

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

FORTY-SIXTH LEGISLATURE

OF THE

STATE OF MAINE.

1867.

Published by the Secretary of State, agreeably to Resolves of June 28, 1820,
February 26, 1840, and March 16, 1842.

AUGUSTA:
STEVENS & SAYWARD, PRINTERS TO THE STATE.
1867.

PUBLIC LAWS

OF THE

STATE OF MAINE.

1867.

of, declare that the taxes assessed by state law on the shares of national banking associations cannot be applied to the use and benefit of the town where the shareholders reside, if in a town other than where the bank is located, and that the provisions of this act providing therefor are inconsistent with any existing law of congress, and shall file said answer with the secretary of state before the thirtieth day of March in the year one thousand eight hundred and sixty-seven, then sections three, four, five and six of this act shall not take effect.

Approved March 1, 1867.

Chapter 127.

An act to provide for the inspection of petroleum and coal oils and burning fluids, and to regulate the manufacture and sale thereof.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows :

SECT. 1. In every city and town in this state containing two thousand inhabitants or more, the mayor and aldermen or the selectmen shall, on or before the first day of May annually, appoint one or more persons to be inspectors of petroleum and coal oils and burning fluids, who shall be sworn to the faithful discharge of their duties. And it shall be their duty, when requested, to inspect such oils and burning fluids, by applying the fire test with some accurate instrument, to ascertain the igniting or explosive point thereof in degrees of Fahrenheit's thermometer; and they shall cause every vessel or cask thereof by them so inspected to be plainly marked by the name of such inspector, the date of inspection, and the igniting or explosive point of the contents thereof.

Inspectors of petroleum, &c., to be appointed in towns of 2,000 inhabitants or more.

Duties of such inspectors.

SECT. 2. Whenever any cask or vessel of such oil or fluid will not bear the fire test of at least one hundred and twenty degrees Fahrenheit without ignition or explosion, the same shall be marked as aforesaid, and shall also be marked—UNSAFE FOR ILLUMINATING PURPOSES. And if any inspector shall knowingly put false marks upon any such casks or vessels of such oils or fluids inspected by him, he shall be punished by a fine of not exceeding five hundred dollars, or by imprisonment for the term of six months in the county jail.

What casks shall be marked unsafe for illuminating purposes.

Penalty if inspector knowingly affixes false marks.

SECT. 3. Every person and corporation engaged in manufacturing, in any city or town in this state, any such petroleum or coal oil or burning fluid, shall cause every cask or other vessel thereof to be inspected and marked as aforesaid, by a sworn inspector. And if any person, or the agent or the officer of any corporation,

Manufacturers required to cause inspection and casks, &c., to be marked.

CHAP. 128.

Remedy for
neglect of such
inspection and
marking.

shall manufacture and sell within this state any such oil or burning fluid, without first causing it to be inspected and marked as aforesaid, or that has been so inspected and marked as unsafe for illuminating purposes, he shall be punished by a fine of not exceeding five hundred dollars, or by imprisonment six months in the county jail.

Penalty for
making sale
without inspec-
tion and
marking.

SECT. 4. No person shall sell any such oil or burning fluid without first causing each cask or vessel of the same to be duly inspected and marked as aforesaid, unless it has already been so inspected and marked in this state or elsewhere; and if any person shall sell such oil or burning fluid that has not been so inspected and marked, or that has been so inspected and has been marked as unsafe for illuminating purposes, he shall be punished by a fine of not exceeding five hundred dollars, or by imprisonment in the county jail six months.

Prosecutions
by indictment.

SECT. 5. All prosecutions under the second, third and fourth sections of this act shall be by indictment.

Right and duty
of selectmen of
towns and of
mayor, alder-
men and police
of cities.

SECT. 6. The selectmen of towns, and the mayor, aldermen and police of cities, or any one of them, shall have the right at all times to examine all such oils and fluids kept in their respective cities and towns for sale, and to cause the same to be inspected and tested; and it shall be their duty to do so in all cases where they are informed or believe such oils or fluids are kept for sale in violation of law; and whenever they shall find any person keeping or selling any such oil or fluid in violation of the provisions of this act, it shall be their duty to cause such persons to be prosecuted therefor.

SECT. 7. This act shall take effect on and after the first day of June, eighteen hundred and sixty-seven.

Approved March 1, 1867.

Chapter 128.

An act to provide for the restoration of the records of the court of probate for the county of Cumberland.

WHEREAS, the records and files of the probate court for Cumberland county were wholly destroyed by the calamitous fire in the city of Portland, on the fourth day of July last,

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:

Original letters
of administra-
tion or guar-
dianship or any
licenses, &c.,

SECT. 1. Executors, administrators, guardians, assignees and testamentary trustees, or their representatives, having in their possession any original letters of administration or guardianship, or any licenses or other papers, issued under the probate laws from