

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

# PUBLIC ACTS

OF THE

# STATE OF MAINE,

PASSED BY THE

## NINETEENTH LEGISLATURE,

JANUARY SESSION, 1839.

---

PUBLISHED AGREEABLY TO THE RESOLVE OF JUNE 28, 1820.

---

AUGUSTA:  
SMITH & ROBINSON, PRINTERS TO THE STATE.

---

1839.

**Chapter 378.**

AN ACT ceding to the United States the jurisdiction of a certain tract of land, for the purpose of erecting a Light House thereon.

SEC. 1. *Be it enacted by the Senate and House of Representatives in Legislature assembled,* That there be and hereby is ceded to the United States, jurisdiction of two acres of land off the westerly end of Bear Island, so called, being one of the Cranberry Islands, at the mouth of Mount Desert Harbor, conveyed to the said United States by William Moore, by his deed dated the seventeenth August, eighteen hundred and thirty-eight, for the purpose of erecting a Light House, and any other buildings, which may be found expedient, by the government of the United States, thereon.

Description of land ceded,

SEC. 2. *Be it further enacted,* That said State shall have concurrent jurisdiction with the United States, in and over the territory, described in this act, and buildings, when erected, so far as that all civil and military processes, issued under the authority of this State, or any officer thereof, may be executed on any part of said premises, or in any buildings, that may be erected thereon, in the same manner, as if the jurisdiction had not been ceded, as aforesaid.

Provision as to jurisdiction.

[Approved by the Governor, March 4, 1839.]

**Chapter 379.**

AN ACT to regulate the Inspection and Packing of Clams.

SEC. 1. *Be it enacted by the Senate and House of Representatives, in Legislature assembled,* That from and after the passage of this act, the Governor with the advice of Council, is hereby authorized and directed, to appoint and commission, during his pleasure, in each city, town and plantation in this State, where Clams are packed for

Governor &c. authorized to appoint inspectors of clams.

Power and qualification of Inspectors of Clams.

exportation, one or more persons, as Inspectors of Clams, who shall be well skilled in the quality of the same, and who shall give bonds in the sum of two hundred dollars, to the Treasurer of the city, town or plantation, for which he shall have been appointed.

Manner of packing Clams.

SEC. 2. *Be it further enacted,* That all Clams packed for exportation, shall be shelled, and well struck with salt, before freezing, and preserved free from taint and damage, and shall be packed in barrels, or half barrels, each barrel to contain at least two hundred pounds of Clams, and thirty pounds of good salt, and each half barrel to contain at least one hundred pounds of Clams, and fifteen pounds of good salt; and said barrels, and half barrels, after being packed, and headed up, shall be branded as follows; viz. those of the best quality, dug in the proper season, and saved free from taint and frost, "Clams No. 1," those which remain after the best have been selected and which are free from damage shall be branded "Clams No. 2," and the Inspector shall also brand in legible letters, on the head of each and every barrel or half barrel, in which Clams are packed, or repacked, the number of pounds in such cask, the initials of his christian name, with his surname at length, the name of the city, town or plantation, for which he is appointed, and the word *Maine*, and if any person shall sell, or export within or from this State, any tainted, or damaged Clams, he, or they, shall forfeit and pay, for each and every barrel so sold, or exported five dollars, and for each and every half barrel two dollars and fifty cents.

Manner of branding barrels, &c.

Clams not inspected, &c., liable to be seized for the purpose of inspection.

SEC. 3. *Be it further enacted,* That if any shelled Clams, packed in barrels or half barrels, shall be put on board any boat, vessel, or carriage of conveyance within this State, with intent to sell, or export the same, unless said Clams shall have been inspected, and the casks containing the same

shall have been branded agreeably to the provisions of this act, it shall be lawful for any Justice of the Peace, in the same County, upon complaint thereof, made to him, to issue his warrant to the Sheriff, or his deputy, or, to any constable of the city, town, or plantation where such boat, vessel, or carriage may be, requiring them respectively to seize and secure said Clams, and carry the same to the Inspector nearest the place, where such boat, vessel, or carriage may be, and such Inspector is hereby authorized and required, to open, inspect, repack and brand the same in the same manner, as is prescribed in the second section of this act, and it shall be lawful for said Inspector to detain said Clams, until the expenses of inspection, packing, coopering, and all other charges arising from such seizure shall be paid.

SEC. 4. *Be it further enacted*, That if the Inspector shall brand any cask, the contents of which he has not inspected, packed, salted and coopered, according to the true intent and meaning of this act, or, if he shall permit other persons to use his brand, in violation, or evasion thereof, he, or they so offending, shall forfeit and pay for each and every cask so branded, the sum of five dollars.

Inspectors branding casks not inspected, or permitting others to use brand, liable to a fine.

SEC. 5. *Be it further enacted*, That all penalties, and forfeitures, arising by force and virtue of this act, shall be recovered by action of debt, in any Court proper to try the same, one moiety thereof to the use of the city, town, or plantation, where the offence may be committed, and the other moiety, to him, or them, who shall sue for the same.

Penalties how recovered and for whose use.

SEC. 6. *Be it further enacted*, That the Inspector shall be paid for inspecting and branding each and every cask of Clams, as directed by this act, as follows, viz. for each barrel, ten cents, and for each half barrel six cents, exclusive of the expense of packing, and coopering. And the fees for inspecting shall be paid by the purchaser and the expense of packing and coopering shall be paid by the seller.

Services and fees of Inspector how paid.

[Approved by the Governor, March 7, 1839.]