the line insert <i>the</i>
543 S. 18 L. 13 of S. dele the before the word said	694 L. 15 of p. after the word shall insert also
545 21 7 for and read or	
546 1 6 for this read thus	695 12 for usage read usages
547 2 7 for this read thus	
547 2 11 for in capacity read incapacity	723 6 from bottom of p. dele <i>in</i>
	734 Sec. 51 L. 4 of Sec. before the word auditing
553 L. 2 of p. at the end of the line insert such	
556 S. 1 L. 18 of p. for master read masters	insert the
FTE I 10 - for for in mod of	742 L. 4 of p. after the word orders insert to be
557 L. 16 of p. for in read of	
560 S. 7 L. 4 of S. for Court of Sessions read Courts	744 L. 3 from bottom of p. before the word refuse
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of Sessions	insert shall
566 1 7 for every read any	745 Sec. 1 L. 6 of Sec. before the word good insert six
570 9 5 after the word them insert as	746 2 15 before the word advice dele the
572 12 5 after the word fine insert of	751 5 11 for owners read owner
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TOBACCO AND ONIONS.

Uncleansed malt not merchantable.

Duty of masters of vessels

carrying malt.

is well dried and cleansed as aforesaid, to nominate and appoint three or more credible, skilful persons to view and judge thereof upon their oaths; and to administer an oath to them to be indifferent and impartial therein. And no malt made of barley shall be accounted merchantable, but such as shall be well cleansed from the dust, oats, tares and cockle. And every person that shall offer and expose to sale any barley malt, for merchantable not being cleansed as aforesaid, shall forfeit and pay the sum of twenty cents a bushel, for each bushel so offered or exposed to sale, being thereof convicted in manner as is herein before provided, to be applied to the use before mentioned.

SEC. 2. Be it further enacted, That every master of any vessel that shall receive on board his vessel any malt to be transported to a market, shall take effectual care, and make sufficient provision for the keeping of merchantable malt, separate and apart by itself, that it be not intermixt with what is unmerchantable, on pain of losing and forfeiting the value of all the freight to be paid for the malt so mixed; to the use of the poor of the town where such malt shall be delivered, upon conviction thereof as aforesaid: and shall be further liable to make good to the shipper or owner of all such merchantable malt mixt as aforesaid, all loss and damage that he shall sustain thereby: to be recovered by action therefor to be brought in any Court proper to try the same.

Mode of measuring.

SEC. 3. Be it further enacted, That in the measuring of malt the strike shall be carried softly and sawing, any law, usage or custom to the contrary notwithstanding.

[Approved February 28, 1821.]

CHAPTER CLIV.

An Act regulating the exportation of Tobacco and the weight of Onions in bunches.

Inspectors of tebacco to be appointed by the governor. SEC. 1. **B**_E it enacted by the Senate and House of Representatives, in Legislature assembled, That the Governor by and with the advice of Council, be, and is hereby empowered to appoint, in such seaport and other exporting towns

TOBACCO AND ONIONS.

within this State, as there shall be occasion, one or more skilful and disinterested person or persons to be inspectors of tobacco that shall be exported from this State, who shall To be sworn. be sworn to the due and impartial execution of their trust; and their duty shall be to inspect all tobacco that shall be intended to be laden on board of any vessel for foreign exportation, or that shall be intended to be transported by land or water, to either of the United States; and every such in- Their duties spector is hereby required and authorized, to open the cask containing the said commodity, intended to be exported as aforesaid, and inspect it in four equal divisions; that is to say, they shall take the casks from the tobacco, and with an iron bar, or other instrument, lift one quarter, and then go through the whole, until it shall be examined in four different parts, and see that it be properly dry, well cured, not rotten or damaged, and of the weight and packed in such casks as are herein after mentioned; and such part as appears to be damaged, or rotten, or unfit for exportation, shall be burned; and on every cask containing the said quantity, which by such inspection, shall, according to the inspector's best judgment, appear to be well cured, and not rotten or damaged as aforesaid, he shall mark or impress with a burn- To mark ing iron the letters A. P. with the name of the town, where how. it shall be thus approved, the name of said inspector at large and the letter I. at the end thereof denoting that the same has been inspected and approved.

SEC. 2. Be it further enacted, That no tobacco shall be No tobacco to shipped or exported from this State, but such only as shall unless inspecthave been inspected, and found to be well cured, and fit for foreign markets and packed in strait casks; said casks shall Size and quali-ty of casks and be four feet four inches in length, and two feet seven inches half casks. diameter at the head, containing not less than nine hundred. and not more than fourteen hundred pounds weight each; or if packed in half casks to contain not less than four hundred, nor more than six hundred pounds weight in each, unless such casks of tobacco shall appear to have been inspected and marked agreeably to the laws of some other State.

SEC. 3. Be it further enacted, That if the owner of any Penalty for tobacco, or any other person employed by him, shall pre- putting or resume to lade or put on board any vessel bound to any port tobacco on

and powers.

TOBACCO AND ONIONS.

ed, &c.

forfeited. &c.

sue warrant to it for trial.

Penalty for shifting contents of casks, and putting in tobacco not inspected.

Penalty on inspector for neglect or fraud in inspecting or branding.

Penalty on persons not appointed, for marking or branding casks, &c.

board any ves- without the State, any tobacco other than such as shall have sel bound out of this State, been approved by an inspector and contained in casks not unless duly in-spected, mark- having the aforesaid marks, stamps or brands; or if any master of a ship or other vessel, or other officer or mariner shall receive on board any such, the offender or offenders shall incur the penalty of thirty dollars for each cask of tobacco, to be sued for and recovered in any Court of Rec-Tobacce to be ord within this State proper to try the same; and all such tobacco laden or received on board as aforesaid, shall be Justice may is- forfeited. And it shall be lawful for any Justice of the seize and hold Peace, upon information given of any tobacco, put on board any such ship or other vessel as aforesaid, not duly marked or branded, to issue his warrant, directed to the Sheriff, his deputy, or a Constable, requiring them respectively to make seizure of any such tobacco, shipped and not marked as aforesaid, and to secure the same in order for trial; and such officers are hereby respectively directed and empowered to execute the same.

> SEC. 4. Be it further enacted. That if after any cask containing tobacco shall have been stamped with the inspector's marks, stamps or brands as aforesaid, any cooper or other person shall presume to shift the contents of such casks, and put therein any tobacco that hath not been duly inspected as aforesaid, such cooper or other person so offending, shall forfeit and pay the sum of fifteen dollars for every cask of tobacco to be recovered in manner as aforesaid.

> SEC. 5. Be it further enacted, That in case any inspector appointed and sworn as aforesaid, shall be guilty of any neglect or fraud, in inspecting any tobacco contrary to the true intent and meaning of this Act, or shall mark with their respective brands or stamps any cask containing tobacco, which they have not actually and thoroughly inspected, and which may be intended for exportation out of this State. he or they shall forfeit and pay the sum of fifteen dollars for every such neglect, or for every cask so falsely marked, to be recovered as aforesaid.

SEC. 6. Be it further enacted, That if any person or persons, not appointed and sworn as aforesaid, shall presume to mark or brand any casks of tobacco as above described, he shall incur the above said penalty of fifteen dollars for

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every cask so marked or branded, to be recovered as aforesaid.

SEC. 7. Be it further enacted, That each cask before any Each cask to tobacco be packed therein, shall be weighed by the owner and weight of such tobacco, who shall with a marking iron, mark on one marked of the heads thereof the full weight of the cask, and the initial letters of his name : and in case he shall falsely mark the same, such owner upon conviction thereof shall forfeit and Penalty for pay the sum of nine dollars, for each cask so falsely marked. SEC. 8. Be it further enacted, That the respective in-Inspector's spectors shall be paid for every cask of tobacco they shall inspect and prove as before directed, twenty cents, provided the number doth not exceed four, and twelve cents for each cask exceeding that number; inspector's fees to be exclusive of cooperage and to be paid by the shippers.

SEC. 9. Be it further enacted, That no vessel on board No vessel, which any tobacco in casks shall be shipped for exporta-tion, shall be cleared out by the custom house officer, until for exporta-tion, to be the master or owner shall have produced a certificate or cleared out, certificates, from an inspector or prover, appointed and without certisworn as aforesaid, that said articles have been by him in- spection. spected and proved as this Act directs; which certificates shall be granted free from any expense.

SEC. 10. Be it further enacted, That all penalties and for- Appropriation feitures arising by force and virtue of this Act, shall be one of penalties. moiety thereof to the use of this State and the other moiety to him or them who shall inform and sue for the same.

SEC. 11. Be it further enacted, That no onions in bunch- Weight of ones shall be shipped or exported out of this State, unless they intervention. weigh as follows, viz: rareripes (so called) two and half pounds, and onions from the seed, three and half pounds, per bunch.

SEC. 12. Be it further enacted, That the Selectmen of each Selectmen to appoint weightown where such onions shall be shipped, are hereby au-ers of onions: thorized and directed to appoint some suitable person or persons to weigh the same and give certificates of the weight; which person or persons so appointed shall be sworn to the to be sworn: faithful performance of his or their duty, and shall receive as fees, ten cents for every hundred bunches so weighed and cer- their duties tified, for any quantity not exceeding five hundred bunches,

false marking.

and fees.

and five cents for a greater quantity; said fees to be paid by the purchaser.

Penalty for offering to sell onions in bunches, unless weighed and certified.

How recovered and applieđ.

SEC. 13. Be it further enacted, That if any person or persons shall presume to expose for sale within this State, any onions in bunches, without first having them weighed as aforesaid, and having obtained a certificate of the same, according to the true intent and meaning of this Act, he shall forfeit the same; one moiety thereof to and for the use of the poor of the town where they may be exposed to sale, the other moiety to him or them who shall inform of the same; and the Selectmen of such town, or the major part of them, are hereby authorized and empowered to seize the same, and sell them at public auction, and to account with the Overseers of the poor of such towns for the net proceeds of one moiety thereof, and the other to said informant.

[Approved February 24, 1821.]

CHAPTER CLV.

An Act regulating the Exportation of Flax Seed.

SEC. 1. BE it enacted by the Senate and House of Repreveyors of flax sentatives, in Legislature assembled, That the Governor by and with the advice and consent of the Council, be and is hereby empowered to appoint, in such seaport towns within this State as there shall be occasion, one or more skilful and disinterested person or persons to be surveyors, for the surveying and proving flax seed, who shall be sworn Their duty and to the due and impartial execution of their trust : and their duty shall be to inspect and survey all flax seed that shall be intended to be laden on board of any vessel for foreign exportation; and every such surveyor is hereby authorized to open the casks containing the said commodity, intended to be exported as aforesaid, and if need be, measure and shift the same into other casks so as thoroughly to examine the whole, and see that it be clear from mixture of wild or other seed or dirt, and of the measure hereafter mentioned. And every cask containing the said quantity which by such survey and examination shall according to the surveyor's best judgment appear to be cleansed as aforesaid he

Governor to appoint sursced.

power.