

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 <i>to</i>	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 <i>to</i>	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>		

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.

Inspector to appoint his deputies.

SEC. 2. *Be it further enacted,* That the inspector to be appointed as aforesaid, be and hereby is authorized to appoint, within any town in this State, from which nails are usually exported; a deputy or deputies, who are hereby authorized and empowered to do and perform all the duties incumbent on the said inspector by law, in their respective towns; and the said inspector and his deputies shall severally give bonds to the State with sufficient sureties, in the opinion of the Governor and Council, and in such sum as they may direct, and shall also be under oath, for the faithful discharge of the duties of their office, previous to their entering on the duties thereof, and the bonds so given shall be lodged in the public treasury.

Inspector and deputies to give bond, and to be under oath.

Casks which are required to be branded.

SEC. 3. *Be it further enacted,* That this Act shall not constrain the inspector to mark or brand the head of any cask, containing any nails, thirty five whereof shall weigh more than one pound; but beginning at thirty five, it shall be his duty to observe five as the progressing number, in the number of nails necessary to weigh a pound, in any cask which he shall be required to inspect; always choosing and marking such progressive number as aforesaid, to which the number of nails in a pound nearest approaches.

Inspector to give certificate of number, weight, &c.

SEC. 4. *Be it further enacted,* That the inspector shall give a certificate or weight note, expressing the number of the cask, the whole weight, the weight of tare, and the number of nails in a pound, agreeable to his marks of inspection, with the quality of the nails in said casks; and that all wrought nails shall hereafter be sold by the pound or by real thousands, delivering and receiving so many pounds for a thousand as will produce ten net hundreds, agreeable to the marks of inspection; and all nail casks shall be made of seasoned timber.

Wrought nails to be sold by the pound, or by real thousands.

Casks, how to be made and hooped and size of them.

SEC. 5. *Be it further enacted,* That it shall be the duty of said inspector and his deputies respectively, to see that every cask containing such nails, shall be well made, of sufficient strength, and well lined at both heads; the cask to be secured with eight or more good hoops, and to contain not more than three hundred and fifty pounds of nails. And in case any such cask, shall (in the opinion of the inspector or deputy) be unfit for use, it shall be by him condemned;

Duty of inspector as to bad casks.

and if any hoops be wanting to complete the number before mentioned, in any cask otherwise fit for use, he shall put on the same, at the expense of the person applying for inspection as aforesaid.

SEC. 6. *Be it further enacted,* That no person shall export from this State, by land or water, any cask, package or quantity of nails, which shall not be inspected, marked and branded as aforesaid; as of the first or second or third sort, upon the pain of forfeiting a sum equal to the value of each cask, package or quantity so exported; to be sued for and recovered by action of debt, in any Court proper to try the same; one half to the use of the prosecutor, and the other half to the use of such town, from whence they may be exported: and the like penalty may be in like manner and to like uses prosecuted for, against, and recovered of any master of any vessel which shall receive on board for exportation; or any waggoner who shall export as aforesaid, any such nails not inspected, marked and branded as aforesaid.

Penalty for exporting from this State nails not inspected and marked, &c.

How recovered.

Like penalty for master of vessel receiving such nails on board.

SEC. 7. *Be it further enacted,* That any package or cask of wrought nails, manufactured in this State, or in any other of the United States, which shall be brought into this State for sale, and shall be put on board any vessel, waggon, or carriage for transportation, or conveyance by land or water, from this State, or shall be offered for sale in any store, street or elsewhere, without being first inspected and branded, agreeable to this Act, shall be forfeited. And it shall be lawful for any Justice of Peace, on information given of any such nails not inspected and marked as aforesaid, to issue his warrant, directed to the Sheriff or his deputy, or Constable requiring them respectively, to make seizure of all such nails, not marked, and to secure the same in order for trial; and such officers are hereby respectively empowered and required to execute the same.

Nails made in any other State and brought into this, not to be sold here, or put on board vessel for exportation from this State, until inspected and branded.

Justice may issue his warrant to seize such nails for trial.

SEC. 8. *Be it further enacted,* That if the said inspector or any of his deputies, shall, on application made for the inspection of any cask or casks of nails as aforesaid unreasonably delay to make such inspection, he shall forfeit and pay for each offence, the sum of four dollars, to be recovered and applied as the forfeiture herein before mentioned.

Penalty for inspector's neglecting to inspect, when requested.

Penalty for counterfeiting brand,

or putting other nails into inspected casks, with intent to sell or export.

SEC. 9. *Be it further enacted,* That if any person shall counterfeit any brand used, or intended to be used for the purposes aforesaid, or shall brand, make or impress any cask of nails with any such brand or counterfeit thereof; or put into any cask inspected and branded as aforesaid, any other nails than those contained therein, when the same shall have been so inspected, with intent to sell or export any such nails, so put in as aforesaid, he shall for each cask, into which nails, shall be so put, forfeit and pay the sum of twenty dollars to be recovered and applied as the foregoing forfeitures herein mentioned, are directed to be recovered and applied.

Cut nails and brads how to be packed and branded.

SEC. 10. *Be it further enacted,* That cut nails and brads of all sizes, shall be packed in good, strong and sufficient casks, made of seasoned timber, and well hooped; and shall not contain more than three hundred net pounds in a cask; the nails and brads to be well made, and packed, free from waste pieces of iron, (unless refuse nails or brads) or any fraudulent mixture increasing the weight: the manufacturer (who shall also be the owner of such nails or brads) shall brand the initial of his christian name, and his surname at large, on the side of each cask; also the name of the town where the manufacturer resides, in plain legible letters; and shall also mark the true and just weight of the tare of said cask with a brand or marking iron, under the name of the town.

Nails or brads attempted to be sold or exported, not being inspected, may be seized, &c.

Penalty on owner, &c. for fraud in packing, &c.

SEC. 11. *Be it further enacted,* That if any cask, package or quantity of cut nails, or brads, not branded and marked as aforesaid, shall be offered for sale, or shall be put on board any vessel or carriage of transport, to be conveyed out of this State, the same shall be forfeited and liable to seizure; and the manufacturer and owner, as aforesaid, shall, for each and every pound of tare, more than is marked on the cask and each and every pound of refuse scraps or waste, which shall be mixed with said nails or brads, forfeit and pay one dollar for each and every pound of extra tare or waste.

Penalty for counterfeiting brand, or altering marks, &c.

SEC. 12. *Be it further enacted,* That if any person shall counterfeit any brand, used or intended to be used for the purpose aforesaid; or shall destroy or alter any mark or im-

pression made by another person's brand on any cask of cut nails or brads, and cause a different impression by such counterfeit brand to be marked or impressed thereon; or shall shift any cut nails or brads, from one branded cask to another, and thereby avail himself of another person's brand; every person so offending shall forfeit the sum of twenty dollars.

SEC. 13. *Be it further enacted*, That if any master, mate, owner or other person, shall receive on board any vessel or carriage of conveyance, any cask or other quantity of cut nails or brads, which are apparently intended to be transported out of this State, and are not branded and marked as provided and directed by this Act; he or they shall forfeit and pay a sum equal to the full amount of such nails.

Penalty on owner, master, &c. of any vessel, &c. for receiving such nails on board, intended for exportation, if not branded, &c.

SEC. 14. *Be it further enacted*, That all penalties and forfeitures arising by force and virtue of the eleventh, twelfth and thirteenth sections of this Act, shall be recovered and applied in the same way and manner as is provided for the recovery and application of penalties and forfeitures under the sixth section of this Act.

Penalties, how recovered, &c.

SEC. 15. *Be it further enacted*, That it shall be the duty of the several deputy inspectors aforesaid, once in three months, and oftener if required, to make returns to the inspector of the number of casks by them respectively inspected, together with the quantity of nails of each kind; and the inspector of nails shall annually in the month of May, and oftener if required, make return of the number of casks, and weight of wrought and cut nails, specifying the different quantities of each by him and his deputies inspected, into the office of the Secretary of this State. And the inspector shall make up the returns before specified, to the first day of May of each year, and send in their returns to the Secretary's office, in the course of the same month.

Deputy inspectors to make return to inspector once in 3 months.

Inspector annually in May to make return to Secretary of State, &c.

SEC. 16. *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.

Present inspectors and deputies to remain in office.

[Approved February 28, 1821.]