

# 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.

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.

<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>		

## CHAPTER CLVIII.

An Act for the admeasurement of Boards, and regulating the tale of Shingles, Clapboards, Hoops and Staves, and for other purposes.

Towns to choose surveyors of boards, lumber, &c. in March or April;

SEC. 1. *BE it enacted by the Senate and House of Representatives, in Legislature assembled,* That there shall be one or more suitable persons elected in every town in this State, at their annual meeting in the month of March or April, to be surveyors and measurers of boards, plank, timber and slitwork, and surveyors of shingles, clapboards, staves and hoops, who shall be sworn to the faithful performance of the trust reposed in them, and in each maritime town in this State from whence staves or hoops are usually exported beyond sea, there shall be two or more suitable persons chosen by such towns, at their annual meeting in March or April, to be viewers and cullers of staves and hoops, who shall be under oath faithfully to discharge their office; and for their encouragement to accept this trust, they shall be allowed for their time and service as provided in the eleventh section of this Act; and all boards, plank, timber or slitwork offered for sale, shall previous thereto be surveyed, and also measured by one of the said surveyors, where he shall have any doubt of the measure, having due consideration for drying and shrinking, who shall also mark anew all such to the just contents thereof, making reasonable allowance [*for*] rots, knots and splits.

who shall be sworn.

Maritime towns to choose also viewers and cullers of staves and hoops, to be sworn.

Boards, &c. to be surveyed and measured previous to sale.

Quality of boards allowed to be shipped for foreign market.

Allowance to be made for drying and shrinking of pine boards.

Dimensions of shingles, &c.

SEC. 2. *Be it further enacted,* That no pine boards shall be shipped for exportation to foreign markets, but such as are square edged, and not less than seven eighths of an inch in thickness, and not less than ten feet in length on pain of being forfeited, to the use of the town where they shall be shipped: *Provided,* That a proper allowance shall be made for drying and shrinking of pine boards, and that such as shall be three fourths of an inch thick after being fully seasoned, or in the same proportion as to thickness, being partly seasoned, shall be accounted merchantable, and may be sold here as such, or shipped or exported to any market.

SEC. 3. *Be it further enacted,* That no shingles, clapboards, staves or hoops shall be offered for sale in any town in this

State, that shall be under the following dimensions, viz. all shingles shall be split crossways the grain, and be eighteen inches long, unless those made for home use; pine shingles shall be free from sap, and all shingles shall be free from shakes and worm holes, and shall be half an inch thick at the butt end, when green, and full three eighths of an inch, when thoroughly seasoned, if for exportation to a foreign market; and not less than one third of an inch thick at the butt, when fully seasoned, if for home use, and four inches wide on an average, and none less than three inches wide, and shall hold their width three fourths of the way to the thin end, and be well shaved; and each bundle shall contain two hundred and fifty shingles; or if bound in square bundles, shall contain twenty five courses, and measure twenty two inches and a half at the lay: and in case there shall be more than five shingles in any one bundle that are under the above length, breadth or thickness, or five short in the tale of any one bundle of two hundred and fifty, the bundle which is so deficient, or in which such shingles are contained, shall be forfeited, and the shingles in each bundle which are not merchantable, shall be burnt and the residue sold, and the money arising from the sale shall be paid into the hands of the town Treasurer for the benefit of the poor of such town where the shingles are condemned, first deducting therefrom the charge of culling and surveying. And before any shingles are sent from the town where they are made, or at the place of first sale, before their delivery, they shall be viewed, surveyed and measured by a sworn surveyor, and the town brand set upon the hoop of the bundle; and all shingles offered for sale without being surveyed and marked as aforesaid, shall be forfeited and disposed of as before provided. And all white oak butt staves, shall be at least five feet in length, five inches wide, and one inch and a quarter thick on the heart, or thinnest edge, and every part thereof. And all white oak pipe staves, shall be at least four feet and eight inches in length, four inches broad in the narrowest part, and not less than three quarters of an inch thick on the heart or thinnest edge. And all white oak hogshead staves shall be at least forty two inches long, and not less than half an inch thick on the heart or thinnest edge. And all white

Size of bundles of shingles.

Shingles to be surveyed before sent from the town where made.

Forfeiture if not.

Dimensions of staves.

oak barrel staves, for a foreign market, shall be thirty two inches long; and for home use shall be thirty inches long; and all shall be half an inch thick on the heart or thinnest edge. And all white oak hogshead and barrel staves shall be at least, one with another, four inches in breadth and not less than three inches in breadth in the narrowest part; and those of the breadth last mentioned shall be clear of sap. And all red oak hogshead and barrel staves, shall be of the same length, width and thickness with the white oak hogshead and barrel staves above mentioned: and all staves shall be well and proportionably split. And all pine clapboards that shall be exposed to sale, shall be made of good sound timber clear of sap, and all clapboards shall be free from shakes and worm holes, and of the following dimensions, viz. full five eighths of an inch on the back or thickest part, five inches wide, and four feet six inches long, and they shall be straight and well shaved or sawed. And all hogshead hoops that shall be exposed to sale, or exported, shall be from ten to thirteen feet in length, and shall be made of white oak or walnut, and of good and sufficient substance, well shaved; those made of oak shall be not less than one inch broad, at the least end, and those made of walnut shall be not less than three quarters of an inch broad at the least end; each bundle shall consist of thirty hoops; and all hoops of ten, twelve and thirteen feet respectively, shall be made up in distinct bundles by themselves; and if any hoops are packed of less dimensions than those prescribed by this law, or if any bundle shall contain less than thirty hoops, such bundle shall be forfeited and sold for the benefit of the poor of the town where it is offered for sale.

Dimensions of  
clapboards.

Dimensions of  
hoops.

Staves to be  
culled and  
hoops survey-  
ed and shing-  
les and clap-  
boards certi-  
fied before  
exportation.

SEC. 4. *Be it further enacted,* That all staves that shall be exported from this State beyond sea, shall be first culled, and all hoops first viewed and surveyed by one of the officers aforesaid, and a certificate given by the culler or surveyor, to the master or commander of the ship or vessel on board which they are laden, of the quantity by him so culled or surveyed; and the bands with which the bundles of hoops are bound, shall be sealed with the brand of the town from whence they are exported; and that all shingles and clapboards that shall be exported beyond sea shall likewise

be certified by one of the surveyors already required by law to be chosen in each maritime town within this State, to have been by him surveyed, viewed and approved, and the number or quality thereof; and any sellers of boards, staves, hoops, clapboards or shingles, that shall deliver any of the said articles before they are culled or surveyed, shall forfeit the sum of two dollars per thousand; and any person purchasing any of the articles before mentioned, and who shall receive them before they are culled or surveyed, shall forfeit and pay the sum of two dollars per thousand, one half to the informer who shall sue for the same, in any Court of this State proper to try the same, or before any magistrate within this State in case the forfeiture does not exceed seven dollars; the other half to the poor of the town where the offence is committed.

Penalty for violation, &c.

How recovered and distributed.

SEC 5. *Be it further enacted*, That the master or owner of any vessel having any staves, hoops, boards, clapboards or shingles on board, for their cargo, and which shall be shipped for exportation to a foreign market shall, before such vessel shall be cleared at the custom house, produce to the collector a certificate of such staves, hoops, clapboards, boards and shingles, having been culled or surveyed, and shall likewise make oath before the Collector (who is hereby empowered to administer the same) or before any Justice of the Peace who shall give a certificate of the said oath, which shall by the master or owner be transmitted to the Collector, that the boards, staves, hoops, clapboards, and shingles, on board his vessel, are bona fide the same boards, staves, hoops, clapboards and shingles, certified to have been culled or surveyed, and that he has no other on board, and that he will not take any others on board.

Certificate of survey, &c. to be delivered collector, under oath, before vessel is cleared.

SEC. 6. *Be it further enacted*, That if any person shall presume to ship off any boards, staves, hoops, clapboards or shingles, unless the same shall first have been culled or surveyed, and marked by a sworn culler or surveyor as aforesaid, he shall forfeit and pay the sum of two dollars per thousand to be reckoned by feet or tale, according as the articles are usually sold, to be disposed of, one half to the poor of the town where the offence is committed, and the other half to the surveyor, or any other person or

Penalty for shipping boards, staves, &c. before surveyed, &c.



persons who shall sue for the same, which he or they are hereby enabled to do, by action, bill, plaint or information, in any Court proper to try the same, or before any Justice of the Peace if the forfeiture does not exceed seven dollars.

Additional penalty for owner or master of vessel violating this act.

SEC. 7. *Be it further enacted*, That in addition to the penalty of two dollars per thousand, as mentioned in this Act for the shipping of lumber otherwise than is herein prescribed, (to be reckoned by feet or tale according as the articles are usually sold) whenever it shall appear that any of the kinds of lumber mentioned in this Act have been exported in any vessel whatever out of this State, to any port or place not within the same, unless the said lumber has been first culled or surveyed agreeable to this Act; the master or owner of such vessel, shall, for the first offence, forfeit and pay the sum of two hundred dollars; and for the second offence the vessel so carrying the said lumber as aforesaid, being afterwards found in any part of this State, shall be forfeited, to be recovered and applied in like manner as is provided by this Act, for recovering and applying the penalty of two dollars per thousand as aforesaid.

This act to extend to exportation to another State, as well as to parts beyond sea.

SEC. 8. *Be it further enacted*, That wherever the restriction upon the shipping of any kind of lumber is mentioned in any of the clauses of this Act, to or for any foreign market, or beyond sea, the same shall be considered and understood to extend to any port or place not within this State, and that previous to any Collector's clearing out any vessel with lumber to any port or place not within this State, the like certificate of such staves, hoops, clapboards and shingles having been culled or surveyed, shall be produced, and the same oath administered, as is required to be produced and administered by this Act for the exportation of lumber to a foreign market.

Penalty for surveyor, &c. refusing to be sworn.

SEC. 9. *Be it further enacted*, That if any person or persons, who shall be duly chosen to serve as a surveyor of boards, clapboards or shingles, or as a culler of staves or hoops, shall refuse or neglect to take the oath for the faithful discharge of the office, or to serve therein, every such person or persons shall pay the sum of three dollars, to the use of the poor of the town choosing such person or per-

sons, and every such town shall proceed to the choice of other or others in the room of any person so refusing or neglecting, and so *toties quoties*.

SEC. 10. *Be it further enacted,* That in case any culler or surveyor, shall connive at, or allow of the breach of this Act, or shall be guilty of any fraud or deceit in surveying or culling of boards, staves, hoops, clapboards, or shingles, he shall forfeit and pay the sum of thirty dollars for each offence; and in case of his refusal to attend the aforesaid service, when he shall be thereto requested, he shall forfeit and pay the sum of three dollars; the forfeitures and penalties in such cases to be recovered and disposed of as aforesaid.

Penalty for surveyor or culler, &c. acting fraudulently in discharge of his duty.

SEC. 11. *Be it further enacted,* That the following fees shall be allowed to the officers aforesaid, viz. the buyer shall pay to the surveyor of boards, plank, timber and slitwork, eight cents per thousand feet for viewing only, and eight cents per thousand feet more for measuring and marking, and so in proportion for a lesser quantity. And the surveyor of shingles and clapboards shall be allowed by the buyer eight cents per thousand for surveying and telling, and the viewers and cullers of staves and hoops shall be allowed twenty five cents per thousand for barrel staves, thirty three cents per thousand for hogshead and butt staves, as well refuse as merchantable; the merchantable to be paid for by the buyer, the refuse by the seller, and the culler shall be allowed forty cents per thousand for hoops.

Fees allowed to surveyors, cullers, &c.

[Approved March 16, 1821.]

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## CHAPTER CLXIX.

An Act relating to Hogshead Shooks.

SEC. 1. *BE it enacted by the Senate and House of Representatives, in Legislature assembled,* That all white oak hogshead shooks shall be made of staves of at least forty one inches in length, and not less than half an inch thick, on the thinnest edge, and the head to be twenty nine inches across the same, and shall be three fourths of an inch thick when worked; and the staves and heading to be sound, and clear

Size and quality of hogshead shooks.