

# MAINE STATE LEGISLATURE

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# PUBLIC ACTS

OF THE

# STATE OF MAINE,

PASSED BY THE

## NINETEENTH LEGISLATURE,

JANUARY SESSION, 1839.

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1839.

## Chapter 403.

AN ACT to regulate the manufacture and inspection of Lime and Lime Casks.

SEC. 1. *Be it enacted by the Senate and House of Representatives in Legislature assembled,* That no 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 casks, made of sound and thoroughly seasoned staves and heading, with at least ten good and strong hoops on each cask, well driven and secured with nails, and duly inspected; the staves of said casks to be made of sawed or rift timber, and not less than thirty inches in length, and not less than one half 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-six and a half inches in length between the heads, and seventeen inches in width between the chimes, and not less than twenty inches in the clear on the inside at the bilge, at the time of inspection, and made in a workmanlike manner to hold Lime.

Description of Lime and the casks offered for sale or shipped, manufactured in this State.

Dimension of casks, &c.

SEC. 2. *Be it further enacted,* That each Lime Cask shall be branded on the outside of the bilge with the first letter of the christian name, and with the whole of the surname of the manufacturer thereof. And any person who shall sell or expose to sale, or purchase any Lime Casks not conformable to law, shall incur a penalty of twenty cents for each cask so sold or exposed to sale, or purchased, to be recovered by an action of debt, in any court of competent jurisdiction, to the use of the person who may sue therefor, and a lien is hereby created on such Lime Casks, for the payment of said penalty and costs.

Lime casks how branded.

Penalty for selling or purchasing lime casks not conformable to law.

**SEC. 3.** *Be it further enacted,* That there shall be appointed and commissioned by the Governor, with the advice and consent of the Council, one suitable person as Inspector of Lime and Lime Casks, in each of the several towns in this State in which Lime is manufactured; and they shall be citizens of and residents in such town, and hold their offices for the term of four years, unless sooner removed by the Governor and Council; 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 County in which such Inspectors shall reside, for the faithful performance thereof, in the sums following, to wit: the Inspector in and for the town of Thomaston, in the sum of ten thousand dollars; the inspectors in and for the towns of Warren and Camden, five thousand dollars each; and the Inspectors in and for each and every other town, two thousand dollars; each of which bonds shall be approved by the County Commissioners in and for the County in which such town is situated; and each of such 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 with sufficient sureties from each of them to himself, in the sum of one thousand dollars; and said Deputies shall severally be sworn to the faithful discharge of their duty before they shall enter upon the same.

Governor to appoint Inspectors, &c.

—tenure and qualifications of, who shall be sworn.

—to give bonds to County Treasurer.

Amount of same.

Power to appoint Deputy Inspectors, who shall give bonds—

—and be sworn.

**SEC. 4.** *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, to inspect all Lime which shall be manufactured within the town wherein such Inspect-

Duties of Inspectors and Deputies.

tor 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 such 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, and with the word "Inspected"; and if any such Inspector or Deputy Inspector, who shall so brand any Lime Casks, the contents of which he has not inspected, or shall brand any such Cask as aforesaid, which, or the contents of which, 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 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; such damages 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 or misdoings.

Liable also for damages to party injured.

How recovered.

SEC. 5. *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, one mill for each Cask of Lime inspected and branded according to the provisions of this act, and two dollars and fifty cents for each day he shall be employed in the inspection thereof, and in that proportion for a less time; and each of

Fees for inspection, &c.

the Inspectors appointed by the Governor and Council as aforesaid, shall be entitled to receive from any Deputy by him appointed, one mill for every Cask of Lime said Deputy shall inspect and brand as aforesaid.

Penalty for selling, &c. any lime in other casks than is conformable to this act.

SEC. 6. *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 for each Cask of Lime so illegally sold or offered for sale, or shipped, or received on board any vessel.

Penalty for shifting contents of braided casks with fraudulent design.

SEC. 7. *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 such Cask or Casks, and put therein any other Lime, with a design to sell the same, such person so offending shall forfeit and pay the sum of one dollar for every Cask of Lime so shifted.

Penalties how recovered, &c.

SEC. 8. *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.

When judgment for penalties or damages against any Inspector or Deputy are recovered, the bonds of such may be sued in name of obligee, &c.

SEC. 9. *Be it further enacted,* That where any judgment shall be recovered against any such Inspector or Deputy Inspector, for damages, 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.

SEC. 10. *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 inure to such party for his sole use and benefit, to every intent and purpose.

Form of execution on judgment in such action.

When levied to inure to benefit of such creditor.

SEC. 11. *Be it further enacted*, That this act shall have effect and be in force from and after the first day of July 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 pursuance of the same, at any time from and after the passage thereof.

When this act shall take effect.

Acts repealed.

Proviso.]

[Approved by the Governor, March 22, 1839.]

### Chapter 404.

AN ACT to limit the compensation of Sheriff in the County of Piscataquis.

SEC. 1. *Be it enacted by the Senate and House of Representatives in Legislature assembled*, That the compensation of Sheriff in and for