

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>		

officers are hereby respectively empowered and required to execute the same.

Penalty for shifting contents of casks.

SEC. 5. *Be it further enacted*, That if, after any cask or other vessel containing flax seed shall have been approved and stamped with the surveyor's marks, stamps, or brands, any cooper or other person shall presume to shift the contents of such cask or other vessel, and to put therein any flax seed, that has not been duly surveyed and approved as aforesaid, such cooper or other person offending therein, shall forfeit and pay the sum of thirty dollars for every cask so shifted, to be recovered in manner as aforesaid.

Penalty on surveyor for neglect or fraud in surveying, marking, &c.

SEC. 6. *Be it further enacted*, That in case any surveyor or appointed and sworn as aforesaid, shall be guilty of any neglect or fraud in surveying any flax seed, contrary to the true intent and meaning of this Act, or shall mark with their respective brands, stamps or marks, any cask containing flax seed which they had not actually and thoroughly surveyed, and which may be intended for exportation out of this State, he or they shall forfeit and pay the sum of thirty dollars for every such neglect, or for every cask falsely marked, to be recovered as aforesaid.

Penalties how applied.

SEC. 7. *Be it further enacted*, That penalties and forfeitures arising by force and virtue of this Act, shall be one half to the use of the State and the other half to him or them who shall inform and sue for the same.

[Approved, March 8, 1821.]

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CHAPTER CLVI.

An Act to regulate the manufacture and inspection of Stone Lime and Lime Casks.

Quality of lime and size and quality of lime casks allowed to be sold or shipped.

SEC. 1. *BE it enacted by the Senate and House of Representatives, in Legislature assembled*, That no stone lime manufactured within this State, shall be sold or exposed to sale, or shipped on board of any vessel, in casks, but such only as is well burnt and pure, and contained in good and sufficient new casks, made of sound and thoroughly seasoned staves and heading; with at least twelve good and strong hoops on each cask, well driven and secured with nails or pins and

duly inspected: the staves of said casks, to be made of rift timber and not less than thirty two inches in length, and if they be hard wood, to be not less than one half of an inch thick, on the thinnest edge, and if they be soft wood, to be not less than five eighths of an inch thick on the thinnest edge; and each of the heads to be not less than three fourths of an inch thick and well crozed in; and each hoop to be not less than one inch wide in the narrowest part; and each cask to be not less than twenty eight inches in length between the heads; and each head thereof to be not less than eighteen and one half inches in diameter within the chime; and each cask to have a good and sufficient bilge, and to contain not less than forty gallons, and to be made in a workmanlike manner to hold lime.

SEC. 2. *Be it further enacted,* That each lime cask shall be branded on the outside at the bilge with the first letter of the christian name, and the first letter of the surname of the manufacturer or original vender thereof; and every such manufacturer or vender who shall sell any lime casks, other than such as are so branded, shall forfeit and pay the sum of forty cents for every cask by him sold without being thus branded.

Each cask to be branded and how.

Penalty for selling any not so branded.

SEC. 3. *Be it further enacted,* That all such casks of lime shall be branded, on one head thereof at the kiln where the same shall be burnt, with the first letter of the christian name, and the surname at length, of the manufacturer or owner thereof; and such manufacturer or owner shall forfeit and pay the sum of fifty cents for every cask of lime, which shall not be thus branded at the time it shall be filled at the kiln as aforesaid.

Penalty for not having each cask branded on one head at the kiln.

SEC. 4. *Be it further enacted,* That there shall be three inspectors of stone lime and lime casks, one for and to reside in each of the towns of Thomaston, Camden and Warren; each to be appointed by the Governor, with the advice and consent of the Council and to be by them removable at pleasure; and each of said inspectors shall, before he enters upon the duties of his office, be sworn faithfully to perform the same, and shall give bonds, with sufficient sureties to the Treasurer of the State for the faithful performance thereof, in the sums following, to wit: The inspector in and

Three inspectors to be appointed by the Governor at Thomaston, Warren, and Camden.

to be sworn, and to give bond to the State treasurer.

Each inspector to appoint deputies,

who shall be sworn.

Selectmen of other towns in the State may appoint inspectors to be sworn and give bond.

Duty of inspectors and deputies.

for the the town of Thomaston, in the sum of two thousand dollars; the inspector in and for the town of Camden, in the sum of one thousand dollars; and the inspector in and for the town of Warren, in the sum of one thousand dollars; each of which bonds shall be approved by the Court of Sessions in and for the county of Lincoln; and each of said inspectors, when so qualified, shall have power to appoint in and for the town in which he resides, as many deputy inspectors as he shall judge necessary, for whose faithful conduct in the discharge of the duties of their respective offices, the inspector appointing them, shall be answerable; and shall take a bond from each of them to himself in the sum of five hundred dollars; and said deputies shall severally be sworn to the faithful discharge of their duty before they shall enter upon the same. And the Selectmen of each town within this State in which stone lime is manufactured, except the towns of Thomaston, Camden, and Warren, shall appoint one or more inspectors of stone lime and lime casks within and for such town, to be by them removable at pleasure, upon misbehaviour in said office; and each inspector thus appointed by the Selectmen, shall, before he enters upon the duties of his office, be sworn faithfully to perform the the same and shall give bonds, with sufficient sureties to the Treasurer of such town, in the sum of five hundred dollars, conditioned for the faithful performance of the duties of his office.

SEC. 5. *Be it further enacted,* That it shall be the duty of each of the inspectors, appointed by the Governor by virtue of this Act, either by himself or his deputy; and of the several inspectors appointed by the Selectmen of towns as aforesaid, to inspect all stone lime, which shall be manufactured within the town wherein such inspector or inspectors reside, at the time the same shall be filled into casks, at the kiln where it is burnt; and to inspect the casks into which the same shall be put; and to see that the said lime and casks do, in all respects, conform to the provisions of this Act, and that the casks are well filled with such lime; and to brand each cask, when so filled, on one head thereof, with the name of the town where said lime was burnt and the first letter of his christian name, and the surname at length

of the inspector or deputy inspector who inspected the same, with the word *INSPECTED*; and if any such inspector or deputy inspector, who shall so brand any lime cask, the contents of which he has not inspected, or shall brand any such cask as aforesaid which, or the contents wherein, do not in all respects conform to the true intent and meaning of this Act, or shall permit any other person or persons to use his brands in violation or evasion thereof, every such inspector or deputy inspector, so offending, shall forfeit and pay the sum of one dollar and fifty cents for every cask thus illegally branded by him or with his brands; and shall also be liable to pay all damages which any person may have sustained by reason of such neglect or misdoings; to be recovered by such person by an action of the case in any Court proper to try the same; which action, if the damages sustained be by reason of the neglect or misdoings of any deputy may be brought either against such deputy or against the inspector who shall have appointed him.

Penalty for neglect.

Liable also to damages to party injured.

SEC. 6. *Be it further enacted*, That each inspector or deputy inspector appointed by virtue of this Act, shall be paid by the manufacturer or owner of said lime, three and a half cents for each cask of lime inspected and branded according to the provisions of this Act; and each of the inspectors, appointed by the Governor and Council, as aforesaid, shall be entitled to receive from any deputy by him appointed one half cent for every cask of lime said deputy shall inspect and brand as aforesaid.

Compensation to inspectors and deputies.

SEC. 7. *Be it further enacted*, That if any person shall sell or expose to sale or ship, or receive on board of any vessel, in casks, any lime other than such as shall be contained in casks made as aforesaid, and having the aforesaid marks or brands of an inspector or deputy inspector as required by this Act respectively, the offender or offenders shall incur the penalty of one dollar and fifty cents for each cask of lime so illegally sold or offered for sale, or shipped or received on board any vessel.

Penalty for selling, &c. any lime in other casks than such as are allowed by this act.

SEC. 8. *Be it further enacted*, That if after any cask or casks containing lime, shall have been branded as required by this Act, any person shall presume to shift the contents of said cask or casks, and put therein any other lime with a

Penalty for shifting contents of branded casks with fraudulent design.

design to sell the same, such person so offending shall forfeit and pay the sum of one dollar and fifty cents for every cask of lime so shifted.

Penalties, how recovered, &c.

SEC. 9. *Be it further enacted,* That all penalties and forfeitures incurred by virtue of this Act shall be recovered by action of debt by and for the use of any person or persons who shall sue therefor, and in any Court competent to try the same.

Any person having recovered judgment for penalties or damages against any inspector or deputy, may sue his bond, in name of obligee, &c.

SEC. 10. *Be it further enacted,* That where any judgment shall be recovered against any such inspector or deputy inspector for damages or penalties or forfeitures on account of any neglect or misdoings in his said office, and the execution which shall have issued thereon shall be returned unsatisfied, and the said judgment still remaining in full force, the judgment creditor shall be entitled to a certified copy of such inspector or deputy inspector's bond, and shall have a right to commence and prosecute to final judgment, and for his own benefit, an action thereon, in the name of the legal obligee in such bond, the writ being first endorsed by the party for whose benefit the suit is brought, or his agent or attorney, which endorser shall be answerable for all costs; and judgment when for the defendant, shall accordingly be rendered against the party for whose benefit said action was brought.

Form of execution on judgment in such action.

SEC. 11. *Be it further enacted,* That when judgment is rendered on any bond as aforesaid, execution shall be awarded for the sum found due to the party for whose benefit said action was brought, and being part of the penalty forfeited. And any execution which shall issue on said judgment shall express therein the name of the party for the use and benefit of whom the same was awarded; and if the execution shall be levied on any personal or real estate of the debtor, such levy shall enure to such party for his sole use and benefit, to every intent and purpose.

When levied to enure to the use of such creditor.

When and how this act is to operate.

SEC. 12. *Be it further enacted,* That this Act shall have effect and be in force from and after the first day of June next, when all laws now in force relating to the subject of this Act shall be repealed and cease to have effect: *Provided,* That any inspector or deputy inspector to be appointed by virtue of this Act may be appointed and qualified in pur-

stance of the same at any time from and after the passage thereof. And that nothing in this Act contained shall in any manner effect any contract or agreement which may have been or shall be entered into prior to the fifteenth day of March current by writing under seal for the sale and delivery of lime in casks containing fifty gallons each, at any place out of this State, subsequent to the said first day of June; and it shall be lawful for any person in pursuance of such contract or agreement to ship, and for the master of any vessel to receive on board lime, contained in casks of fifty gallons, after the said first day of June, the same having been first inspected and branded according to the laws in force in this State at the time of entering into such contract or agreement; and any inspector or deputy inspector, who shall be appointed by virtue of this Act, is hereby authorized and empowered to inspect and brand the same according to the laws now in force.

Not to effect contracts made prior to 15th of March, 1821, as to lime to be exported, &c.

[Approved March 15, 1821.]

CHAPTER CLVII.

An Act to regulate the Manufacture of Nails within this State.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in Legislature assembled, That the Governor by and with the advice and consent of the Council, be, and he hereby is empowered to appoint one suitable person to be inspector of nails; whose duty it shall be to examine every cask of wrought nails which shall be brought to him for inspection, by opening such cask, turning out the nails contained therein, weighing them, and ascertaining the number of them necessary to make a pound, their quality (both as it respects the workmanship of them, and the iron of which they are made) and shall then proceed and make, mark or brand on the head of such cask, the number thereof, the whole weight of the cask and nails, the weight of the cask only, or the tare, the number of nails necessary to make a pound, and also the quality thereof, to wit; first sort, second sort, and third sort, or refuse; and shall also thereupon stamp his name at large, and the title of his office.

Governor to appoint an inspector of nails.

His duty.