

# MAINE STATE LEGISLATURE

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# REPORT

OF THE

## COMMISSIONERS

APPOINTED TO

# REVISE THE PUBLIC LAWS

OF THE

## STATE OF MAINE.

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TITLE III.  
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AUGUSTA:  
STEVENS & BLAINE, PRINTERS TO THE STATE.

1855.

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# TITLE THIRD.

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## REGULATIONS CONNECTED WITH TRADE.

- Chap.* 32. Principal, factors and agents.  
33. Notaries public, protests, days of grace, and demand on notes and bills.  
34. Limited partnerships.  
35. Auctions and auctioneers.  
36. Pawn brokers and intelligence offices.  
37. Pilots and ship owners, wrecks and shipwrecked goods, lighters and harbors.  
38. Assayers of ores and metals.  
39. Inspection and sale of agricultural productions.  
40. Inspection and sale of manufactured articles.  
41. Fish and the fisheries.  
42. Survey and sale of wood, bark, coal, hoops, staves, and lumber.  
43. Timber upon rivers, streams, and adjacent lands.  
44. Weights and measures.  
45. Hawkers and peddlers.  
46. Usury.
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## Chapter 32.

### PRINCIPAL, FACTORS AND AGENTS.

- Sect.* 1. How far shipper, factor or agent shall be considered the owner of goods under their control.  
2. Not to extend to antecedent demands against the agent.  
3. Rights of the true owner in such cases.

SECTION 1. Every person, in whose name any merchandise shall be shipped, every factor or agent, entrusted with the possession of any bill of lading, custom house permit, or ware house keeper's receipt, for the delivery of any such merchandise, and every such factor or agent, not having the documentary evidence of title, who shall be entrusted with the possession of any merchandise for the purpose of sale, or as a security for any advances to be made thereon, shall be deemed to be the

9 true owner thereof, so far as to give validity to any lien or con-  
 10 tract, made by such shipper or agent, with any other person,  
 11 for the sale or disposition of the whole, or any part of such  
 12 merchandise, any money advanced, or negotiable instrument, or  
 13 other obligation in writing, given by such person upon the faith  
 14 thereof. R. S., c. 43, § 1, 2.

SECT. 2. Every person, who shall take such merchandise in  
 2 deposit from such agent, as security for any antecedent demand,  
 3 shall not acquire thereby or enforce any right or interest in  
 4 the same, other than might have been enforced by such agent,  
 5 at the time of such deposit. R. S., c. 43, § 3.

SECT. 3. But the true owner of any such merchandise, upon  
 2 re-payment of the money so advanced, restoration of the security  
 3 so given, or satisfaction of all legal liens, may demand and  
 4 receive his property, or recover the balance remaining as the  
 5 produce of the legal sale thereof, after deducting all proper  
 6 claims and expenses thereon. R. S., c. 43, § 4.

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## Chapter 33.

### NOTARIES PUBLIC, PROTESTS, DAYS OF GRACE, AND DEMAND ON NOTES AND BILLS.

#### NOTARIES PUBLIC AND PROTESTS.

##### *Sect. 1.* Notary's seal.

2. His duty as to protests of losses by sea or land, and record and copies thereof.
3. Also, as to demand and notice on negotiable notes and bills, and in other respects, and record thereof.
4. Copies and certificates under his seal shall be legal evidence of all facts therein stated.
5. When his office is vacated, his records to be deposited with the clerk of the courts.
6. Penalty for destroying, defacing or concealing such records.
7. Duties of clerks relating thereto, and their fees.
8. Fees for protest of notes or bills, and appropriation of penalties.

#### DAYS OF GRACE.

9. Days of grace on notes and bills, and changes thereof on account of Sunday, fast, thanksgiving, fourth of July, and Christmas.

#### DEMAND.

10. Demand on note payable at time and place certain.

*Notaries Public and protests.*

SECT. 1. Every notary public shall constantly keep a seal of  
2 office, whereon shall be engraven his name, and the words  
3 “notary public” and “Maine,” with the arms of the state, or  
4 such other device as he may choose. R. S., c. 44, § 3.

SECT. 2. It shall be his duty, when requested, to enter on  
2 record all losses or damages, sustained, or apprehended, by sea  
3 or land, and also all averages, and such other matters, as, by  
4 mercantile usage, appertain to his office; and grant warrants o.  
5 survey on vessels; and all facts, extracts from documents, and  
6 circumstances, so noted, shall be signed and sworn to, by all  
7 the persons appearing to protest; and he shall note, extend and  
8 record the protest so made; and shall grant authenticated copies  
9 thereof, under his signature and notarial seal, to those who  
10 request and pay for the same. R. S., c. 44, § 4, 5.

SECT. 3. He may also, in behalf of any person interested,  
2 present any bill of exchange, or other negotiable paper, for  
3 acceptance or payment, to any party who may be liable there-  
4 for; notify all endorsers, or other parties, to such bill or paper;  
5 record and certify all contracts, usually recorded or certified  
6 by such notaries; take depositions in the same manner that any  
7 justice of the peace and quorum may legally do; certify country  
8 products, and, in general, do all acts to be done by notaries  
9 public by the usages of merchants, and authorized by the laws  
10 of the state; and shall record at length in a book of records, all  
11 acts, protests, depositions, and other things, by him noted or  
12 done in his official capacity. R. S., c. 44, § 5, 6.

SECT. 4. And all copies or certificates by him granted, shall  
2 be under his hand and notarial seal, and shall be received as  
3 legal evidence of such transaction, and of all the facts therein  
4 contained, in all courts in this state. R. S., c. 44, § 6, 12.

SECT. 5. On the resignation, or removal from office, of any  
2 notary public, his records shall be deposited with the clerk of  
3 the judicial courts in the county, for which he was appointed;  
4 and by a neglect for three months to comply with the above  
5 requisition, on his part, or if he be deceased, on the part of his  
6 executor or administrator, for three months after the acceptance

7 of his trust, either shall forfeit not less than fifty, or more than  
8 five hundred dollars. R. S., c. 44, § 7, 8, 11.

SECT. 6. If any person shall knowingly destroy, deface, or  
2 conceal any such records, he shall forfeit and pay not less than  
3 two hundred, nor more than one thousand dollars, and shall be  
4 liable for damages to any person injured, in an action on the  
5 case. R. S., c. 44, § 9.

SECT. 7. It shall be the duty of all clerks to receive and  
2 safely keep all such records and papers, lodged in their respective  
3 offices, and to give attested copies of the same; for which they  
4 shall be allowed the same fees, as are allowed to a notary; and  
5 such copies shall be as valid, as if they were certified by said  
6 notaries. R. S., c. 44, § 10.

SECT. 8. For each protest of a bill or note, notifying parties,  
2 making his certificate thereof in due form, and recording his  
3 proceedings, a notary public shall be entitled to one dollar and  
4 fifty cents, and no more; and all penalties herein provided shall  
5 accrue half to the state and half to the person suing therefor.

#### *Days of grace.*

SECT. 9. Whenever any promissory note, inland bill of ex-  
2 change, draft or order for the payment of money, payable at a  
3 future day, or at sight, and not on demand, shall become payable  
4 in this state, the maker of any such note and the acceptor of  
5 any such bill of exchange, respectively, shall be entitled to a  
6 grace of three days, unless the third day happens to be on the  
7 Lord's day, a day of public fast or thanksgiving, appointed by  
8 the governor and council, the fourth day of July, or Christ-  
9 mas; in which excepted cases a grace of only two days shall  
10 be allowed. If the fourth day of July or Christmas should  
11 happen to be Monday, and the third day of grace on any such  
12 note, bill or draft, should happen on the same day; or if the  
13 fourth day of July, or Christmas, should happen on Saturday,  
14 and the following Sunday should be the third day of grace, an  
15 additional day of grace shall be allowed on such note, bill or  
16 draft. R. S., c. 44, § 13, 14. 1852, c. 249. 1855, c. 113.

#### *Demand.*

SECT. 10. In any action on a promissory note payable at a  
2 place certain, either on demand, or on demand at or after a time

3 specified therein, the plaintiff shall not be entitled to recover,  
 4 unless he shall prove a demand, made at the place of payment,  
 5 prior to the commencement of the suit. 1846, c. 218.

## Chapter 34.

### LIMITED PARTNERSHIPS.

- Sect.* 1. To what kinds of business applicable and of what persons to be composed.  
 2. Certificate to be signed, and the particulars to be therein stated.  
 3. Certificate to be acknowledged and recorded, and where.  
 4. Liability for any misstatement therein.  
 5. Publication of such partnership, and mode of renewing it.  
 6. Special partners not to be named, or to act.  
 7. Capital not to be reduced below the amount stated in the certificate, and liability of partners to refund moneys withdrawn or divided.  
 8. General assignment by such partnership not valid, unless it provide for pro rata distribution among all creditors.  
 9. Assent of creditors thereto presumed, and publication of notice thereof.  
 10. In whose names suits, by and against such partnership, may be brought.  
 11. Voluntary dissolution within the time specified and notice thereof.  
 12. In cases not otherwise provided for herein, limited partners to be same as general. Equity jurisdiction of the court under this chapter.

SECT. 1. Limited partnerships, for the transaction of mercan-  
 2 tile, mechanical, or manufacturing business, but not for banking  
 3 or insurance, may be formed upon the following conditions and  
 4 liabilities, to consist of one or more persons, who shall be called  
 5 general partners, and who shall be jointly and severally responsi-  
 6 ble, as general partners now are by law, and of one or more  
 7 persons, who shall contribute a specific sum in actual cash pay-  
 8 ment, as capital, to the common stock, who shall be called special  
 9 partners, and who shall not be liable for the debts of the part-  
 10 nership, beyond the sum so contributed by each to such capital.

R. S., c. 45, § 1, 2.

SECT. 2. Persons forming such a partnership shall sign a  
 2 certificate, which shall contain the following particulars:

*First*—The name of the firm, under which such partnership  
 4 shall be conducted.

*Secondly*—The name and place of residence of each one of the general and each one of the special partners.

*Thirdly*—The general nature of the business to be transacted, and the amount of capital, which each one of the special partners has contributed.

*Fourthly*—The time when the partnership shall commence, and when it shall cease. R. S., c. 45, § 3.

SECT. 3. Such partnership shall not be considered as formed, until such certificate shall have been acknowledged by all the partners, before a justice of the peace, and recorded in the registry of deeds for each county or district, where such partnership shall have an established place of business, in a book to be kept for that purpose, open to public inspection.

R. S., c. 45, § 4, 5.

SECT. 4. If any statement shall be made in such certificate, which may mislead third persons, or be intentionally false, all the persons interested in such partnership shall be liable for all the engagements thereof, as general partners, to any person so deceived or injured.

R. S., c. 45, § 6.

SECT. 5. After such registry, the partners shall cause a copy of the certificate above mentioned to be published in a newspaper, printed in the county, in which the principal place of business is situated; and if there is no such paper printed in that county, then one printed in an adjoining county, or in the state paper, for six weeks successively, the first publication to be made within twenty days thereafter; and if not so published, or if upon every renewal or continuance of such partnership, beyond the time originally fixed for its duration, a certificate shall not be made, signed, acknowledged, recorded and published in the manner required at the original formation of such partnership, the same shall be deemed a general one.

R. S., c. 45, § 7, 8, 9.

SECT. 6. The business of the partnership shall be conducted under a firm, in which no names shall be used, but those of the general partners, without the word "company" or any other general term; and the general partners, only, shall transact business; and if the name of any special partner shall be used

6 in the firm, with his consent and privity, or if he shall make  
7 any contract respecting the concerns of the partnership with  
8 any person, except the general partners, he shall be deemed and  
9 treated as a general partner, as to such contract.

R. S., c. 45, § 10, 11.

SECT. 7. During the continuance of any such partnership, no  
2 part of the capital stock shall be withdrawn therefrom, nor any  
3 division of interest or profits be made, so as to reduce such  
4 capital stock below the sum stated in the certificate above men-  
5 tioned; and if, during the continuance, or at the termination, of  
6 the partnership, the property shall not be sufficient to pay the  
7 partnership debts, then the special partners shall be severally  
8 answerable for all sums by them in any way received, withdrawn  
9 or divided, with interest thereon from the time they were so  
10 respectively withdrawn, notwithstanding the provision in sec-  
11 tion ten.

R. S., c. 45, § 12, 13.

SECT. 8. No general assignment by such partnership, in view  
2 of insolvency, or where their property is insufficient to pay their  
3 debts, shall be valid, unless it shall provide for a distribution of  
4 the partnership property among all the creditors, in proportion  
5 to the amount of their several claims, excepting the claims of  
6 the government of the United States, arising from bonds given  
7 for duties, which are first to be paid.

R. S., c. 45, § 14.

SECT. 9. The assent of the creditors to such an assignment  
2 shall be presumed, unless they, either expressly, or by some act  
3 inconsistent with such assent, shall dissent therefrom within  
4 sixty days from the time of notice; and no such assignment shall  
5 be valid, unless notice thereof shall be given in some newspaper,  
6 printed in the county where the place of business of the assign-  
7 ors is situated, and if there is none printed in such county, then  
8 in some one in an adjoining county, or in the state paper,  
9 within fourteen days after making such assignment.

R. S., c. 45, § 15.

SECT. 10. All suits, respecting the business of such partner-  
2 ship, shall be commenced and prosecuted by and against the  
3 general partners only, except in those cases, in which provision  
4 is herein before made, that special partners shall be deemed  
5 general partners, and special partnerships, general partnerships;

6 in which cases, all the partners, deemed general partners, may  
7 join or be joined in such suits. R. S., c. 45, § 16.

SECT. 11. No voluntary dissolution of such partnership shall  
2 take place, before the time specified in the certificate before  
3 named, unless a notice of such dissolution be recorded in each  
4 registry, in which the original certificate, or certificate of  
5 renewal or continuance, was recorded, and published in such  
6 paper, as is directed in the fifth section. R. S., c. 45, § 17.

SECT. 12. In all cases, not otherwise provided for herein, the  
2 members of limited partnerships shall be subject to the same  
3 legal liabilities, and entitled to all the legal immunities, which  
4 are incident to general partnerships; and the supreme judicial  
5 court may hear and determine, in equity, all questions between  
6 co-partners, in any partnership, formed by virtue of this chapter,  
7 and between said co-partners and any creditors of the firm.

R. S., c. 45, § 18.

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## Chapter 35.

### AUCTIONS AND AUCTIONEERS.

- Sect. 1.* Municipal officers to license auctioneers and keep a record thereof.
2. Appeal to county commissioners in case of refusal.
  3. Auctioneers to keep particular account of all goods sold, and pay to town a per cent. on goods voluntarily sold for benefit of non-residents, under penalty.
  4. Penalty for allowing any one not a legal voter in the town, to act under him in sales.
  5. Penalty for knowingly receiving goods of minors or servants, and for selling his own before sunrise and after sunset.
  6. Real estate lying in two towns may be sold by auctioneer of either. Penalty for selling beyond or without license.
  7. Penalty for knowingly permitting any person to sell goods, contrary to law, in any building or appurtenances.
  8. Exceptions as to sales by sheriffs and other officers.
  9. Fines, how recovered and appropriated, and duty of sheriffs and other officers to prosecute therefor.

SECT. 1. The municipal officers of any town, may license any  
2 suitable inhabitants of the county in which such town may be  
3 situated, by a writing under their hands, to be auctioneers there-

4 in, and in any other town in said county, where there is no  
5 licensed auctioneer, for one year; and shall record every such  
6 license in a book, kept by them for that purpose.

1843, c. 24. R. S., c. 46, § 1, 2.

SECT. 2. If such officers shall unreasonably refuse or neglect,  
2 after application made in writing to them, by any person desirous  
3 of obtaining such license, such applicant, after having given  
4 them ten days notice, may apply to the county commissioners,  
5 who are hereby authorized, after a hearing of the parties, to  
6 grant such license, if they judge it reasonable; provided such  
7 applicant shall give bond to such officers to pay all costs arising  
8 in consequence of such application to the commissioners.

R. S., c. 46, § 3.

SECT. 3. Every person, licensed as aforesaid, shall keep a  
2 fair and particular account of all goods and chattels by him  
3 sold, stating of whom they were received, and to whom the same  
4 were sold; and if said goods are sold voluntarily, for the benefit  
5 of parties residing out of the state, he shall deduct two and a  
6 half per cent. from the gross amount of the sales, for the use of  
7 the town, where the sale is made, and pay the same to the  
8 treasurer thereof, within ten days after the sale; and, in default  
9 thereof, he shall be liable to a fine of not less than fifty, or more  
10 than three hundred dollars, and shall forfeit his license.

R. S., c. 46, § 5. 1853, c. 23, § 3.

SECT. 4. No auctioneer shall allow any person, who is not a  
2 legal voter in the town, from which he received his license, to  
3 act for or under him in any sales by public auction, under  
4 penalty of fifty dollars for each offense; and any such person, so  
5 acting, shall be subject to the same penalty.

1853, c. 23, § 1, 2.

SECT. 5. If any person duly licensed, as aforesaid, shall  
2 receive any goods for sale at public auction, of any servant or  
3 minor, knowing him to be such, or shall sell any of his own  
4 goods before sunrise, or after sunset, at public auction, he shall  
5 forfeit a sum not less than fifty dollars, nor more than one hun-  
6 dred and seventy dollars, for each offense. R. S., c. 46, § 4.

SECT. 6. Any parcel of real estate lying partly in one town,  
2 and partly in another, may be sold by an auctioneer of either;

3 but if any auctioneer, licensed as aforesaid, shall sell, or offer  
 4 to sell any real or personal property, at public auction, in any  
 5 other towns than those authorized by his license, or if any per-  
 6 son shall sell without a license, he shall forfeit not exceeding  
 7 six hundred dollars. R. S. c. 46, § 8, 9.

SECT. 7. If the tenant or occupant of any building, having  
 2 actual possession and control of the same, shall knowingly  
 3 permit any person to sell any goods or chattels at public auc-  
 4 tion contrary to any of the provisions of this chapter, in such  
 5 building, or in any apartment or yard appurtenant to the same,  
 6 he shall forfeit not exceeding six hundred nor less than one  
 7 hundred dollars. R. S., c. 46, § 10.

SECT. 8. Nothing in any of the preceding sections shall  
 2 extend to sales made by sheriffs, deputy sheriffs, coroners, con-  
 3 stables or collectors of taxes, executors or administrators, or any  
 4 other person, who may be authorized to sell goods, chattels or  
 5 lands by order of any court or judge of probate.

R. S., c. 46, § 6.

SECT. 9. All fines imposed by this chapter may be recovered  
 2 by indictment or action of debt in any court proper to try the  
 3 same; and it shall be the especial duty of all city marshals or  
 4 their deputies, all sheriffs, constables and police officers, to make  
 5 immediate complaint for every offense against the provisions  
 6 hereof; and one half of all fines shall be for the use of the  
 7 complainant, and the other half for the use of the town where  
 8 the offense is committed. 1853, c. 23, § 4.

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## Chapter 36.

### PAWNBROKERS AND INTELLIGENCE OFFICES.

#### PAWNBROKERS.

- Sect.* 1. License and removal of pawnbrokers, and penalty for acting without license.  
 2. To keep an accurate and particular account of all business done, under a penalty.  
 3. Rate of interest fixed at twenty-five per cent. on loan of twenty-five dollars,  
 and six on larger.  
 4. Time and mode of selling pawned property, and notice thereof, fixed under a  
 penalty.  
 5. Penalty for not paying over proceeds of sale, after deducting amount due on loan.

## INTELLIGENCE OFFICES.

Sect. 6. Municipal officers may license intelligence offices. Penalty for keeping such office without license.

7. Penalties, how recovered and appropriated.

*Pawnbrokers.*

SECT. 1. The municipal officers of any town may grant licenses 2 to persons of good moral character to be pawnbrokers therein, for 3 one year, unless sooner removed, by said officers, for a violation 4 of law regulating their business; and no person shall carry on 5 said business without such license, under a penalty not exceed- 6 ing one hundred dollars. 1855, c. 152, § 1, 2.

SECT. 2. Every pawnbroker shall keep a book, in which he 2 shall enter the date, duration, amount and rate of interest 3 of every loan made by him; an accurate account and description 4 of the property pawned, and the name and residence of the 5 pawner, and, at the same time, deliver to said pawner a written 6 memorandum, signed by him, containing the substance of the 7 above entry, and, at all reasonable times, submit said book to 8 the inspection of any of the officers aforesaid; and for every 9 violation of this section he shall forfeit twenty dollars.

1855, c. 152, § 3, 4.

SECT. 3. No pawnbroker shall, directly or indirectly, receive 2 any rate of interest greater than twenty-five per cent. a year, 3 on a loan not exceeding twenty-five dollars, or than six per 4 cent. on a larger loan, made upon property pawned, under a 5 penalty of one hundred dollars for each offense.

1855, c. 152, § 5.

SECT. 4. No pawnbroker shall sell any property pawned, 2 until the same has remained in his possession three months 3 after the expiration of the time for which it was pawned; and all 4 such sales shall be at public auction, by a licensed auctioneer, 5 and after notice of the time and place of sale, the name of the 6 auctioneer, and a description of the property to be sold shall be 7 published, in a newspaper, in the town where the property is 8 pawned, if any, and if not, posted in two public places in the 9 same, at least two weeks before the sale; and all sales of such 10 property otherwise made shall be wholly void, and the pawn-

11 broker, undertaking to make the same, shall forfeit twenty  
12 dollars for every such offense. 1855, c. 152, § 6, 7.

SECT. 5. After deducting, from the proceeds of any sale as  
2 aforesaid, the amount of the loan, the interest then due, and the  
3 proportional part of the expenses of sale, such pawnbroker shall  
4 pay the balance to the person entitled to redeem such property,  
5 if no sale had been made, and if not so paid on demand he shall  
6 forfeit double the amount so retained, in an action of debt, to  
7 the person entitled to receive the same. 1855, c. 152, § 8.

### *Intelligence offices.*

SECT. 6. The municipal officers of any town may, upon pay-  
2 ment of one dollar each, grant licenses to suitable persons, for one  
3 year, unless sooner revoked, after notice and for cause, to keep  
4 offices, for the purpose of obtaining employment for domestics,  
5 servants or other laborers, except seamen, or of giving informa-  
6 tion relating to the same, or of doing the usual business of  
7 intelligence offices; and no person shall keep such an office,  
8 without being so licensed, under a penalty not exceeding fifty  
9 dollars for every day it shall be so kept.

1854, c. 105, § 1, 2.

SECT. 7. The penalties, provided in this chapter, may be  
2 recovered by complaint, indictment or action of debt, in any  
3 court of competent jurisdiction, for the use of the state.

1854, c. 105, § 1. 1855, c. 152, § 2, 4, 5, 7.

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## **Chapter 37.**

### **PILOTS, SHIP-OWNERS, WRECKS AND SHIPWRECKED GOODS, LIGHTERS AND HARBORS.**

#### **PILOTS.**

*Sect. 1.* Appointment, oath and bond of pilots.

2. Their duty to pilot inward and outward bound vessels, but master may hazard the pilotage of his own vessel.
3. Governor and council to fix their fees, and hear complaints against them, and suspend or remove.
4. Liable for all damage to vessels caused by their fault.

## SHIP-OWNERS.

- Sect. 5. Ship-owners' liability to freighters for acts of master and crew, payment to same pro rata, and equity power of court therefor.
6. Charterer deemed the owner, and responsible to the real owner.

## WRECKS AND SHIPWRECKED GOODS.

7. Appointment, oath and bond of commissioners of wrecks and the remedy on said bonds.
8. Their powers and duties.
9. Penalty for disobeying order of commissioner, and how recovered and appropriated.
10. All property to be inventoried and delivered to owner, on payment of fees and expenses.
11. Commissioner to decide compensation of other persons.
12. Appeal to judge of probate allowed in certain cases, and his power to decide and enforce his decision.
13. Penalty for intermeddling with such property after arrival of commissioner without authority.
14. Commissioner to publish all the particulars of the wreck under a penalty.
15. When property may be sold to pay custom-house duties, and to prevent its perishing, and notice of sale.
16. Property to be accounted for to the state treasurer, after one year, and liability for neglect to do so.
17. Treasurer to allow commissioner just compensation, and how ascertained.

## LIGHTERS AND HARBORS.

18. Lighters, carrying stone, sand or gravel, shall be marked, and marks inspected and renewed yearly.
19. Penalty for using lighters without marks, or falsely marking them.
20. Municipal officers annually to appoint inspectors, and regulate their fees.
21. When capacity of lighters has been altered, they shall be inspected and marked anew.
22. Penalty for throwing ballast into any road, port or harbor, and for taking it from land without consent of owner, and how recovered and appropriated.

*Pilots.*

SECT. 1. The governor, with advice of council, may appoint  
 2 pilots for any port, in which a majority of the ship-owners and  
 3 masters apply, in writing, therefor, and recommend suitable  
 4 persons; and give to each of them branches or warrants for the  
 5 execution of the duties of their office; and they shall, before  
 6 entering upon the same, be duly sworn, and give bond, to the  
 7 treasurer of state, in the sum of five thousand dollars, for the  
 8 faithful performance thereof. R. S., c. 47, § 1, 2.

SECT. 2. Such pilots are authorized and directed to take charge  
 2 of all vessels, drawing nine feet of water and upwards, bound  
 3 into, and of all such vessels, except coasting and fishing vessels,

4 bound to sea out of any of said ports, and shall pilot the same  
 5 into or out of the port assigned them, first showing to the master  
 6 thereof his branch and informing him of his fees; but any  
 7 master may hazard the pilotage of his own vessel, without being  
 8 subject to pay therefor. R. S., c. 47, § 3, 6.

SECT. 3. The governor and council may fix the fees of pilot-  
 2 age; specify the same in the warrant of each pilot; transmit  
 3 to each collector of customs, in said ports, a schedule thereof,  
 4 to be hung up by him for public inspection; and are empowered  
 5 to hear and determine all complaints against such pilots for  
 6 misconduct, and may suspend, or remove them and appoint  
 7 others in their room. R. S., c. 47, § 4, 7.

SECT. 4. If any vessel, while under the charge of such pilot,  
 2 shall be lost, run aground or cast away, through his fault, he  
 3 shall be liable to pay to the owner or insurer a just compensa-  
 4 tion for any damage thereby sustained. R. S., c. 47, § 5.

#### *Ship-owners.*

SECT. 5. No ship-owner shall be answerable, beyond the  
 2 amount of his interest in the vessel and freight, for any embez-  
 3 zlement, loss or destruction, by the master and mariners, of any  
 4 property put on board of such vessel; nor for any act of theirs  
 5 without his privity or knowledge; but if several owners of  
 6 property, on the same voyage, shall suffer damage as aforesaid,  
 7 and the whole vessel and her freight, for the voyage, shall not  
 8 be sufficient to compensate each of them, they shall receive  
 9 compensation from the owner of the vessel in proportion to their  
 10 respective losses, and for that purpose they and the owner of  
 11 the vessel, or any of them, may prosecute a bill in equity, for  
 12 discovery and payment of the sum, for which said owner may  
 13 be liable, to the parties entitled thereto. R. S., c. 47, § 8, 9.

SECT. 6. For the purposes of the preceding section, the char-  
 2 terer of any vessel, navigating the same at his own expense,  
 3 shall be deemed the owner; and if any loss shall happen to any  
 4 person from the causes therein mentioned, and the same shall  
 5 be compensated from the freight or vessel, the owner thereof  
 6 may recover the amount from the charterer.

R. S., c. 47, § 10.

*Wrecks and Shipwrecked Goods.*

SECT. 7. The governor, with advice of council, may appoint  
2 in counties, where needed, commissioners of wrecks and ship-  
3 wrecked goods, removable at pleasure; each to be duly sworn,  
4 and to give bond, to the judge of probate for his county, for the  
5 faithful discharge of his duties; and any person interested may  
6 have the same remedy for the breach of such bond as is given  
7 on administrators' bonds. R. S., c. 49, § 1, 2.

SECT. 8. Every such commissioner, immediately, on receiv-  
2 ing information of any shipwreck, or of finding any shipwrecked  
3 property of any kind, to the amount of one hundred dollars, on  
4 any of the shores or waters within his county, shall repair to  
5 the place where the said property may be found, and, in case  
6 the same shall not be in the custody of any owner or agent, he  
7 shall take charge thereof, and shall secure and preserve the  
8 same for the owner. R. S., c. 49, § 3.

SECT. 9. The commissioner in such case may employ as many  
2 persons, as he shall think necessary, to assist in preserving the  
3 property; appoint guards to receive the same; suppress all  
4 tumults and disorders; and if any person shall disobey any  
5 lawful order of the commissioner, he shall forfeit, for each  
6 offense, a sum not exceeding ten dollars, to be recovered in an  
7 action on the case, in the name of the commissioner, to the use  
8 of the town. R. S., c. 49, § 4.

SECT. 10. The commissioner shall, on every such occasion,  
2 take an inventory of all the property, that shall come to his  
3 possession; and, when required by any person interested, make  
4 oath to its truth; and shall deliver a copy thereof, if required,  
5 together with all the said property, to the person lawfully  
6 authorized to receive it; provided there shall be first paid, or  
7 secured to him, a reasonable compensation for his services, and  
8 such custom-house duties and other charges, if any, as he shall  
9 have paid, or become liable to pay, on account of the property  
10 in question. R. S., c. 49, § 5.

SECT. 11. No person interested in any such property shall  
2 be held to pay to any person, other than a commissioner, any  
3 compensation for services or expenses in taking or securing the

4 property, unless it be for property taken or secured before the  
5 arrival of the commissioner: in which case the commissioner  
6 shall, upon due hearing of all parties interested, determine the  
7 amount of compensation, by his award in writing; which shall  
8 be final, unless the sum awarded to any party shall exceed fifty  
9 dollars. R. S., c. 49, § 6.

SECT. 12. If the commissioner and the party interested disa-  
2 gree respecting the charges of the commissioner, or if the award  
3 aforesaid exceed fifty dollars, any party aggrieved may appeal  
4 to the judge of probate for the county where the property is  
5 situated; who shall, either in vacation or term time, on due  
6 notice, decide the case in a summary manner, and issue, under  
7 the seal of the court, such process as may be necessary to carry  
8 his decision into effect. R. S., c. 49, § 7.

SECT. 13. If any person, after the arrival of the commis-  
2 sioner, and without his direction or that of some person inter-  
3 ested, shall take, detain or intermeddle with any such property,  
4 he shall forfeit not exceeding one thousand dollars for each  
5 offense, to be recovered, in an action of debt, by the commis-  
6 sioner or any person interested, to his own use.

R. S., c. 49, § 8.

SECT. 14. The commissioner shall, as soon as practicable,  
2 publish all the facts and particulars of the shipwreck and of the  
3 property found, in such manner as shall be best for the infor-  
4 mation of all parties; and in case of neglect, shall forfeit fifty  
5 dollars to the interested party first suing therefor, in an action  
6 of debt.

R. S., c. 49, § 9.

SECT. 15. He may dispose of so much of the property by  
2 public auction, within thirty days after taking it, as may be  
3 necessary to pay the duties thereon to the custom-house; and  
4 whenever necessity requires it, may, in the same way, sell such  
5 as is perishable, giving reasonable public notice, and, if practi-  
6 cable, in a public newspaper.

R. S., c. 49, § 10, 11.

SECT. 16. If no person interested shall appear, within one  
2 year after such property shall have been taken into custody,  
3 and establish his claim thereto, the commissioner shall present,  
4 under oath, to the treasurer of the state, an inventory of the  
5 property; and if sold, an account of the sales with an account

6 of all moneys, paid by him as duties and expenses on the same;  
 7 and he shall pay and deliver to the treasurer the balance of  
 8 such accounts, with all the property remaining in his hands, for  
 9 the use of the state; and if he shall neglect to do so for sixty  
 10 days after the expiration of said year, the treasurer shall cause  
 11 a suit therefor to be commenced and prosecuted to final judg-  
 12 ment, for the use of the state. R. S., c. 49, § 12, 14.

SECT. 17. The treasurer may make to the commissioner, on  
 2 the settlement of his account as aforesaid, such compensation  
 3 for his services and expenses as shall be just; to be ascertained,  
 4 in case of disagreement between them, as provided in section  
 5 twelve. R. S., c. 49, § 13.

### *Lighters and Harbors.*

SECT. 18. Every boat or lighter, employed in carrying stones,  
 2 sand or gravel, shall be marked at light water mark, and at  
 3 least at five other places, with figures four, twelve, sixteen,  
 4 twenty-four, and thirty, legibly made on the stem and stern  
 5 post thereof; which figures shall express the weight such boat  
 6 or lighter is capable of carrying, when the lower part of the  
 7 respective numbers shall touch the water, in which it shall  
 8 float; and such marks shall be inspected yearly, and when found  
 9 illegible in whole or in part, they shall be renewed.

R. S., c. 48, § 1.

SECT. 19. The master or owner, who shall use, without such  
 2 marks; and any person, who shall falsely mark, any such boat  
 3 or lighter, shall forfeit fifty dollars to be recovered by any per-  
 4 son suing therefor in an action of debt. R. S., c. 48, § 2, 3.

SECT. 20. The municipal officers of every town, where boats  
 2 and lighters are employed for the purposes aforesaid, shall  
 3 annually appoint, in April or May, some suitable person to  
 4 examine and ascertain the capacities of all such boats and  
 5 lighters, and mark the same, as above prescribed, who shall be  
 6 duly sworn to perform such duties; and said officers shall estab-  
 7 lish and regulate the fees therefor. R. S., c. 48, § 4, 6.

SECT. 21. Whenever such inspector shall think that the  
 2 burden or capacity of any such boat or lighter has been altered  
 3 by repairs or otherwise, he shall forthwith ascertain the same  
 4 anew, and mark it accordingly. R. S., c. 48, § 5.

SECT. 22. No master of any vessel shall throw overboard any 2 ballast in any road, port or harbor, on penalty of sixty dollars; 3 and no person shall take any stone or other ballast from any 4 island, beach or other land, without consent of the owner, under 5 a penalty of not exceeding seven dollars for each offense; to be 6 recovered, in an action of debt, by any person suing therefor, 7 one half to his own use, and the other to the use of the town 8 where the offense is committed. R. S., c. 48, § 7, 8.

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## Chapter 38.

### ASSAYERS OF ORES AND METALS.

*Sect. 1. Assayers, their appointment, oath, duty and compensation.*

SECT. 1. The governor, with advice of council, may appoint 2 one or more suitable persons to be assayers; and they shall be duly 3 sworn, and shall assay such ores, metals and other substances, 4 requiring chemical analysis, as may be offered for that purpose, 5 and give a certificate thereof; for which they shall receive a 6 reasonable compensation from their employers.

1854, c. 79, § 1, 2.

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## Chapter 39.

### INSPECTION AND SALE OF AGRICULTURAL PRODUCTIONS, AND MARKING SHEEP.

#### BEEF AND PORK.

- Sect. 1. Appointment, removal, oath and bond of inspector general of beef and pork.*
2. He shall appoint deputies, and be liable for their misconduct, and they shall act in vacancy of his office.
  3. Deputies to be sworn and give bond to their principal.
  4. They shall not be concerned in the beef and pork business under a penalty.
  5. General duties of inspectors—must act within twenty-four hours.
  6. Not obliged to act till all charges paid or secured.
  7. Beef and pork to be packed in barrels and half barrels.
  8. The age of beef cattle, and how cut up.
  9. How to be assorted and branded. Mess beef, number one, prime, cargo, hearts and checks.

- Sect.* 10. May by request be packed and branded extra mess and navy mess.
11. Mode of salting beef.
  12. The round, neck and chines may be reserved for jerking, smoking or other purposes. "Light salted" beef and pork may be packed by giving bond to inspector to save him harmless.
  13. Pork for exportation divided into seven sorts. What constitutes extra clear, clear, bone middlings, navy mess, number one, primo, cargo.
  14. Pork heads and feet, and mess pork.
  15. Pork, how salted—barrels, how branded, and their contents and materials.
  16. Dimensions of beef barrels and half barrels.
  17. Also, of pork barrels and half barrels, and both kinds to be branded on bilge with manufacturer's name.
  18. The brand of the inspector and owner.
  19. Penalty for inspector branding packages not inspected by him, neglecting to perform his duty, or practising fraud in his office.
  20. Penalty for deputy inspecting out of his district, and for any other person fraudulently branding beef or pork.
  21. Penalty for not branding beef reserved for exportation, under section twelve—feet, ears, faces, and other prohibited pieces of pork, shall not be exported under the brand "refuse" or any other.
  22. Penalty for fraudulently mixing inspected beef and pork with uninspected.
  23. Penalty for transporting out of the state, or shipping, selling or offering for sale beef and pork not inspected according to law. Master of vessel to produce certificate from inspector and make oath to its truth before clearance.
  24. Penalty for shipping, exporting or having on board uninspected salt beef or pork.
  25. How the same may be seized.
  26. The officer seizing to libel the same forthwith, and forfeiture, how appropriated.
  27. Inspector general and deputies to make annual returns.
  28. Inspector general may administer oaths.
  29. By what scales beef and pork are to be weighed.
  30. Municipal officers may appoint weighers of beef under oath.
  31. Weigher's certificate.
  32. Penalty for purchasing dead beef cattle without weighing, unless agreed.
  33. Hides to be weighed and certified by inspector.
  34. Penalties, how recovered and appropriated.

## BUTTER AND LARD.

35. Appointment, removal, oath and bond of inspector of butter and lard.
36. He shall appoint and be answerable for deputies, who shall be sworn and give bond to the principal.
37. Butter and lard not to be exported beyond New York, without inspection. Mode of inspection.
38. Vessels of butter and lard, how branded.
39. Dimensions and materials of the vessels. To be filled with brine, and weighed and marked.
40. No butter or lard to be exported unless collector is furnished with a certificate.
41. Form of the certificate, and oath of master or owner.
42. Affidavit of master or owner as to the place of intended exportation.
43. Effect of inspection in another state.

- Sect.* 44. Penalty for unlawfully exporting or shipping butter and lard. Forfeiture and seizure of the same. Penalty for refusing to aid the officer in seizure.
45. Penalty for delay by inspector, for counterfeiting inspector's brand, and for taking out inspected butter and lard and putting in uninspected. Appropriation of penalties.
46. Inspectors and deputies to make annual returns.

## TOBACCO.

47. Appointment and oath of inspectors of tobacco.
48. How tobacco shall be inspected.
49. Same.
50. Mode of packing the same for exportation.
51. Casks to be weighed and marked by owner. Penalty for false mark.
52. Penalty for lading or receiving tobacco for unlawful exportation. Tobacco forfeited, and may be seized and libeled.
53. Penalty for neglect or fraud on part of inspector, and for branding tobacco not inspected by him, and for any other person branding tobacco, or shifting it after it is branded. Penalties, how recovered and appropriated.
54. Inspector's certificate to be produced before clearance.

## ONIONS.

55. Appointment and oath of weighers of onions. No onions in bunches to be exported unless they come up to a certain weight.
56. Onions offered for sale, not so weighed, forfeited, and may be libeled.

## FLAX SEED.

57. Appointment and oath of inspectors of flax seed. Mode of inspecting seed.
58. How it shall be branded. None to be exported without inspection.
59. Certificate to be produced before clearance.
60. Penalty for lading or receiving seed on board for exportation, without inspection; and seed forfeited, and may be seized and libeled.
61. Penalty for inspector neglecting his duties, or practising fraud, and for any person shifting the contents of inspected seed. Penalties, how recovered and appropriated.

## HOPS.

62. Appointment, oath and bond of inspector of hops. He shall appoint deputies, and be answerable for them. Their oath and bond.
63. What hops shall be deemed merchantable. Quality of the sacking.
64. Manner of inspecting and branding.
65. Certificate to be produced before clearance.
66. Form of oath for master or owner.
67. Penalty for attempting to export hops not inspected. The same forfeited, and may be seized. Penalty for refusing to aid officer in seizure. Proviso as to hops shipped coastwise.
68. Penalties for violations of law in relation to hops, and how recovered and appropriated.
69. Annual returns of inspectors and deputies.

## HAY.

70. How pressed hay, in bundles, shall be branded, and unless so branded, the same forfeited when offered for sale or shipping, and how appropriated.

Sect. 71. How bales may be secured with boards. Weighers not to buy hay except for their own use.

72. Penalty for master of vessel taking hay on board not branded, and how recovered and appropriated.

MEASURERS OF SALT, CORN AND GRAIN.

73. Appointment, oath and fees of measurers, and capacity of hogshead of salt. Measured by measurer, when buyer or seller request.

WEIGHT OF POTATOES, RUTA BAGAS, SUGAR BEETS, RYE AND INDIAN MEAL, OATS AND HAIR.

74. The standard weight of these articles fixed, the right of buyer or seller to have them so measured, penalty for refusing, and appropriation thereof.

BOUNTY ON SILK.

75. Treasurer of town to pay bounty on cocoons and silk raised therein, keep account thereof, and present the same to legislature for payment.

MARKING SHEEP.

76. Owners of sheep may have a distinctive mark therefor, and cause it to be recorded by town clerk. His fees therefor.

*Beef and Pork.*

SECT. 1. The governor, with advice of council, whenever a  
2 vacancy shall occur, shall appoint some skillful person to be  
3 inspector general of beef and pork, removable at pleasure; and  
4 he shall be sworn and give bond, with sufficient sureties, in the  
5 sum of four thousand dollars, to the treasurer of state, for the  
6 faithful discharge of his duties, before entering thereon.

R. S., c. 50, § 1, 2.

SECT. 2. The inspector general shall appoint one or more  
2 deputies, in every port in this state, whence beef and pork are  
3 exported, and a convenient number in the several counties;  
4 and shall be responsible for their neglect or misconduct, whilst  
5 acting under him; and whenever the office of inspector general  
6 shall become vacant, they may continue to discharge the duties  
7 of the office until a successor shall be appointed; and they shall  
8 be held accountable to the state.

R. S., c. 50, § 3, 4.

SECT. 3. Every such deputy shall be duly sworn, and give  
2 bond to the inspector general, with sureties to his satisfaction,  
3 for the faithful performance of his duty, in a sum not less than  
4 three hundred, nor more than one thousand dollars; and the  
5 bond shall be so expressed, as to enure to the use of the state,  
6 for such time as the deputy may exercise his duties, during a  
7 vacancy in the office of inspector general.

R. S., c. 50, § 5.

SECT. 4. No such inspector or deputy shall be concerned  
2 directly or indirectly in the beef or pork business, or in buying  
3 or selling it for barreling, so long as he shall hold such office.  
4 Any one violating the provisions of this section, shall forfeit  
5 twenty dollars, and forever after be disqualified from holding  
6 such office. 1855, c. 168, § 3.

SECT. 5. The inspector general, within the county where he  
2 resides, or his deputy, within the district for which he may be  
3 appointed, shall, as soon as may be, within twenty-four hours  
4 after request, attend at any suitable place, for the purpose of  
5 inspecting any quantity of beef or pork, or both, exceeding five  
6 barrels; and commence thereon, as soon as a convenient, strong  
7 and secure place shall have been provided by the party claim-  
8 ing such inspection, and the key thereof lodged with him; and it  
9 shall be his duty to keep the said key, until such beef or pork  
10 shall be packed or re-packed, salted, coopered and branded, or  
11 otherwise prepared for exportation, as provided in this chapter.

R. S., c. 50, § 6, 7.

SECT. 6. Such officer shall not be liable, for neglecting or  
2 refusing to commence upon any inspection or other service,  
3 before all the charges for inspecting, cutting, salting, coopering  
4 and branding such beef or pork shall either be paid, or satisfac-  
5 torily secured to him.

R. S., c. 50, § 8.

SECT. 7. Whenever said inspector or his deputy shall have  
2 inspected and assorted any beef or pork, as hereinafter directed,  
3 he shall, with the assistance, if necessary, of laborers and  
4 coopers in his employ, and for whose conduct he shall be  
5 responsible, cut, weigh, pack, salt and cooper, said beef and  
6 pork, in barrels or half barrels, as herein required.

R. S., c. 50, § 9.

SECT. 8. No beef shall be packed or re-packed in barrels or  
2 half barrels for exportation, unless it be of fat cattle, not under  
3 two years old; and all such beef shall be cut into pieces, as  
4 nearly square as may be, and of not more than eight, nor less  
5 than four pounds in weight, except where otherwise expressly  
6 provided.

R. S., c. 50, § 10.

SECT. 9. Excepting as provided in the tenth and twelfth sec-  
2 tions, all beef, which the inspector or his deputy shall, on

3 examination, find to have been killed at a proper age, and other-  
4 wise good and merchantable, shall be by him divided into five  
5 different sorts, for packing or re-packing; to be denominated  
6 and branded respectively, mess, number one, prime, cargo, and  
7 hearts and cheeks.

Mess beef shall consist of oxen, cows and steers, well fattened,  
9 of three years old and upwards, and weighing six hundred  
10 pounds and upwards; the shin, shoulder, clod and neck, shall  
11 be taken from the fore quarters, and the leg and the leg round  
12 from the hind quarters: and each barrel and half barrel, con-  
13 taining beef of this description, shall be branded on one of the  
14 heads with the words, *mess beef*.

Number one shall consist of oxen, cows, steers and heifers, not  
16 under three years old, and weighing not under four hundred  
17 pounds, and to average five hundred and twenty pounds without  
18 any necks or shanks. On one head of each barrel or half bar-  
19 rel, containing beef of this description, shall be branded, *No. 1*.

Prime beef shall consist of fat cattle of all descriptions, not  
21 before mentioned, of two years old and upwards, bulls excepted,  
22 with not more than half a neck and two shanks, and without any  
23 hocks; each barrel and half barrel of which shall be branded,  
24 *prime beef*.

Cargo beef shall consist of those parts of beef, which are ex-  
26 cluded from mess, number one, and prime, not including hearts  
27 and cheeks; and shall be packed and inspected by the inspector  
28 general or his deputy, in the same manner as *No. 1*, or prime,  
29 and shall be branded *cargo beef*; first taking from the parts  
30 excluded as aforesaid, namely, from the end of the neck, not  
31 less than four pounds, nor more than six, and from the shank  
32 and shin of each quarter, not less than four pounds, nor more  
33 than eight: which pieces, thus taken off, shall not be exported  
34 from this state.

The hearts and cheek pieces of beef may be inspected and  
36 packed, as aforesaid, and shall be branded, *hearts and cheeks*.

R. S., c. 50, § 11.

SECT. 10. The inspector or his deputy may also, at the re-  
2 quest of the owner or agent, inspect and pack the following  
3 descriptions of beef, viz:

Oxen of four years old and upwards, and weighing seven hundred pounds and upwards, excluding the same parts as for mess beef, to be branded *extra mess*; and

Choice pieces of oxen, steers, cows and heifers, of three years old and upwards, weighing four hundred pounds or more, and to average five hundred and fifty pounds, excluding the parts aforesaid, to be cut into pieces of as nearly ten pounds, as practicable, and to be branded *navy mess*. R. S., c. 50, § 12.

SECT. 11. Every barrel of beef shall be well salted, with seventy-five pounds of clean St. Ubes, Isle of May, Lisbon or Turk's Island salt, or eighty pounds of Liverpool salt, or other salt of equal quality, exclusive of a pickle made of fresh water, as strong as salt will make it; and to each barrel of mess, extra, or navy beef, shall be added not more than four, nor less than three ounces of saltpetre; and to each barrel of No. 1, prime and cargo beef, shall be added not more than three, nor less than two ounces; and for every half barrel of beef of the different kinds, one-half of the stated quantity of salt and saltpetre shall be used. R. S., c. 50, § 13.

SECT. 12. Any person, packing beef under the supervision of the inspector general or his deputy, may reserve for smoking, jerking or other purposes the round, being that part of the leg cut from the hind quarter, near to the edge bone, and the neck and chines of the fore quarter, cut as provided in the tenth section; and the beef, so reserved, shall be at the disposal of the owner either for consumption, or to export in hogsheads, or in any other mode of packing; and may put into each barrel of beef or pork a less quantity of salt than is provided in section eleven, and the same shall be branded "*light salted*;" but such person shall give a good and sufficient bond to the inspector or his deputy to save him harmless from all liabilities and costs in consequence of such light salting.

R. S., c. 40, § 14. 1855, c. 168, § 1.

SECT. 13. Excepting as provided in the next section, all pork, packed or re-packed in barrels or half barrels, for exportation, shall be divided into seven different sorts, to be denominated and branded, respectively, *extra clear*, *clear*, *bone middlings*, *navy mess*, *number one*, *prime and cargo pork*; and in all

6 cases the following parts shall be taken out, as refuse, viz: nose  
7 pieces or faces, ears, brains, tail, feet and lard.

The two kinds of clear pork shall consist of the best pieces of  
9 large, well fattened healthy hogs, weighing three hundred pounds  
10 or upwards, free from bones, or the lean part of the meat, ex-  
11 cepting the ends of the ribs and the brisket: and extra clear  
12 pork shall consist of such pieces, not less than three and a half  
13 inches thick, in the thickest part of such pieces, clear of lean;  
14 and the clear pork of such pieces, not less than two inches and  
15 a half thick, in the thickest part of such pieces, clear of lean.

Bone middlings shall consist of middling pieces taken from  
17 hogs, well fattened, weighing two hundred and thirty pounds and  
18 upwards.

Navy mess pork shall consist of all parts of the carcass, well  
20 fattened, weighing from one hundred and sixty pounds to two hun-  
21 dred and thirty pounds; except the head, fore and hind legs,  
22 the shoulder joint, lard, and refuse parts above mentioned.

Number one shall consist of all parts of hogs well fattened, aver-  
24 aging two hundred and twenty pounds or upwards, and each of  
25 which shall weigh not less than one hundred and eighty pounds,  
26 and to have no more heads, legs, shoulders or other coarse parts,  
27 than belong to one carcass, deducting the lard and refuse, as  
28 above.

Prime pork shall consist of all parts of one and a half hog,  
30 well fattened, which shall weigh two hundred pounds, deducting  
31 the lard and refuse, as above; and, if in half barrels, it shall  
32 consist of pig pork, all parts of one carcass or not, excluding the  
33 lard and refuse as above. In all cases, where the legs of pork  
34 are taken out for any other purpose, the weight shall not be  
35 made up of heads and shoulders, but with other parts of the  
36 carcass, not less valuable than the legs would be, if salted.

Cargo pork shall consist of the merchantable parts of whole-  
38 some pork of quality inferior to prime pork, and there shall not  
39 be more than the merchantable parts of two carcasses of pork in  
40 one barrel; except where any of the legs are taken out, the  
41 same number of shoulder pieces, and no more, may be added;  
42 the deficiency of weight to be made up in better parts of a car-  
43 cass of pork.

R. S., c. 50, § 15.

SECT. 14. Barrels or half barrels filled with *pork heads* or 2 *feet* shall be so branded; and the inspector general or his dep- 3 uty, at the request of the owner or agent, may inspect, cut, 4 weigh, pack, or repack, salt, cooper or brand pork of the follow- 5 ing description, which shall be branded *mess pork*; viz: every 6 part, except the heads, legs, shanks and lard of well fattened hogs 7 in good condition, weighing from two hundred to three hundred 8 pounds, and averaging two hundred and fifty pounds.

R. S., c. 50, § 16, 17.

SECT. 15. Every barrel of pork shall be well salted with 2 seventy pounds, and every half barrel with thirty-five pounds, 3 of clean coarse salt, exclusive of a strong pickle, except as pro- 4 vided in section twelve; shall be branded on one of the heads 5 with the quality of the pork it contains; and each barrel for 6 exportation shall contain two hundred pounds; and each half 7 barrel one hundred pounds: and shall be made of good, seasoned, 8 rift, white oak, white ash, or maple staves and heading, free 9 from any defect.

R. S., c. 50, § 18, 19.

SECT. 16. The beef barrels shall measure not less than six- 2 teen or more than sixteen and a half inches, between the chimes; 3 and be not less than twenty-eight, nor more than twenty-eight 4 and a half inches long, to be covered, three-fourths of the length, 5 with good oak, ash, elm, leverwood or walnut hoops, leaving one- 6 fourth in the centre; the heads and staves to be of a proper 7 thickness; the hoops to be well set, and drove together.

The half barrels shall contain not less than fifteen, nor more 9 than fifteen and a half gallons, to be hooped in the same manner 10 as barrels.

R. S., c. 50, § 20.

SECT. 17. The pork barrels shall measure seventeen inches 2 and one-quarter between the chimes, and contain not less than 3 thirty-one gallons, nor more than thirty-one gallons and one- 4 half; and be hooped in the same manner, as beef barrels; and 5 all the beef and pork barrels and half barrels aforesaid shall be 6 branded on the bilge with the manufacturer's name.

R. S., c. 50, § 21, 22.

SECT. 18. Every barrel and half barrel of pork and beef, 2 packed or re-packed for exportation, shall be branded with the 3 initials of the christian, and the whole of the surname of the

4 inspector, who shall have inspected the same, with the name of  
 5 the town where, and the month and year, in full, or intelligibly  
 6 abridged, in which inspected, and the actual weight in legible  
 7 letters and figures, with the addition of the word, *Maine*.  
 8 Every barrel or half barrel of beef, marked extra mess, navy  
 9 mess, number one, or prime, or of pork, marked extra clear,  
 10 clear, bone middlings, or navy mess, shall be branded with the  
 11 name of the person, for whom the same was packed.

R. S., c. 50, § 23, 24.

SECT. 19. Neither the inspector general, nor his deputy,  
 2 shall brand any packages of beef or pork, other than those he  
 3 has personally inspected, and has caused to be weighed and  
 4 packed, as the law requires; nor, his fees being duly tendered  
 5 or secured to him, neglect to perform any duty pertaining to his  
 6 office; nor be guilty of any fraud in the exercise thereof, under  
 7 penalty of ten dollars for each offense. R. S., c. 50, § 25, 26.

SECT. 20. No such deputy shall inspect or brand any cask  
 2 of beef or pork out of the district for which he was appointed,  
 3 under penalty of fifty dollars; and no person, other than the  
 4 inspector and his deputies, shall stamp or brand any cask of beef  
 5 or pork, with the intent that the same shall pass as inspected  
 6 and branded according to law, under penalty of twenty dollars  
 7 for each offense. R. S., c. 50, § 27, 28.

SECT. 21. Whenever any beef shall be reserved for exporta-  
 2 tion agreeably to the provisions of the twelfth section, the  
 3 hogshead or other package, containing the same when exported,  
 4 shall be branded on one head with the name of the owner, and  
 5 of the town where he resides, under the penalty of one dollar  
 6 for each package, not branded; and the feet, ears and faces of  
 7 pork, when separated from the cheek part of the head, or any  
 8 other pieces herein prohibited, shall not be exported under the  
 9 brand *refuse*, nor any other brand allowed for pork to be ex-  
 10 ported. R. S., c. 50, § 29, 30.

SECT. 22. If any person shall intermix, take out, or shift  
 2 any beef or pork, out of any cask inspected or branded as hereby  
 3 required, or shall put in any other beef or pork for sale or  
 4 exportation, with a fraudulent intent, he shall forfeit twenty  
 5 dollars for each offense. R. S., c. 50, § 31.

SECT. 23. No pork or beef, except hams reserved for pickling  
2 or smoking, packed in this state, or imported into it, in barrels,  
3 half barrels or other casks, not bearing the name and brand of  
4 an inspector of some one of the United States, showing the  
5 quality and quantity thereof, shall be transported out of the  
6 state, or shipped, sold or offered for sale therein, under a penalty  
7 of ten dollars for each package; nor shall any salted beef or  
8 pork be exported from the state, unless the master or owner of  
9 the vessel produces to the collector or other officer of the United  
10 States, granting a clearance, a certificate from the inspector  
11 general or his deputy, that the same has been inspected and  
12 branded, according to law, and each certificate shall express the  
13 number of barrels and half barrels of beef or pork, of each sort;  
14 and, on producing such certificate, he shall take and subscribe  
15 the following oath, before said officer, namely:

“I, A. B., master (or owner as the case may be) of the —,  
17 do swear, that according to the best of my knowledge and belief,  
18 the certificate, hereunto annexed, contains the whole quantity  
19 of salted beef (or pork as the case may be) on board the —,  
20 — master; and that no salted beef, or pork, is shipped on  
21 board the said vessel for the ship’s company, on freight or cargo,  
22 but what is inspected and branded, according to the law of this  
23 state.” R. S., c. 50, § 32, 33, 34, 39, 40. 1855, c. 168, § 2.

SECT. 24. If any person shall export, or ship for exportation,  
2 out of this state, any salted beef or pork, not inspected and  
3 branded, as herein directed, every owner or shipper thereof,  
4 privy to such offense, shall forfeit six dollars; and the master of  
5 every vessel, having on board such uninspected beef or pork,  
6 two dollars, for every such cask. R. S., c. 50, § 35.

SECT. 25. Any justice of the peace, on complaint made to  
2 him that any such beef or pork is put on board any vessel in  
3 his county for exportation, may issue his warrant, directed to  
4 the proper officer, requiring him to seize and secure the same  
5 for trial; or the inspector general or his deputy may, on like  
6 information, seize and secure the same for trial.

R. S., c. 50, § 36.

SECT. 26. The said officer, inspector general, or his deputy,  
2 thus having made seizure, shall, as soon as may be, file a libel

3 or information thereupon in any court proper to try the same;  
4 and if upon trial of such beef or pork, it shall appear that the  
5 same was thus shipped, against the provisions hereof, it shall be  
6 liable to condemnation and forfeiture, according to law; one half  
7 to the use of the state, and the other to the use of the officer  
8 seizing and prosecuting for the same. R. S., c. 50, § 37.

SECT. 27. Every deputy inspector shall make an annual re-  
2 turn to the inspector general, of the number of barrels and half  
3 barrels of beef and pork, inspected by him; and the inspector  
4 general, in the month of January, annually, shall make a return  
5 up to the first day of December, into the office of the secretary  
6 of state, of the whole number of barrels and half barrels, inspected  
7 by him and his deputies, the preceding year, under each of the  
8 respective brands used by them; designating in the return the  
9 different sorts and places where inspected. R. S., c. 50, § 42.

SECT. 28. The inspector general may administer the several  
2 oaths, required of his deputies, or of others, pertaining to the  
3 business of his office. R. S., c. 50, § 43.

SECT. 29. No beef or pork shall be weighed by the owners or  
2 keepers of any slaughter-houses, stores or warehouses, or by  
3 persons under their control in the transaction of their business,  
4 in any greater quantity than fifty pounds, unless in scales and  
5 with weights, or by the vibrating steelyard, invented by Benja-  
6 min Dearborn, the vibrating steelyard, invented or improved by  
7 Samuel Hills, or the Fairbanks scales, sealed according to law,  
8 under penalty of ten dollars. R. S., c. 50, § 44.

SECT. 30. The municipal officers of every town, where beef  
2 cattle are sold for immediate consumption, or for barreling, shall  
3 appoint one or more suitable persons, not dealers in cattle, to  
4 be weighers of beef, and they shall be duly sworn.

R. S., c. 50, § 45.

SECT. 31. All beef, sold as aforesaid, shall be weighed by  
2 the sworn weighers, and certificates of the weight of all the beef,  
3 hide and tallow of each head of cattle, shall be signed by  
4 said weighers, and delivered to the seller thereof, in the form  
5 following, viz:

“This certifies, that I have duly weighed the cattle, bought by  
 2 ———, of ———, from ———, of ———, this ———  
 3 day of ———, 18—: ———.”

Beef, . . .					
Hide, . . .					
Tallow, . . .					
Total, . . .					

A. B., *Sworn Weigher.*”

R. S., c. 50, § 46.

SECT. 32. Any person, who shall purchase beef cattle, for  
 2 marketing or exportation, not weighed pursuant to the foregoing  
 3 provisions, other than live cattle, and excepting, when the weight  
 4 or mode of weighing shall be agreed upon expressly by the buyer  
 5 and seller, shall forfeit thirty dollars for each offense.

R. S., c. 50, § 47.

SECT. 33. The inspector general and his deputies, either by  
 2 themselves, or by other persons by them appointed, and who  
 3 shall be duly sworn, shall weigh all hides taken from cattle,  
 4 slaughtered for barreling, making reasonable deductions for tare  
 5 and drainage; and they shall give a certificate, specifying the  
 6 gross weight and the deductions, made as aforesaid.

R. S., c. 50, § 48.

SECT. 34. All the foregoing fines and forfeitures, not herein  
 2 otherwise provided for, may be recovered by action of debt, or  
 3 by complaint or indictment in any competent court, one-half to  
 4 the person prosecuting, and the other to the town where the  
 5 offense is committed.

R. S., c. 50, § 41.

#### *Butter and Lard.*

SECT. 35. The governor, with advice of council, whenever a  
 2 vacancy shall occur, shall appoint some skilful person to be in-  
 3 spector for the state of butter and lard, removable at pleasure;  
 4 and he shall be duly sworn and give a bond of one thousand  
 5 dollars, with sufficient sureties, to the treasurer of state, for the  
 6 faithful discharge of his duties, before entering thereon.

R. S., c. 53, § 2, 3.

SECT. 36. He shall then appoint, in every seaport town, 2 whence butter and lard are exported, and in such other places 3 as he may judge necessary, one or more deputies, for whom he 4 shall be answerable; and each deputy shall be sworn, and give 5 to his principal a bond for five hundred dollars, for the faithful 6 performance of his duties. R. S., c. 53, § 4, 5.

SECT. 37. No butter or lard shall be exported, except to a 2 state east of New York, until it has been inspected in the fol- 3 lowing manner: the inspector or his deputy shall examine the 4 casks, kegs or firkins thereof, and, with a hollow iron searcher, 5 from one side of the head of the same, perforate from one head 6 to the other, and thereby draw out so much of the butter or lard 7 as shall determine the quality of the whole, and see that it is 8 preserved with a due proportion of good fine salt, and, in all 9 respects, fit to be exported to any foreign market, without 10 danger of spoiling. R. S., c. 53, § 6, 7.

SECT. 38. Every vessel of butter and lard, which, according 2 to the inspector's best judgment, appears good and merchant- 3 able, shall be distinguished, according to the quality, either by 4 the words first, second, or third; and all other by the word 5 refuse; and it shall be branded in plain legible letters, with 6 the word, *Maine*, and the name of the town, where it was 7 inspected, and also with the initial letters of the christian, and 8 the whole of the surname of the inspector; and also with the 9 word *butter*, or *lard*, as the case may be. R. S., c. 53, § 8.

SECT. 39. Every vessel, in which butter or lard shall be ex- 2 ported, except as mentioned in section thirty-seven, shall be made 3 of sound and seasoned white oak or ash staves and heading, full 4 bound, twelve and a half inches in length, and eight and a half 5 inches in diameter, in the head; or fifteen inches in length and 6 ten and a half inches diameter in the head; twelve inches long, 7 and seven and a half inches diameter in head, or ten inches long, 8 and six inches head; and before any butter or lard shall be 9 packed therein, they shall be filled with strong brine, which 10 shall remain therein three days. As soon as the brine is emptied 11 from such vessel, it shall be weighed by the owner of the butter 12 or lard, who shall, with a marking iron, mark, on one of the 13 heads, the full weight thereof, and shall brand or imprint with

14 a burning iron, the initials of his christian name, and his sur-  
 15 name at large: and if he shall falsely mark the same, he shall  
 16 forfeit three dollars. R. S., c. 53, § 9, 10.

SECT. 40. No butter or lard shall be exported from this state,  
 2 except as aforesaid, unless the master or owner shall produce to  
 3 the collector, or other officer, authorized by law to clear vessels,  
 4 a certificate from the inspector or his deputy, that the same has  
 5 been inspected and branded, according to law.

R. S., c. 53, § 11.

SECT. 41. Each certificate shall express the number of casks  
 2 or firkins, and their weight; and the master or owner of the  
 3 vessel, in which such butter and lard is so exported, shall, on  
 4 producing such certificate, take and subscribe the following oath,  
 5 before the officer authorized as aforesaid:

“I, — of —, do swear, that according to the best of my  
 7 knowledge and belief, the certificate, hereto annexed, contains  
 8 the whole quantity of butter, (or lard, as the case may be,) on  
 9 board —, —, master, except such, if any, as has been  
 10 inspected elsewhere, and is not subject to re-inspection, or such  
 11 as is shipped, and to be exported to states east of New York;  
 12 and that no butter (or lard as the case may be) is shipped on  
 13 board such vessel, for the ship’s company, on freight, or on  
 14 cargo, but what is inspected and branded, according to the law  
 15 of this state, except as before mentioned. So help me God.”

R. S., c. 53, § 12.

SECT. 42. Whenever the master of a vessel, having on board  
 2 any butter or lard, not inspected, or the shipper, or owner, of  
 3 the same shall make oath, in writing, before any magistrate,  
 4 that the same has been shipped for the purpose of being trans-  
 5 ported to some place in the United States, east of New York,  
 6 and shall deliver such affidavit to the inspector of butter and  
 7 lard, or his deputy, when requested, such butter and lard shall  
 8 be presumed to be shipped for such purpose; but if such affidavit  
 9 shall not be so delivered on request, the presumption shall be,  
 10 that the same were intended to be transported and delivered  
 11 elsewhere; and no damages shall be recovered against the in-  
 12 spector for taking and detaining the same, till after such affidavit  
 13 shall be offered to the detaining officer. R. S., c. 53, § 13.

SECT. 43. All butter and lard, which may have been inspected  
 2 in any other of the United States may be exported from any  
 3 port in this state, to any foreign port, without inspection in this  
 4 state. R. S., c. 53, § 14.

SECT. 44. If any person shall export, or ship for exportation,  
 2 any butter or lard, contrary to law, he shall forfeit five dollars  
 3 for each offense; and any justice of the peace, by his warrant to  
 4 an officer, may seize any such butter and lard, and secure the  
 5 same for trial as forfeited; and every person refusing, when  
 6 required, to aid such officer in executing the warrant, shall for-  
 7 feit five dollars. R. S., c. 53, § 15, 16.

SECT. 45. If any inspector shall unreasonably refuse or delay,  
 2 for the space of three hours, to inspect any butter or lard, or to  
 3 brand it, when requested; or if any person shall counterfeit, or  
 4 fraudulently use, any brand belonging to, or proper to be used  
 5 by any inspector; or shall empty any cask, keg or firkin of  
 6 butter or lard, inspected and branded as aforesaid, and put into  
 7 it any other butter or lard, for exportation, without cutting out  
 8 the said brands or marks, he shall forfeit ten dollars for each  
 9 offense; all the penalties aforesaid to be recovered by any person  
 10 suing therefor. R. S., c. 53, § 17, 18, 19, 20.

SECT. 46. The inspector shall, annually in January, make a  
 2 return up to the first day of December, preceding, to the office  
 3 of the secretary of state, of the number of casks of different  
 4 qualities, branded by him and his deputies, and the weight of  
 5 each kind; and his deputies shall make returns to him, at such  
 6 previous time as he may require. R. S., c. 53, § 21.

### *Tobacco.*

SECT. 47. The governor, with advice of council, whenever a  
 2 vacancy shall occur, shall appoint some skilful and disinterested  
 3 person to be inspector of tobacco in any sea port, or other ex-  
 4 porting town, who shall be duly sworn to the impartial perform-  
 5 ance of his duties. R. S., c. 56, § 1, 2.

SECT. 48. He shall inspect all tobacco, intended to be ex-  
 2 ported from the state, by land or water, to any other of the  
 3 United States; he shall open every cask thereof, and take the

4 casks from the tobacco, and with a sufficient instrument, lift  
5 one-quarter, and then go through with the whole, until it shall  
6 be examined in four different parts, and see that it be properly  
7 dried, well cured, and not rotten or damaged, and of the weight,  
8 and picked in the manner, hereinafter mentioned.

R. S., c. 56, § 3.

SECT. 49. Such part, as appears damaged and unfit for ex-  
2 portation, shall be burned; and on every cask containing the  
3 required quantity, which, on inspection, shall be found to be  
4 well cured and not damaged, he shall mark with a burning iron  
5 the letters A P., with the name of the town where it shall be  
6 thus approved, the name of the inspector at large, and the letter  
7 I. at the end, denoting that the same has been inspected and  
8 approved.

R. S., c. 56, § 4.

SECT. 50. No tobacco shall be exported from this state, until  
2 it has been inspected and approved, as aforesaid, and packed in  
3 straight casks; each cask being four feet and four inches long,  
4 and two feet seven inches diameter at the head, containing not  
5 less than nine hundred, or more than fourteen hundred pounds  
6 weight each; or if packed in half casks, each to contain not less  
7 than four hundred, or more than six hundred pounds weight,  
8 unless such casks of tobacco shall appear to have been inspected  
9 and marked, according to the laws of some other state.

R. S., c. 56, § 5.

SECT. 51. Each cask, before any tobacco shall be packed  
2 therein, shall be weighed by the owner of the tobacco, who shall  
3 mark on one of the heads, with a marking iron, the full weight  
4 of it, and the initials of his name; and, if he shall mark it  
5 falsely, he shall forfeit nine dollars for each cask.

R. S., c. 56, § 6, 12.

SECT. 52. If any owner of tobacco or his agent shall lade or  
2 any master receive on board any vessel, bound to any place  
3 without the state, any tobacco, contrary to law, he shall forfeit  
4 the sum of thirty dollars; and all such tobacco, shall be for-  
5 feited; and any justice of the peace may issue a warrant to any  
6 proper officer, and he may seize and secure such tobacco, so that  
7 it may be libeled and disposed of according to law.

R. S., c. 56, § 7, 8.

SECT. 53. If any inspector shall be guilty of unlawful neglect, or fraud in the inspection of tobacco, or brand any casks containing tobacco which he has not inspected; if any person, not a sworn inspector, shall mark and brand casks of tobacco as above described; or, after any cask of tobacco has been branded as aforesaid, shall shift the contents and put therein tobacco not inspected, he shall forfeit fifteen dollars. The penalties aforesaid to be recovered by action of debt, in any competent court, half to the use of the state and half to the person suing therefor.

R. S., c. 56, § 9, 10, 11, 14.

SECT. 54. No vessel, having on board any tobacco in casks, shipped for exportation, shall be cleared at the custom-house, until the master or owner shall produce a certificate from an inspector, appointed and sworn as aforesaid, that the said tobacco has been lawfully inspected.

R. S., c. 56, § 13.

#### *Onions.*

SECT. 55. No onions in bunches shall be exported from the state, unless they shall weigh as follows, viz: rareripes, so called, two and a half pounds, and onions from the seed, three and a half pounds per bunch; and the municipal officers of each town, where onions are shipped, shall appoint one or more suitable persons, who shall be duly sworn, to weigh them and give certificates thereof.

R. S., c. 56, § 15, 16.

SECT. 56. If any person shall expose, for sale, any onions in bunches, not so weighed and certified, he shall forfeit the same; one-half of the proceeds to the use of the town, where the offense was committed, and the other half to the person, suing therefor; and said officers may cause the same to be libeled and sold, according to law.

R. S., c. 56, § 17.

#### *Flax Seed.*

SECT. 57. The governor, with advice of council, whenever a vacancy shall occur, shall appoint some skilful and disinterested persons to be inspectors of flax seed in seaport towns, who shall be duly sworn, and shall inspect all flax seed intended to be shipped for foreign exportation: they shall open the casks containing it, and, if necessary, measure and shift it into other

7 casks, so as to ascertain that it is all clean and unmixed with  
8 other seed. R. S., c. 57, § 1, 2, 3.

SECT. 58. Every cask of cleansed seed, containing seven  
2 bushels and a peck, or half of that quantity, shall be marked  
3 with a burning iron, *Insp.*, with the name of the town where  
4 inspected, and that of the inspector at large, and the letter S. at  
5 the end thereof; and no flax seed shall be exported from this  
6 state to any place without the United States, except in the  
7 quantities and inspected in the manner aforesaid.

R. S., c. 57, § 4, 5.

SECT. 59. No vessel, on board of which any flax seed shall  
2 be shipped for exportation, shall be cleared at the custom-house,  
3 till the master, or owner thereof, shall produce a certificate from  
4 such inspector, that such flax seed has been inspected as afore-  
5 said; which certificate shall be granted without any fee.

R. S., c. 57, § 6.

SECT. 60. If the owner of any flax seed, or his agent, shall  
2 lade, or the master or any mariner receive, on board any vessel,  
3 any seed not inspected as aforesaid, for the purpose of exporta-  
4 tion, he shall forfeit twenty dollars for each bushel, and the  
5 seed shall be forfeited, and may be seized, libeled and sold  
6 according to law.

R. S., c. 57, § 7, 8.

SECT. 61. If any inspector shall be guilty of any fraud in  
2 the inspection of any flax seed, or in any way neglect or violate  
3 his official duties; or if any person, after a cask of seed has  
4 been duly inspected and stamped, shall shift the contents and  
5 put in seed that has not been inspected, he shall forfeit thirty  
6 dollars for each offense; the penalties of this and the preceding  
7 section to be recovered and disposed of as in section fifty-three.

R. S., c. 57, § 9, 10, 11.

### *Hops.*

SECT. 62. The governor, with advice of council, whenever a  
2 vacancy shall occur, shall appoint some suitable person, in the  
3 respective counties of the state, to be inspector of hops, remova-  
4 ble at pleasure; who shall be duly sworn, and give a bond of  
5 five hundred dollars, with sufficient sureties, to the treasurer  
6 of state, for the faithful discharge of his official duties, before

7 entering thereon. He may also appoint deputies for his county,  
8 who shall be duly sworn and give bond to him for the faithful  
9 discharge of their duties, and for whom he shall be answerable.

R. S., c. 58, § 1, 2, 3, 4.

SECT. 63. Hops shall be deemed merchantable that have  
2 been well picked, free from stems and leaves, and dried in a  
3 kiln by any artificial heat that shall not injure them by smoke;  
4 and the sacking, in which they are packed, shall be firm and  
5 strong, and of such a texture as to receive the necessary marks;  
6 and each sack shall be marked with the name of the cultivator  
7 and the town in which he lives.

R. S., c. 58, § 5. 1852, c. 231.

SECT. 64. The inspector or one of his deputies shall examine  
2 the contents of every bale of hops, intended to be exported, so  
3 as to ascertain the quality; and, if found to be merchantable  
4 and firmly packed at least ten days before inspection, and that  
5 the sacking is such as is before described, he shall distinguish  
6 the same by marking them with the words, *first sort, second*  
7 *sort, third sort, or refuse*, according to their quality; and the  
8 year, the weight thereof, the initials of his christian, and the  
9 whole of his surname, and that of the county and the word  
10 *Maine*.

R. S., c. 58, § 6.

SECT. 65. Hops shall not be shipped from this state, unless  
2 the master or owner of the vessel shall produce, to the collector  
3 or other person authorized to clear the same, a certificate of the  
4 inspector, or his deputy, that the same have been inspected  
5 according to law, and expressing the number of bales of each  
6 sort, and the weight of each.

R. S., c. 58, § 7.

SECT. 66. Any such master or owner, on producing such cer-  
2 tificate, shall take and subscribe the following oath, viz: "I do  
3 swear, that, according to my best knowledge and belief, the  
4 certificate hereto annexed contains the whole quantity of hops,  
5 on board the ———, of which ——— is master; and that  
6 there are no hops on board the said vessel, for the use of the  
7 ship's company, on freight, or on cargo, but what have been  
8 inspected and marked, according to the law of this state. So  
9 help me God."

R. S., c. 58, § 8.

SECT. 67. Every person who shall export, or ship for export-  
2 ation any hops not inspected and marked as aforesaid, and the  
3 master of any vessel receiving the same, shall forfeit the sum of  
4 fifteen dollars for each bale, and any inspector may issue a  
5 warrant to the proper officer to go on board a vessel, and seize  
6 any hops which have not been inspected and marked, as afore-  
7 said, and secure the same as forfeited; and the officer may  
8 require all necessary assistance; and every person thus required  
9 to assist, shall forfeit five dollars for refusal so to do; provided,  
10 that nothing herein shall apply to hops, shipped and transported  
11 coastwise, within the state, for the purpose of inspection; in  
12 which case a certificate of the owner shall accompany the same,  
13 stating the owner's name, the number of packages, and to whom  
14 they are sent. R. S., c. 58, § 9, 10.

SECT. 68. If any inspector or deputy shall unreasonably  
2 delay the inspection and marking of hops, when requested; be  
3 guilty of any fraud therein, or put his mark on any bale, not  
4 inspected and found merchantable, by him; or if any person,  
5 not such officer, shall alter or counterfeit any mark belonging  
6 to or proper to be used by such officer, or shall mark any bale  
7 with the letters or marks aforesaid, or shall mix uninspected  
8 hops with inspected, or empty any bale, marked as aforesaid,  
9 and put in other hops for sale or exportation, without cutting  
10 out or obliterating the marks, he shall forfeit ten dollars for  
11 each offense: all the penalties aforesaid to be recovered and  
12 disposed of as in section fifty-three.

R. S., c. 58, § 11, 12, 13, 14, 15, 16.

SECT. 69. Each inspector shall, annually, in the month of  
2 January, make return, to the secretary of state, of the whole  
3 number of bales, marked by him, of the different qualities, and  
4 the weight of each quality, making up his account to December  
5 first; and the deputies of the inspectors shall make seasonable  
6 returns to them. R. S., c. 58, § 17.

### *Hay.*

SECT. 70. All hay, pressed and put up in bundles, for sale,  
2 in this state, shall be branded on the bands or boards enclosing  
3 the same, with the first letter of the christian and the whole of

4 the surname, of the person putting up the same, and with the  
 5 name of the state and of the place where such person shall live ;  
 6 and all screwed hay, offered for sale or shipping, unless thus  
 7 branded, shall be forfeited, one-half to the use of the town where  
 8 the offense is committed, and the other half to the person libel-  
 9 ing the same, as the law directs. R. S., c. 64, § 1, 2.

SECT. 71. Every bale of screwed or pressed hay may have  
 2 four pieces of seasoned board, not more than four inches wide,  
 3 or one inch thick, to keep the hay in place; on one of which,  
 4 or on one of the bands, shall be marked the weight of the bale ;  
 5 and no sworn weigher of hay shall purchase any hay, but what  
 6 is necessary for his own use. R. S., c. 64, § 4, 5.

SECT. 72. If the master of any vessel shall take, on board,  
 2 pressed hay, not branded as aforesaid, he shall forfeit two  
 3 dollars for each bundle, so received, to be recovered to the uses  
 4 mentioned in section seventy. R. S., c. 64, § 3.

#### *Measurers of Salt, Corn and Grain.*

SECT. 73. The municipal officers of towns are authorized  
 2 annually to appoint measurers of salt, corn and grain therein,  
 3 who shall be duly sworn, and receive such fees from the pur-  
 4 chaser as said officers shall establish; and in every contract  
 5 made in this state for the sale of salt by the hogshead, such  
 6 hogshead shall consist of eight bushels; and, whenever the  
 7 buyer or seller shall request, salt, corn, or grain, in places  
 8 where such measurers live, shall be measured by them.

R. S., c. 71, § 1, 2.

#### *Weight of Potatoes, Ruta Bagas, Sugar Beet, Rye and Indian Meal, Oats, and Hair.*

SECT. 74. The standard weight of a bushel of potatoes, in  
 2 good order and fit for shipping, shall be sixty pounds; of ruta  
 3 бага, sugar beet and mangel wurzel, in like condition, sixty-  
 4 four pounds; of rye and Indian meal fifty pounds; of oats thirty  
 5 pounds or strike measure; and of hair, used in masonry, well  
 6 dried and cleansed, eleven pounds; and the measure of each of  
 7 these articles shall be determined, as aforesaid, at the request

8 of the vender or vendee; and, if either party shall refuse so to  
 9 do, he shall forfeit five cents for each bushel, to the person pros-  
 10 ecuting therefor within thirty days. R. S., c. 70, § 1, 2, 3.

R. S., c. 72, § 1, 2, 3. 1849, c. 101. 1848, c. 46.  
 1852, c. 228.

### *Bounty on Silk.*

SECT. 75. The treasurers of the several towns shall pay a  
 2 bounty of ten cents for every pound of cocoons, and one dollar  
 3 for every pound of silk reeled from cocoons, raised in this state,  
 4 to the person raising the same in such town, on being furnished  
 5 with satisfactory proof thereof; and such applicant shall make  
 6 oath that no bounty had been received by any person for such  
 7 cocoons or silk; and said treasurers shall keep an account of  
 8 the money so paid and present the same, verified by his oath,  
 9 to the legislature next thereafter, and being found correct, it  
 10 shall be allowed and paid from the state treasury.

R. S., c. 68, § 1, 2, 3, 4. 1852, c. 263.

### *Marking Sheep.*

SECT. 76. All owners of sheep may mark the same, with  
 2 some distinctive mark, by a cut in the ears, or a brand on some  
 3 part of the animal, and cause such mark to be recorded by the  
 4 clerk of his town, in a book kept for that purpose, paying the  
 5 clerk eight cents therefor. 1845, c. 162, § 1, 2.

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## Chapter 40.

### INSPECTION AND SALE OF MANUFACTURED ARTICLES.

#### LIME AND LIME CASKS.

- Sect. 1* Appointment and oath of inspectors and their deputies, and the amount of their bonds in different towns.
2. When and how lime shall be inspected and branded.
  3. Description of limo that may be sold or shipped, the dimensions and materials of the casks, and how branded, with the name of the manufacturer of the lime, and also of the cask.
  4. Penalty for inspector or deputy branding casks of lime not inspected by him, or not conformable to law, and for allowing another to use his brand, and for any person attempting to sell or ship any lime not lawfully branded, or shifting it after it is branded. Inspector or deputy liable for damages, and action may be against either.

- Sect. 5.* Penalty for attempting to sell or buy lime casks not made conformable to law. Lien created on such casks for penalty and priority over other liens or sales.
6. Penalties, how recovered and appropriated; remedy on inspector's bond for unpaid judgment for penalty or damages on account of his misdoings.

## POT AND PEARL ASHES.

7. Appointment, removal, oath and bond of inspector and his deputies.
8. Process of inspecting, packing and branding, and penalty for unreasonable delay or refusal to inspect.
9. Dimensions and materials of casks, and how manufacturer of ashes shall brand casks, and penalty for not doing it.
10. Penalty for attempting to transport such ashes without inspection. Power of inspector to search vessels and seize unbranded ashes as forfeited and libel the same. Penalty for obstructing such search and seizuro.
11. Penalty for falsely branding cask of ashes and for shifting ashes after they are branded.
12. Appropriation of penalties and forfeited property.
13. Inspector and his deputies to make annual returns to secretary of state.

## NAILS.

14. Appointment, oath and bond of inspector and his deputies.
15. Process of inspecting and branding wrought nails. Inspector to give certificate.
16. Rule of progression in marking the number of nails to a pound.
17. Dimensions and materials of casks, and by what weight wrought nails shall be sold.
18. In what kind of casks cut nails and brads shall be packed, quality of the nails, and how the casks shall be branded.
19. Penalty for attempting to sell or ship brads, wrought or cut nails not inspected and branded, and for mixing waste with them, and for falsely marking the tare on the casks. Forfeiture and disposal of the nails.
20. Penalty for unreasonable delay of inspector to inspect nails.
21. Penalty for counterfeiting brands; marking nails therewith; destroying lawful marks, and shifting branded nails. Appropriation of penalties.
22. Inspector to make annual returns. Deputies quarterly.

## PAPER.

23. Mode of packing and marking paper.
24. Penalty for making, attempting to sell, or transport paper not lawfully packed and stamped. Forfeiture of such paper, seizure, libel, and appropriation thereof.

## LEATHER, BOOTS AND SHOES.

25. Manufacturer of leather, boots and shoes may stamp his name thereon, and it shall be a warranty. Penalty for fraudulently stamping such articles with the name of another.
26. Appointment, oath, duties and fees of inspectors of sole leather. Fees paid by buyer at last.
27. Mode of inspecting and stamping sole leather. Penalty for defacing, altering, or counterfeiting such marks, and appropriation thereof.

## OILS.

28. What shall be deemed pure sperm oil. Penalty for selling adulterated oil for pure sperm, appropriation thereof, and liability to purchaser for damages.

## FIRE ARMS.

- Sect.* 29. Appointment of provers of fire arms. Their duty to prove and mark all fire arms and give a certificate.
30. Penalty for selling or attempting to sell new and unused barrels before proved, and for falsely altering the mark or certificate of a provor, and how recovered and appropriated.

*Lime and Lime Casks.*

SECT. 1. The governor, with advice of council, whenever a  
 2 vacancy shall occur, shall appoint one resident citizen of the  
 3 town to be inspector of lime and lime casks therein, to hold his  
 4 office for four years unless sooner removed; and he shall be duly  
 5 sworn, and give bond with sufficient sureties for the faithful  
 6 performance of his duties, before entering thereon, to the trea-  
 7 surer of his county in the following sums:

The inspector of Thomaston, ten thousand dollars; of Warren  
 9 and Camden, five thousand each; and of every other town, two  
 10 thousand each, to be approved by the county commissioners, in  
 11 their respective counties; and each inspector may appoint, in  
 12 his town, as many deputies, as may be necessary, for whom he  
 13 shall be answerable, to be duly sworn and give bond to their  
 14 principal for one thousand dollars with sufficient sureties.

R. S., c. 51, § 1, 2, 3, 4, 5, 6.

SECT. 2. It shall be the duty of each inspector, by himself  
 2 or deputy, to inspect all lime manufactured in his town, with  
 3 the casks therefor, at the time the same shall be filled, at the  
 4 kiln, where it is burnt; see that, in all respects, the lime and  
 5 casks conform to law; and brand each cask, when filled with  
 6 such lime, on one of its heads, with the name of the town where  
 7 the lime was burnt, the initials of the christian, and the whole  
 8 of the surname of the inspector or deputy, and the word, in-  
 9 spected.

R. S., c. 51, § 7.

SECT. 3. No lime, manufactured in this state, shall be sold,  
 2 exposed to sale, or shipped on board any vessel in casks, but  
 3 such as shall be well burnt and pure; contained in casks, made  
 4 of sound and seasoned staves and heading, well fired on the in-  
 5 side, with at least ten good and strong hoops on each, not more  
 6 than four of which shall be alderwood, well driven and secured  
 7 with nails, and duly inspected; the staves of said casks to be

8 made of sawed or rift timber, not less than thirty inches in  
 9 length, or half an inch thick on the thinnest edge; each of the  
 10 heads to be not less than three-fourths of an inch thick, and  
 11 well crozed in; each hoop to be not less than one inch wide in  
 12 the narrowest part; and each cask to be not less than twenty-  
 13 six inches in length between the heads; sixteen inches in width  
 14 between the chimes, and eighteen inches in the clear on the  
 15 inside at the bilge, at the time of inspection; and made in a  
 16 workmanlike manner to hold lime; and before any lime is  
 17 inspected, the manufacturer thereof shall brand on the head of  
 18 each cask in a legible manner, the first letter of his christian  
 19 name and the surname at length, with the letters "man'r;"  
 20 and all lime casks shall be branded, on the outside of the bilge,  
 21 with the initials of the christian and the whole of the surname  
 22 of the manufacturer thereof. 1846, c. 213, § 1, 2.

SECT. 4. No inspector or deputy shall brand any casks of  
 2 lime which were not inspected by him, or do not conform, in all  
 3 respects, to the provisions hereof, or permit any other person  
 4 unlawfully to use his brands; and no person shall sell, expose  
 5 to sale, lade or receive, on board any vessel, any lime, in casks  
 6 not made, inspected and branded according to law; or shift the  
 7 contents of any lime cask, branded as aforesaid, with intent to  
 8 sell the same as inspected, under a penalty of one dollar for  
 9 each cask thus illegally dealt with: and such inspector or dep-  
 10 uty shall also be liable, in an action on the case, to any party  
 11 for all the damages he may sustain by such misdoings; and, in  
 12 case the misdoings are on the part of a deputy, the action may  
 13 be against him or his principal.

R. S., c. 51, § 8, 12, 13. 1846, c. 213, § 3.

SECT. 5. No person shall sell, expose to sale, or purchase  
 2 any lime cask, not made in conformity to the provisions of sec-  
 3 tion three, under a penalty of twenty cents for each cask; and  
 4 a lien is hereby created on all such casks for said penalty and  
 5 costs, and if an attachment shall be made for said penalty within  
 6 three months after it was incurred, it shall be good against all  
 7 prior attachments or a sale by the owner; and the casks may  
 8 be sold on execution in such action as in common cases.

R. S., c. 51, § 11. 1850, c. 184, § 1, 2, 3.

SECT. 6. All the penalties before mentioned may be recovered by, and to the use of, any person, suing therefor; and when any judgment has been recovered against any inspector, or deputy, for penalties or damages, on account of any misdoings in his office, and the execution issued thereon has been returned unsatisfied, the creditor may avail himself of the benefit of the inspector's bond to the county treasurer, who shall give him a copy thereof on request, in like manner, as a judgment creditor of a sheriff or coroner may, of the official bond of such officer given to the state treasurer.

R. S., c. 51, § 14, 15.

*Pot and Pearl Ashes.*

SECT. 7. The governor, with advice of council, whenever a vacancy shall occur, shall appoint some skillful person, removable at pleasure, to be inspector of pot and pearl ashes for the state; and he shall be duly sworn, and give bond for three thousand dollars, with sufficient sureties, to the treasurer of state, for the faithful discharge of his duties, before entering thereon; and he shall appoint deputies in every seaport town, whence pot and pearl ashes are exported, and in such other places, as he shall judge necessary, for whom he shall be answerable, to be duly sworn and give bond to their principal, with sureties.

R. S., c. 52, § 1, 2, 3, 4.

SECT. 8. The inspector or his deputy shall, if necessary, sort pot and pearl ashes into first sort extra, first, second and third sorts; start the ashes out of the casks, and carefully try and inspect the same; put each sort by itself in tight new casks, well hooped and coopered, which he shall distinguish into the sorts aforesaid, with the words pot or pearl ashes, as the case may be, his name, the place where inspected, and the word *Maine* branded in plain letters on each cask; and at the same time, weigh the cask and mark the weight, with a marking iron, on each head; and if he shall unreasonably delay or refuse, for the space of three hours, when applied to, to inspect any such casks, he shall forfeit five dollars.

R. S., c. 52, § 5, 8, 12.

SECT. 9. Every cask, in which such ashes shall be packed for exportation, shall be made of sound and seasoned oak or

3 white ash staves and heading, full bound, twenty-nine inches  
4 long, and nineteen inches diameter in the head; and of such  
5 weight in proportion to its contents, as will amount, as near as  
6 may be, to fourteen per cent. tare thereon; and every manufac-  
7 turer of said ashes shall brand on each cask the initials of his  
8 christian, and the whole of his surname, with the name of the  
9 town, where manufactured, before the same shall be removed  
10 from the manufactory; under penalty of one dollar, for each  
11 cask.

R. S., c. 52, § 6, 7.

SECT. 10. No person shall transport out of the state, or  
2 receive for transportation, any such ashes, before the same have  
3 been inspected and branded, as aforesaid, under a penalty of  
4 twenty dollars for each offense; and every inspector shall have  
5 the power to enter, with or without a warrant, on board any  
6 vessel, within his limits, and seize, carry away and secure for  
7 trial all unbranded ashes found therein, as forfeited property, to  
8 be proceeded against according to law; and any person, who  
9 shall obstruct him in said search and seizure shall forfeit thirty  
10 dollars for each offense.

R. S., c. 52, § 9, 10, 11. 1850, c. 199.

SECT. 11. If any person shall brand any cask of pot or pearl  
2 ashes, manufactured by himself, with the name of another;  
3 another's cask with his name; or with the brand of an inspector  
4 or his deputy, or shall, in any way, counterfeit any lawful  
5 brand; or shift any such ashes from a cask lawfully branded  
6 and put in others for sale or exportation, without first cutting  
7 out said brand, he shall forfeit two hundred dollars.

R. S., c. 52, § 13, 14.

SECT. 12. All the foregoing penalties, under sixty dollars,  
2 shall be to the use of the person suing therefor; but all others  
3 shall be half to the person suing and half to the state, and all  
4 forfeited property shall be half to the seizing officer and half to  
5 the state.

R. S., c. 52, § 15.

SECT. 13. The inspector of pot and pearl ashes shall annually,  
2 in January, make a return up to the first of December, to the  
3 secretary of state's office, of the number of casks thereof,  
4 inspected by him or his deputies, naming the number of each  
5 brand and the weight of each specific quality; and the deputies

6 shall make seasonable returns to the inspector to enable him to  
7 make his returns. R. S., c. 52, § 16.

*Nails.*

SECT. 14. The governor, with advice of council, whenever a  
2 vacancy shall occur, shall appoint some suitable person to be  
3 inspector of nails; and he shall be duly sworn and give bond,  
4 to the state with sufficient sureties, in such sum as the governor  
5 and council direct, for the faithful discharge of his duties, before  
6 entering thereon, and appoint one or more deputies in any town,  
7 where they are necessary, who shall be duly sworn and give  
8 bond to the state, same as the inspector.

R. S., c. 55, § 1, 2, 3, 4.

SECT. 15. The inspector or his deputy shall, on request,  
2 inspect every cask of wrought nails by opening the same, turn-  
3 ing out the nails, weighing them, and ascertaining the number  
4 necessary to make a pound, their quality, both as to the iron  
5 and workmanship; brand, on the head of such cask, the number  
6 thereof, the whole weight of the cask and nails, the weight of  
7 the cask only, the number of nails necessary to make a pound,  
8 the quality thereof, viz: *first sort*, *second sort*, and *third sort*,  
9 or *refuse*; his own name at large and the title of his office;  
10 and give a certificate expressing the number of the cask, the  
11 whole weight, the weight of tare, number of nails to a pound,  
12 and their quality.

R. S., c. 55, § 5, 7.

SECT. 16. He need not brand the head of any cask containing  
2 nails, thirty-five of which weigh more than a pound, with the  
3 exact number to a pound; but beginning at thirty-five, he shall  
4 progress by fives and mark accordingly, above or below the  
5 exact number, whichever is nearest to the fact.

R. S., c. 55, § 6.

SECT. 17. The inspector shall see, that all casks are well  
2 made, of sound timber, strong, and lined at both heads; each  
3 cask to have eight or more good hoops, and to contain no more  
4 than three hundred and fifty pounds of nails; bad casks shall be  
5 condemned, and deficient hoops shall be supplied at the expense  
6 of the person applying for inspection; and all wrought nails  
7 shall be sold by the pound, or by real thousands; delivering and

8 receiving so many pounds for a thousand, as will produce ten  
9 net hundreds. R. S., c. 55, § 8. 9.

SECT. 18. Cut nails and brads shall be packed in strong and  
2 seasoned casks, and well hooped, no cask containing more than  
3 three hundred pounds net, free from waste pieces of iron (unless  
4 refuse nails,) or fraudulent mixture, increasing the weight.  
5 The maker, who shall also be owner of such nails, shall brand  
6 the initial of his christian name, and his surname at large, on  
7 the side of the cask, the town where he resides, and the true  
8 weight of the tare under it. R. S., c. 55, § 14.

SECT. 19. No person shall sell, offer for sale, transport, or  
2 lade or receive for transportation, by land or water, any wrought  
3 or cut nails or brads, not inspected and branded, as herein  
4 required, under a forfeiture equal to the value thereof; and said  
5 articles shall be forfeited and may be seized and disposed of  
6 according to law; and the owner shall forfeit one dollar for each  
7 pound of waste, mixed with nails or brads, and for each pound  
8 of tare, more than is marked on the cask.

R. S., c. 55, § 10, 11, 15, 17.

SECT. 20. If any inspector, on request, shall unnecessarily  
2 or unreasonably delay to make inspection of any casks of nails,  
3 he shall forfeit for each offense the sum of four dollars.

R. S., c. 55, § 12.

SECT. 21. If any other person shall counterfeit any inspect-  
2 or's brand; mark any nails with the same; destroy any lawful  
3 marks made by another, or shift any branded nails for those not  
4 branded, or from one branded cask to another, he shall forfeit  
5 twenty dollars for each offense; and all the penalties aforesaid  
6 shall belong half to the person suing therefor, and half to the  
7 town where the offense is committed.

R. S., c. 55, § 13, 16, 18.

SECT. 22. The deputies shall make returns once in three  
2 months, and oftener if required, to the inspector, and he shall  
3 make return annually, on the first day of January, up to De-  
4 cember first, to the secretary of state, of the number of casks  
5 and weight of wrought and cut nails inspected by him and his  
6 deputies, specifying the different quantities of each.

R. S., c. 55, § 19, 20.

*Paper.*

SECT. 23. All paper, except that of foreign manufacture, 2 press, bonnet, and such as is usually sold by weight, made or 3 offered for sale, in this state, shall be packed in parcels of two 4 reams, reams, and half reams, at the rate of twenty quires to 5 the ream, and twenty-four sheets to the quire; and on the 6 wrapper of each parcel shall be legibly printed or stamped the 7 name of the maker, his place of residence, and the quantity and 8 quality of paper therein. R. S., c. 63, § 1, 2.

SECT. 24. If any person shall make, sell, offer for sale, 2 transport out of the state, or place on board any vessel or car- 3 riage for transportation, any paper not packed and stamped, as 4 aforesaid, he shall forfeit four dollars for each parcel, one-half 5 to the county where the offense is committed, and the other half 6 to the person suing therefor; and all such paper shall be for- 7 feited and be liable to be seized to the use of any person libeling 8 it, according to law, within seven days after seizure.

R. S., c. 63, § 3, 4, 5.

*Leather, Boots and Shoes.*

SECT. 25. Every manufacturer of leather, and of boots and 2 shoes, of any description, shall have the exclusive right of 3 stamping them with the initials of his christian, and the whole 4 of his surname; and such stamping shall be considered a war- 5 ranty, that the article is merchantable, and well made of good 6 materials; and if any person shall fraudulently stamp any such 7 articles, with the name or stamp of any other person, he shall be 8 deemed guilty of a fraud, and, on indictment and conviction, 9 shall be punished by a fine not exceeding twenty dollars, or 10 imprisonment not exceeding six months. R. S., c. 65, § 1, 2.

SECT. 26. The municipal officers of each town, when they 2 deem it expedient, shall appoint one or more suitable inspectors 3 of sole leather, who shall be duly sworn, and receive such fees 4 from their employer as said officers shall establish; and when 5 paid by the seller to be re-paid to him by the buyer; and, when 6 requested, shall go to any place in their town, to inspect any 7 sides of sole leather, which had not been previously inspected, 8 according to law, in this state. R. S., c. 65, § 3, .

SECT. 27. Each inspector shall provide himself with a proper apparatus, with which he shall weigh and stamp every side of sole leather, inspected by him, with the weight thereof, his surname and the name of his town; and on all sole leather, made of good hides and in the best manner, the word, *best*, shall be stamped; on all made of such hides, in a merchantable manner, the word, *good*; and on all other, the words *second*, or *third* quality, *damaged*, or *bad*, according to the fact: and if any person shall counterfeit, alter, or deface such mark, he shall forfeit twenty dollars for each offense, half to the town and half to the person suing therefor.

R. S., c. 65, § 5, 6.

#### *Oils.*

SECT. 28. All oils, sold under the names of sperm, summer, fall and winter oils, shall be deemed sold for pure sperm oil, the test of which is hereby declared to be Southworth's oleometer; and if any person shall sell any oils, under said names, which are adulterated by the mixture of any inferior article whatever, without disclosing the full extent of adulteration to the purchaser, he shall forfeit twenty dollars for each offense to any person suing therefor; and all such oil, so sold, shall be deemed whale oil, and the seller shall be liable to the purchaser for the difference between pure sperm and whale oil, to be recovered in an action on the case.

R. S., c. 74, § 1, 2, 3.

#### *Fire Arms.*

SECT. 29. The governor, with advice of council, whenever a vacancy may occur, or otherwise, as he shall judge necessary, may appoint suitable persons to be provers of the barrels of all new or unused fire arms; and it shall be the duty of each prover to prove the strength of the barrels of all fire arms, offered to him for that purpose, in such manner as to satisfy him of their strength; and he shall, in a permanent manner, mark and number every barrel, by him proved, and deliver to the applicant a certificate thereof, in the following form:

"I certify that on this ——— day of ———, in the year 18—, I proved for ——— ——— a musket," (pistol or rifle) "barrel,"

12 (as the case may be), "which is numbered and marked, as in  
13 the margin, and that the same is good and strong.

A. B., *Prover of Fire Arms.*"

R. S., c. 62, § 1, 2, 3.

SECT. 30. If any person shall sell or offer for sale any new  
2 or unused musket, rifle or pistol barrel, without having it  
3 proved, marked and certified, as aforesaid, he shall forfeit ten  
4 dollars for each barrel to any person suing therefor, or by  
5 indictment to the use of the state; and, if he shall falsely alter  
6 the mark or certificate of any prover of fire arms, he shall for-  
7 feit, to the state, not less than twenty, or more than one hundred  
8 dollars, to be recovered by indictment. R. S., c. 6, § 4, 5.

## Chapter 41.

### FISH AND FISHERIES.

#### FISH.

- Sect.* 1. Appointment, tenure of office, oath and bond of inspectors of fish.
2. Annual revision of such bonds. What to be done, if found insufficient.
3. Parties injured by misdoings of inspector to have remedy on his bond.
4. Any inspector of the county may act in towns where no inspector lives.
5. What kind of fish may be inspected for barreling; in what sized casks to be packed and weight of each; proportions of salt; different qualities, and branding.
6. Dimensions, materials and branding of casks for pickled fish.
7. In what casks small fish, whole, in dry salt, shall be packed, quantity of salt and how branded.
8. How smoked herrings shall be assorted.
9. Dimensions and materials of boxes therefor, to be filled with same kind of fish and branded. What herrings merchantable.
10. Owner of fish to furnish his own brand.
11. Penalty for selling or exporting uninspected or damaged fish. Exceptions.
12. On shipping, master or owner to furnish collector with inspector's certificate, and make oath. Form of oath.
13. Penalty for attempting to export uninspected fish; forfeiture and seizure thereof; to be taken to inspector for inspection and detained till charges paid. Penalty for refusing to aid in seizure.
14. Penalty for shifting or intermixing inspected fish; and for inspector marking fish out of his town, or not inspected by him, permitting others to use his brands or using them himself after his commission expires.

- Sect.* 15. Inspectors to make annual returns, and penalty for neglect.  
 16. Penalties, how recovered and appropriated.  
 17. Fees paid by seller at first, but repaid by buyer.

## FISHERIES.

18. Penalty for non-residents taking certain fish in any way, for residents taking them with seine, for destroying shellfish, or setting nets across any stream. Exceptions.  
 19. Permits to take shellfish, menhaden, and lobsters for certain sum and with limitations. Inhabitants and fishermen may take shellfish, except oysters in June, July and August, for their own use.  
 20. All craft and apparatus employed in unlawful fishing liable to seizure to satisfy all fines and costs, but to be released on payment.  
 21. Any inhabitant may, by consent, plant oyster beds and have exclusive right to take the same. Trespassers liable to damage and subject to penalty.  
 22. On application of three persons, county commissioners shall examine dams and structures, and prescribe fishways, and cause record thereof on town books.  
 23. And build the same, if owner fails, after twenty days notice; and if owner shall not pay expenses thereof in thirty days, county to pay and have a lien on mills and other property to secure the same, and an action to recover of owner.  
 24. Party aggrieved by decision of county commissioners may appeal to S. J. Court.  
 25. Commissioners of Penobscot and Hancock to have joint jurisdiction of waters in those counties. In case of equal division they shall certify to S. J. Court.  
 26. Penalty for taking fish within certain limits between May 1 and July 15, and in Machias river between May 1 and October 1. Penalty for not stripping weirs by July 15, each year. Penalties, how recovered and appropriated.

## TROUT IN GOOSE RIVER.

27. Penalty for taking trout, except by hook and line, between September 1 and December 31, and how recovered and appropriated.

## FISH IN PENOBSCOT RIVER, BAY AND TRIBUTARIES.

28. Appointment, oath, tenure of office, annual meeting, and jurisdiction of fish wardens for said waters.  
 29. They shall decide what are suitable fishways through dams and other structures, notify owners to build same between July 15 and November 1.  
 30. Penalty for not making fishway, after twenty days notice. What may be shown in defense thereto.  
 31. Wardens to prescribe such fishway, and where fish may be taken. Penalty for taking fish within such limits or obstructing their passage from May 1 to July 15.  
 32. Penalty for taking fish in such waters between July 15 and April 1, and also between April 1 and July 15, except on certain days.  
 33. Weirs shall be made with a gate for passage of fish, and kept open. Penalty for not doing it. Weirs, when to be stripped.  
 34. Wardens to prevent unlawful taking of fish; prosecute for offenses; be paid as witnesses; visit dams and fishing apparatus; and when resisted require aid. Penalty for refusing.  
 35. Penalty for net or string of nets extending more than eighty fathoms in length and fifteen in depth.

Sect. 36. Penalties, how recovered and appropriated.

37. Wardens to have two dollars a day, to be paid from county treasury.  
 38. Certain streams and towns exempt from provisions hereof.

NEW MEADOWS RIVER.

39. Election, oath, and jurisdiction of fish wardens and their deputies in Brunswick and West Bath.  
 40. Penalty for taking fish in such waters from May 1 to September 1, except from sunrise Mondays to sunrise Fridays, and how recovered and appropriated.

FISH IN GEORGES RIVER AND TRIBUTARIES.

41. Election, oath, and jurisdiction of fish wardens and their deputies in Thomaston, St. George, Cushing and Warren.  
 42. Annual meeting of wardens. They shall have a hearing of parties on application of three persons, and decide which party shall pay cost.  
 43. Sections 26, 29, 31, 32, 33, 34 and 36 applicable to these waters, *mutatis mutandis*.  
 44. If fishway not made to satisfaction of wardens, in twenty days after notice, they shall open natural course of stream, and may rightfully go on adjacent land and open sluiceways at expense of owner, provided he shall refuse to do it. Such sluiceway to continue open from May 1 to July 15.  
 45. Wardens shall have two dollars, and deputies one dollar a day, to be paid from town treasury.  
 46. Privileges at Vaughan's mills and Batchelder's mills exempt herefrom. Exceptions in favor of town of Warren.

*Fish.*

SECT. 1. The governor, with advice of council, shall, from  
 2 time to time, as occasion may require, appoint, in each town,  
 3 where pickled fish or smoked alewives and herrings are cured,  
 4 or packed for exportation, one or more persons, skilled in the  
 5 quality of the same, to be inspectors of such fish; who shall hold  
 6 their offices, during the pleasure of the governor and council,  
 7 not exceeding seven years, unless re-appointed; be duly sworn,  
 8 and give bond to the treasurer of their respective towns, with  
 9 sufficient sureties, to the satisfaction of the municipal officers, in  
 10 a sum of not less than five hundred or more than one thousand  
 11 dollars, for the faithful performance of his duties, before enter-  
 12 ing thereon. R. S., c. 54, § 1, 2. 1845, c. 134.

SECT. 2. Such municipal officers shall, at least once a year,  
 2 examine the bonds given by said inspectors; and if that of any  
 3 inspector be not, in their opinion, sufficient, they shall forthwith  
 4 notify him; and if he shall, for thirty days after such notice,  
 5 neglect to give a bond satisfactory to them, they shall give

6 information thereof to the governor, whose duty it shall be to  
7 remove such inspector from office. R. S., c. 54, § 3.

SECT. 3. Any person, injured by the neglect or misdoings  
2 of any inspector, on tendering, to such treasurer, a reasonable  
3 indemnity against the costs, shall be entitled to bring an action  
4 on such inspector's bond, in the name of the treasurer, for his  
5 own use, and to have a copy of the bond therefor; and, if judg-  
6 ment shall be rendered thereon for the plaintiff, execution shall  
7 issue for such sum as shall be found due to such person, and it  
8 shall be entered by the clerk of the court on the original bond,  
9 to remain in the custody of the treasurer. R. S., c. 54, § 4.

SECT. 4. If, at any time, it be necessary, that fish should be  
2 inspected in any town where no inspector resides, any such  
3 officer, in the county, may inspect and brand the same, in the  
4 same manner, and under the same obligations, as if in his own  
5 town. R. S., c. 54, § 5.

SECT. 5. Every inspector, who shall inspect any kind of fish,  
2 pickled for barreling, shall see that they are, in the first  
3 instance, well struck with salt or pickle, and preserved sweet,  
4 free from rust, taint or damage; and such of said fish, as are of  
5 good quality and in good order, shall be packed in tierces, bar-  
6 rels, half barrels, quarter barrels, and tenths of barrels, or kids;  
7 each tierce containing three hundred pounds; each barrel two  
8 hundred, and so in that proportion; and the same shall be  
9 packed in clean good coarse salt at the rate of thirty-five pounds  
10 for every two hundred of fish, and each cask shall then be filled  
11 with clear strong pickle and headed up; and, when the contents  
12 are free from taint, rust or damage, shall be branded by the  
13 inspector with the name of the fish therein; and those of the  
14 best quality and caught in the right season, shall be marked  
15 No. 1.; the best and thickest of those that remain No. 2.; and  
16 the residue No. 3.; and No. 3 Block Island mackerel so called  
17 shall also be marked with the word *South*, and all mackerel less  
18 than ten inches long shall be marked No. 3 small. The inspec-  
19 tor shall also brand, in plain letters on the head of every such  
20 cask the weight, the initials of his christian, and his whole sur-  
21 name, the name of his town, and of the owner, the letters *Me.*,

22 an abridgement of the month, and the year in figures, when  
23 packed. R. S., c. 54, § 6, 7, 8. 1843, c. 8.

SECT. 6. All tierces, barrels, or casks used for the purpose  
2 of packing pickled fish, shall be made of sound, well seasoned,  
3 white oak, white ash, spruce, pine or chestnut staves of rift  
4 timber, with headings of either of such kinds of wood, sound and  
5 well planed and seasoned, and the heads, if of pine, free from  
6 sap: the same to be well hooped with at least three strong  
7 hoops, on each bilge, and three also, on each chime; the barrel  
8 staves to be twenty-eight inches in length, and the heads to be  
9 seventeen inches, between the chimes, and made in a workman-  
10 like manner, to hold pickle; and branded on the side, near the  
11 bung, with the name of the maker or owner thereof. The  
12 tierces shall contain not less than forty-five, nor more than forty-  
13 six gallons, each; the barrels, from twenty-nine to thirty gallons  
14 each; and the aliquot parts of a barrel in the same proportion.

R. S., c. 54, § 14.

SECT. 7. All small fish usually packed whole, with dry salt,  
2 shall be put in good casks of the size and materials aforesaid,  
3 packed closely therein and well salted; the casks to be filled  
4 full, with the fish and the salt; putting no more salt with the  
5 fish, than is necessary for their preservation: and the inspector  
6 shall brand all such casks with the name and quality of the  
7 inspected fish, as aforesaid. R. S., c. 54, § 18.

SECT. 8. All smoked herring shall be sorted by the inspector  
2 according to their quality, as follows: scaled herrings shall con-  
3 sist of all the largest, fattest and best cured fish of not less than  
4 seven inches in length; number one, of well cured fish not less  
5 than six inches in length; and in both cases all those shall be  
6 taken out as refuse, which are belly-broken, tainted, scorched,  
7 slack-salted, or not sufficiently smoked. 1849, c. 91, § 1.

SECT. 9. All boxes for packing smoked herrings, shall be  
2 made of good sound boards, sawed and well seasoned; the top,  
3 bottom and sides, of boards not less than three-eighths of an  
4 inch thick, and the ends, of boards not less than three-quarters  
5 of an inch thick; securely nailed; and seventeen inches in  
6 length, eight and one-half inches in breadth, and six inches in

7 depth, in the clear; and each cask or box shall be filled with  
 8 fish of the same kind and quality; and, when inspected, shall  
 9 be marked, on the top, by the inspector, as in section five; and  
 10 if the box contain Magdalen herring that word abridged shall  
 11 be marked thereon; and no alewives or herring shall be consid-  
 12 ered merchantable, unless salted and smoked sufficiently to cure  
 13 and preserve them, and then closely packed in boxes, in clear  
 14 and dry weather.

1849, c. 91, § 2, 3. R. S., c. 54, § 11, 13, 17.

SECT. 10. The owner of all smoked and pickled fish, when  
 2 required by the inspector, shall furnish a brand, containing the  
 3 initials of his christian, and the whole of his surname, for stamp-  
 4 ing the casks and boxes, containing such fish.

R. S., c. 54, § 12.

SECT. 11. If any person shall sell in this state, or export  
 2 therefrom, any fish in casks or boxes, not inspected, packed and  
 3 branded, as aforesaid, or any tainted or damaged fish, known to  
 4 be such, except good and wholesome fish packed in kegs of less  
 5 than ten gallons, or pickled, dry or smoked fish imported into  
 6 this state from some other state or country lawfully inspected  
 7 and branded there, he shall forfeit ten dollars for every hundred  
 8 weight thus sold or exported.

R. S., c. 54, § 19.

SECT. 12. No pickled fish, in casks, and no smoked alewives  
 2 or herrings, in boxes, shall be shipped from this state, unless the  
 3 master or owner of the vessel shall produce to the officer, author-  
 4 ized to clear out the same, a certificate from the inspector, that  
 5 the same have been inspected, packed and branded, according  
 6 to law; and the certificate shall express the number of tierces,  
 7 or casks, and the number of boxes, thus shipped, the kind and  
 8 quality of fish they contain, the name of the master and owner,  
 9 and that of the vessel, into which such fish are received for ex-  
 10 portation; and shall take and subscribe the following oath,  
 11 before the officer authorized as aforesaid:

“I, A. B., do swear, according to the best of my knowledge  
 13 and belief, that the certificate, hereunto annexed, contains the  
 14 whole quantity of pickled fish, packed in barrels or other casks,  
 15 and of smoked alewives and herrings, on board the —, —,  
 16 master; and that no pickled fish, or smoked alewives or herrings

17 are shipped on board said vessel, for the ship's company, or on  
 18 freight or cargo, but what are inspected and branded, according  
 19 to the laws of this state, or exempted by the provisions thereof.  
 20 So help me God." R. S., c. 54, § 20, 21.

SECT. 13. If any person shall lade or receive, on board any  
 2 vessel or other carriage, for transportation from this state, any  
 3 pickled fish, or cured or salted whole fish, packed or not packed,  
 4 which has not been inspected and branded as aforesaid, except  
 5 such as is described in the exception of section eleven, he shall  
 6 forfeit at the rate of not less than five, or more than ten dollars  
 7 for every hundred pounds thereof; and any justice of the peace  
 8 may issue his warrant to the proper officer, directing him to  
 9 seize and secure any such prohibited fish, and convey it to any  
 10 inspector, within a convenient distance, for inspection; and every  
 11 person refusing to give necessary aid in the service of such  
 12 warrant, when required by the officer, shall forfeit five dollars, to  
 13 the person suing therefor, in action of debt; and such inspector  
 14 shall open, inspect, pack and brand such fish according to law,  
 15 and detain the same till all lawful charges of seizure and  
 16 inspection shall be paid. R. S., c. 54, § 22, 23, 24.

SECT. 14. If any person shall take, from a cask or box, any  
 2 pickled, cured or smoked fish, lawfully inspected and branded,  
 3 and substitute therefor, or fraudulently intermix other fish; or  
 4 any inspector shall mark any cask or box out of his town, or  
 5 which he has not inspected, packed and prepared himself ac-  
 6 cording to law; permit other persons unlawfully to use his  
 7 brands; or wilfully and fraudulently use the same himself after  
 8 the expiration of his commission, he shall forfeit twenty dollars  
 9 for each cask or box so dealt with.

R. S., c. 54, § 25, 26. 1844, c. 83. 1849, c. 91, § 4.

SECT. 15. The several inspectors of fish shall, annually, in  
 2 January, make a return, under oath, into the office of the sec-  
 3 retary of state, of all fish by them inspected up to the first day  
 4 of December preceding, designating the number of boxes, barrels  
 5 or casks, the various sorts and the place of inspection; and if  
 6 they neglect to do so, they shall forfeit not less than thirty or  
 7 more than one hundred dollars for each offense.

R. S., c. 54, § 27, 28.

SECT. 16. All the penalties aforesaid, not otherwise herein  
 2 appropriated, may be recovered in an action of debt, half to the  
 3 use of the person suing therefor, and half to the town where the  
 4 offense is committed. R. S., c. 54, § 29.

SECT. 17. The fees of inspectors, in all cases, shall be paid,  
 2 in the first instance, by the owner of the fish; but he may  
 3 recover the same of the person purchasing or receiving it in  
 4 addition to the price thereof. R. S., c. 54, § 30.

### *Fisheries.*

SECT. 18. No person, not a resident of this State, shall set  
 2 or use any net, weir, seine or other machine, in any of the  
 3 waters of the inland or coast of the state, for the purpose of  
 4 taking salmon, shad, mackerel, shell-fish, lobsters, herrings,  
 5 alewives, menhaden or pogies; nor shall residents set or use any  
 6 seine for the purpose of taking mackerel, menhaden or pogies;  
 7 nor shall any person take or otherwise wilfully destroy any  
 8 shell-fish or obstruct their growth in their beds; or set any net  
 9 cross-wise of said waters, but only length-wise, under a penalty  
 10 of not less than twenty or more than five hundred dollars;  
 11 except as hereinafter provided.

R. S., c. 61, § 1, 2, 3, 4, 7. 1848, c. 81, § 1, 3.  
 1852, c. 239, § 1, 3. 1855, c. 138, § 1, 2.

SECT. 19. The municipal officers of towns may grant permits,  
 2 in writing, to residents of the state, to take, within their towns,  
 3 shell-fish, menhaden or pogies, and to those not residents to  
 4 take the same and also lobsters, on the payment of such sum for  
 5 the use of their town as shall be agreed upon, specifying therein  
 6 the quantity to be taken or the time to fish, the number of per-  
 7 sons to be employed, and the purposes for which the fish may be  
 8 used; but, without any such permit, any inhabitant, within his  
 9 own town, may take shell-fish except oysters, in June, July and  
 10 August, for the consumption of his family; and any fisherman  
 11 may take, any where, such fish, except oysters in said three  
 12 months, suitable for bait, and necessary for his use, not exceed-  
 13 ing seven bushels in the shell. R. S., c. 61, § 5, 6.

1848, c. 81, § 1, 3. 1852, c. 239, § 1.

SECT. 20. All vessels, boats, craft and apparatus of every  
2 kind, employed in unlawful fishing, or having on board any such  
3 fish unlawfully taken, shall be liable for any fines and costs herein  
4 provided for; and any person may seize and detain said property,  
5 not exceeding twenty-four hours, in order that the same may be  
6 taken by due process of law to satisfy any judgment that may  
7 be recovered; but said property shall at any time be released  
8 on payment, by the owner or master, of the fine, costs and  
9 reasonable expenses. R. S., c. 61, § 8. 1848, c. 81, § 2.  
1852, c. 239, § 4. 1855, c. 138, § 3.

SECT. 21. Any inhabitant of this state, by obtaining the  
2 consent of the adjacent riparian proprietors, may plant oysters,  
3 below low water mark, in any of the navigable waters of the  
4 state, in places where there is no natural oyster bed; enclose  
5 such ground with stakes, set at suitable distances, and extending  
6 at least two feet above high water mark, but so as not to obstruct  
7 the free navigation of such waters, and have the exclusive right  
8 of taking such oysters; and if any person shall trespass on such  
9 enclosure or in any way injure such oyster beds, he shall be  
10 liable, in an action of trespass, for all the damage; or if he shall  
11 take any oysters therein without the consent of the owner, he  
12 shall forfeit not exceeding twenty-five dollars, or be confined in  
13 jail not exceeding three months. 1849, c. 142, § 1, 2.

SECT. 22. On the written application of three or more respon-  
2 sible persons, who shall be held to pay all the expenses if the  
3 decision is against them, the county commissioners shall, from  
4 time to time, examine all dams and structures in rivers or their  
5 tributaries, in which salmon, shad and alewives abound; and  
6 after notice to one or more of the parties interested, and a  
7 hearing, shall decide what would be a suitable fishway in said  
8 structure, not exceeding one foot in fifteen of the width of the  
9 water at that place, and define in writing the limits of such  
10 fishway and cause the same to be entered on the records of the  
11 town where it is situated. R. S., c. 61, § 10, 13.

SECT. 23. If the owner of such structure, after twenty days  
2 notice published in a newspaper in the county, if any, otherwise  
3 in the state paper, shall not build such fishway, the commis-  
4 sioners shall build it, and notify the owner of the expenses

5 thereof, and if he shall not pay the same within thirty days to  
 6 the county treasurer, the treasurer shall pay it, and the county  
 7 shall have a lien on the mills and other property situated  
 8 on such structure, whether belonging to said owner or not,  
 9 commencing from the opening of said fishway, and the county  
 10 attorney shall recover of said owner, in an action on the case, in  
 11 the name of the county, all such expenses, with costs and twelve  
 12 per cent. interest on the amount so paid. R. S., c. 61, § 11, 12.

SECT. 24. Any person, aggrieved by the decision of the com-  
 2 missioners, in such cases, may appeal to the supreme judicial  
 3 court, which may reverse, modify or confirm such decision.  
 4 The party appealing shall recognize, as in other cases of appeal;  
 5 and if he does not prosecute the same, the decision of the com-  
 6 missioners shall be final and in full force. R. S., c. 61, § 16.

SECT. 25. The county commissioners of Hancock and Penob-  
 2 scot shall have joint jurisdiction of the rivers and streams,  
 3 within the limits of their respective counties; and in case said  
 4 commissioners are equally divided in opinion, they shall certify  
 5 that fact to the supreme judicial court, at the next term thereof,  
 6 holden in the county where the dam or other structure com-  
 7 plained of is situated; and the decision of said court thereon  
 8 shall be final. R. S., c. 61, § 17.

SECT. 26. If any person shall take any salmon, shad or ale-  
 2 wives in any such fishway, or within twenty feet on each side  
 3 thereof, extending and keeping the same width fifty feet above,  
 4 or below, such dam or other structure, or shall, by placing im-  
 5 pediments in, or near, such fishway, hinder the passage of said  
 6 fish through the same, between the first day of May and the  
 7 fifteenth day of July, or in the Machias river between said day  
 8 of May and the first day of October, he shall forfeit not less than  
 9 five, or more than ten dollars, for each offense; and all weirs,  
 10 in any river or stream, shall be annually stripped, so as to admit  
 11 a free passage of fish through them, by the fifteenth day of July,  
 12 under a penalty of not less than five, or more than ten dollars,  
 13 for each day, the same shall be neglected; and all the penalties,  
 14 herein named, may be recovered in an action of debt, in the  
 15 name and to the use of the county.

R. S., c. 61, § 14, 15. 1842, c. 8, & c. 31, § 5.

*Trout in Goose River.*

SECT. 27. If any person shall take or destroy, except by hook  
2 and line, any trout in Goose river in the towns of Swanville,  
3 Prospect and Frankfort, between the first day of September and  
4 the last day of December, he shall forfeit three dollars for each  
5 trout, to be recovered by an action of debt, half to the town  
6 where the offense is committed, and half to the person suing  
7 therefor. 1843, c. 22.

*Salmon, Shad and Alewives in Penobscot River, Bay and  
Tributaries.*

SECT. 28. The governor, with advice of council, whenever a  
2 vacancy shall occur, shall appoint three suitable persons, one  
3 residing in each of the counties of Penobscot, Hancock, and  
4 Waldo, designating a chairman, to be fish wardens; who shall  
5 be duly sworn to the faithful discharge of their duties; hold  
6 their offices three years unless sooner removed; meet annually  
7 at Bangor, on the first Monday of April, with power to adjourn,  
8 to such time and place as they think proper; and have a gen-  
9 eral supervision over the fisheries of salmon, shad and alewives  
10 in the waters of the Penobscot river, bay and tributary streams.

1843, c. 25, § 1, 2, 3.

SECT. 29. They shall, from time to time, examine all dams  
2 and obstructions in said Penobscot river, and its tributaries, in  
3 which salmon, shad and alewives abound, and, after notice in  
4 writing to one or more of the parties interested, and a hearing  
5 thereon, shall decide what would be a suitable fishway through  
6 such structures, consulting, as far as practicable, the conve-  
7 nience and safety thereof; prescribe such fishway as they may  
8 judge suitable and sufficient, not exceeding one foot in width in  
9 fifteen of the length of the dam, running directly across the  
10 stream, and give written notice thereof to some owner or occu-  
11 pant, requiring the fishway to be made, according to said  
12 description without delay, at any time between the fifteenth day  
13 of July and the first day of November following, in any year,  
14 so that the same shall be kept open from the first day of May  
15 to the fifteenth of July of each year for the passage of fish.

1843, c. 25, § 4.

SECT. 30. And if such fishway shall not be made to the satisfaction of said board, within twenty days from the giving of said notice, any owner or occupant of said dam, or of any mills or machinery, benefitted thereby, shall forfeit not exceeding five dollars for each day, between the first day of May and the fifteenth day of July of each year, during which said neglect may continue; but any person, prosecuted for said penalty, may show, in defense, that the existing way is sufficient; the one prescribed unnecessary for the preservation of fish; or the requisition of the wardens unreasonable or impracticable within the time prescribed. 1843, c. 25, § 4.

SECT. 31. Said board shall define in writing the extent of such fishway, and the distance therefrom at which fish shall be taken, and cause the same to be entered upon the records of the town where it is situated. And if any person shall take any such fish within the limits aforesaid, or shall by any means obstruct the passage up said way, between the first day of May and the fifteenth day of July in each year, he shall forfeit twenty dollars for each offense. 1843, c. 25, § 4.

SECT. 32. No person shall take or destroy any of the fish aforesaid, in any of said waters, by any means whatever, between the fifteenth day of July and the first day of April following, under penalty of twenty dollars, for each offense; or between the first day of April and the fifteenth day of July following, except from sunrise Mondays to sunrise Fridays, under a penalty of ten dollars for each offense.

1843, c. 25, § 7, 12.

SECT. 33. Every weir shall be provided with a gate or passage way, in the pound thereof, at least three feet wide, and extending from the bottom to high water line, which shall be left open, for the free passage of said fish, from sunrise each Friday to sunrise Monday following, between the first day of April and the fifteenth day of July, and the owner or occupant of any weir, not so made, or not so kept open, shall forfeit ten dollars for each offense: and the provision of section twenty-six, in relation to stripping weirs, shall be applicable to these waters. 1843, c. 25, § 8, 9.

SECT. 34. Such fish wardens shall endeavor to prevent the  
2 unlawful taking or destruction of fish; prosecute for all offenses  
3 that come to their knowledge; be entitled to their pay, as wit-  
4 nesses, in such cases, although they may be complainants, and  
5 have a right, at all times, to visit any dam, weir, net or other  
6 apparatus for taking such fish contrary to law; and, whenever  
7 they shall be resisted, in the discharge of any duties, they may  
8 require the aid of as many persons as they may deem necessary,  
9 and any person neglecting or refusing to render aid, when thus  
10 required, shall forfeit ten dollars. 1843, c. 25, § 6, 10.

SECT. 35. No net or string of nets for taking said fish in any  
2 of the waters aforesaid, shall extend more than eighty fathoms  
3 in length, or more than fifteen feet in depth, under a penalty of  
4 ten dollars. 1843, c. 25, § 11.

SECT. 36. All the penalties aforesaid, not exceeding twenty  
2 dollars, shall be recovered by complaint before any justice of  
3 the peace, and all exceeding that sum shall be recovered by  
4 indictment, one half to the use of the county, and the other half  
5 to the use of the town, where the offense is committed.

1843, c. 25, § 13.

SECT. 37. Said wardens shall receive two dollars for each  
2 day they are actually occupied in their official duties, and their  
3 accounts shall be made under oath and presented to the county  
4 commissioners, and by them allowed and paid from the county  
5 treasury. 1843, c. 25, § 14.

SECT. 38. The mill privileges on Blackman's, Kenduskeag,  
2 Brewer's and Cold streams, the towns of Castine, Brooksville,  
3 Penobscot and Orland, and the portion of the Penobscot river  
4 and its tributaries below Orphan's Island, are exempt from the  
5 foregoing provisions. 1843, c. 25, § 15.

### *New Meadows River.*

SECT. 39. The towns of Brunswick and West Bath shall each  
2 choose, at their annual meeting, by ballot, one fish warden,  
3 to have a supervision over the fisheries of New Meadows river  
4 and tributary streams, conveniently located; and in case of  
5 neglect thereof by said towns, or the occurrence of a vacancy

6 otherwise, the selectmen shall appoint a fish warden, who in  
 7 either case, shall be sworn to the faithful discharge of his duties,  
 8 and shall appoint deputies, in such places, in his town, as he  
 9 shall think proper, not exceeding three, who shall be duly sworn  
 10 and forward certificates thereof to the warden within ten days  
 11 after notice of their appointment. 1844, c. 121, § 1, 2.

SECT. 40. No person, between the first day of May and the  
 2 first day of September, shall take or destroy any shad or other  
 3 fish in said waters, except from sunrise Mondays to sunrise Fri-  
 4 days, under penalty of ten dollars, to be recovered by complaint,  
 5 one-half to the warden or deputy, when he is complainant, for  
 6 his services, and the other half to the town, where the offense is  
 7 committed. 1844, c. 121, § 3, 4, 5.

*Salmon, Shad and Alewives in George's River and Tributaries.*

SECT. 41. The towns of Thomaston, St. George and Cushing  
 2 shall, at their annual meetings, each choose one, and the town  
 3 of Warren two, fish wardens, to have a general supervision over  
 4 the fisheries of salmon, shad and alewives in George's river and  
 5 tributaries, and to be sworn to the faithful discharge of their  
 6 duties; and in case said town shall fail to choose, or a vacancy  
 7 shall otherwise occur, the selectmen shall appoint such wardens;  
 8 who shall appoint deputies, removable at pleasure, in such  
 9 places as they deem proper, not exceeding seven, who shall be  
 10 duly sworn, and forward certificates thereof to the warden of  
 11 their town within ten days after notice of their appointment.

1844, c. 126, § 1, 2, 5.

SECT. 42. Said wardens shall hold an annual meeting, on the  
 2 fourth Monday of April, with power to adjourn to such time and  
 3 place as they choose; and if ten responsible citizens of said  
 4 towns shall petition them in relation to any matter within their  
 5 jurisdiction, they shall forthwith hear the parties; and if, in  
 6 their opinion, the petition was for sufficient cause, the expense  
 7 shall be paid by the respondent, otherwise by the petitioners.

1844, c. 126, § 3.

SECT. 43. Sections twenty-six, twenty-nine, thirty-one, thirty-  
 2 two, thirty-three, thirty-four and thirty-six of this chapter, are  
 3 applicable to these waters and are a part of this law to all

4 intents and purposes, making such changes in the names of the  
5 waters as may be necessary.

1844, c. 126, § 4, 6, 7, 8, 9, 10, 11, 12.

SECT. 44. If any fishway, directed by said wardens, as pro-  
2 vided in section twenty-nine, shall not be made to their satis-  
3 faction, within twenty days after notice, they are authorized to  
4 cause the natural course of the stream, through which the said  
5 fish pass, to be opened and kept open; and to go on the land of  
6 any person through which such streams run, without being  
7 trespassers; and cause to be opened, a sluiceway through any  
8 dam on any of said rivers or streams, between the ponds where  
9 the fish usually cast their spawn, and the sea, at the expense of  
10 the owner thereof: provided, such owner shall neglect or refuse  
11 to open the same when required by said fish wardens. And the  
12 dam or sluice so opened, shall continue open in every year, to  
13 such depth and width, and for such term of time, between the  
14 first day of May and the fifteenth day of July, as said fish  
15 wardens shall deem necessary. 1844, c. 126, § 4.

SECT. 45. Each warden shall receive two dollars, and each  
2 deputy one dollar, for each day he is actually occupied in his  
3 official duties, and his account shall be made under oath and  
4 presented to the selectmen of the town, where he resides, and  
5 by them allowed, and paid from the town treasury.

1844, c. 126, § 13.

SECT. 46. The mill privileges at Vaughan's mills, and at  
2 Batchelder's mills, in the town of Union, are exempt from the  
3 foregoing provisions; and any of the fish aforesaid may be taken  
4 by the town of Warren on Mondays, Tuesdays, Thursdays and  
5 Fridays, of each week, and said town, in so taking fish, shall  
6 be subject to all the provisions of an act entitled "an act to  
7 regulate the shad and alewife fisheries in the town of Warren,"  
8 passed March sixth, eighteen hundred and two, which are not  
9 inconsistent with the provisions of this act.

1844, c. 126, § 11, 14.

**Chapter 42.****SURVEY AND SALE OF WOOD, BARK, COAL, HOOPS, STAVES AND LUMBER.****WOOD AND BARK.**

- Sect.* 1. Dimensions of a cord of wood.
2. Penalty for selling wood or bark before survey unless otherwise agreed.
3. How cord wood, brought by water, shall be piled and measured, and penalty for carrying it from wharf before measured.
4. Ticket stating quantity and name of driver, required before wood carried from wharf; penalty for carrying away without ticket, refusing to exhibit it, or to have the wood re-measured.
5. Penalty for fraudulent stowage of wood, bark or charcoal.

**CHARCOAL.**

6. How charcoal may be measured and sold.
7. Coal baskets to be sealed—dimensions thereof.
8. Penalty for measuring coal in baskets of less dimensions, or not sealed.
9. Seizure of unlawful baskets.
10. Penalty for measurer refusing to give certificate. Penalties, how recovered and appropriated.

**BOARDS, PLANK, AND OTHER LUMBER.**

11. Towns to elect surveyors of boards, plank, timber, joist, shingles, clapboards, staves, hoops, and two or more cullers of staves and hoops. Municipal officers may appoint surveyors of logs. All to be sworn.
12. All boards, plank, timber and joist to be surveyed before delivery on sale. Mode of measuring and marking same, and allowances. What kind of pine boards are merchantable, and what may be shipped out of the United States.

**SHINGLES AND CLAPBOARDS.**

13. Dimensions and quality of shingles Nos. 1, 2 and 3.
14. How shingles shall be split or sawed and packed. Forfeiture of shingles if deficiency of five in any bundle of No. 1, or if offered for sale before they are surveyed and branded.
15. Dimensions and quality of clapboards.

**STAVES AND HOOPS.**

16. Dimensions and quality of staves, and how enumerated.
17. Dimensions and quality of hogshead hoops; how packed and enumerated; and forfeiture of deficient bundles.
18. The articles, herein before named, not to be offered for sale, before they are surveyed and branded and certificate given, under a penalty of two dollars a thousand. Forfeiture for master of vessel unlawfully exporting same, for first and second offense, and appropriation thereof.
19. Master or owner to produce surveyor's certificate before clearance, and affidavit thereto.
20. Penalty for surveyor or culler to neglect or refuse oath of office, and for neglecting or practising fraud in his official duties.
21. Penalties and forfeitures, how recovered.

**LOGS.**

22. Duty of surveyors of logs.

*Wood and Bark.*

SECT. 1. All cord wood, exposed to sale, shall be four feet long, including half the scarf; and, being well and closely laid together, a cord of wood or bark shall measure eight feet in length, four feet in width, and four feet in height, or otherwise contain one hundred and twenty-eight cubic feet; and the measurer shall make due allowance for refuse or defective wood, or bad stowage. Amendments of 1841, § 7.

SECT. 2. If any fire wood or bark, brought into any town by land, shall be sold and delivered, unless otherwise agreed to by the purchaser, before it has been measured by a sworn measurer, and a ticket signed by him and given to the driver, stating the quantity the load contains, the name of the driver, and the town in which he resides, such wood or bark shall be forfeited, and may be libeled and disposed of according to law.

R. S., c. 60, § 2.

SECT. 3. All cord wood, brought by water into any town for sale, shall be corded on the wharf or land, on which it shall be landed, in ranges, making up in height; what shall be wanting in length; at which time it shall be so measured, and a ticket given to the purchaser, who shall pay the stated fees; and no such wood shall be carried away by any wharfinger or carter before it has been so measured, under a penalty of one dollar for every load.

R. S., c. 60, § 3, 4.

SECT. 4. Every person, carrying any fire wood from a wharf or landing, for sale, shall be furnished by the owner, or seller of it, with a ticket, stating the quantity, and name of the driver; and if any such firewood shall be carried away without such ticket, or if any driver shall refuse to exhibit such ticket to any sworn measurer, on demand, or shall not consent to have the same measured, if, in the opinion of the measurer, the ticket shall certify a greater quantity of wood than the load contains, such wood shall be forfeited and may be seized and libeled by said measurer according to law.

R. S., c. 60, § 5, 6.

SECT. 5. When any wood, bark or charcoal, shall be sold by the cord, foot or load, which may be stowed in such a manner as to prevent the surveyors from examining the middle of the load, and it shall appear on delivery, that it has been stowed, with a

5 fraudulent intent of obtaining payment for a greater quantity,  
 6 than there was, in fact, in said load, the seller or owner thereof,  
 7 shall pay a fine of ten dollars for the use of the county, with  
 8 costs of prosecution. R. S., c. 60, § 7.

### *Charcoal.*

SECT. 6. Any charcoal, brought into any town for sale, may  
 2 be measured and sold by the cord or foot, estimating the cord at  
 3 ninety-six bushels, whenever the purchaser and seller may agree  
 4 to the same; and the measurers before named shall be measurers  
 5 of charcoal also. R. S., c. 60, § 8.

SECT. 7. All baskets for measuring charcoal, brought into  
 2 any town for sale, shall be sealed by the sealer of the town,  
 3 where the person using the same usually resides, and shall  
 4 contain two bushels, and be of the following dimensions, viz:  
 5 nineteen inches in breadth, in every part thereof, and seventeen  
 6 inches and a half deep, measuring from the top of the basket to  
 7 the highest part of the bottom: and in measuring charcoal for  
 8 sale, the basket shall be well heaped. R. S., c. 60, § 9.

SECT. 8. Every person, who shall measure charcoal, for sale,  
 2 in any basket of less dimensions, or not sealed, shall forfeit for  
 3 each offense, five dollars. R. S., c. 60, § 10.

SECT. 9. The municipal officers of towns may appoint some  
 2 suitable person, to seize and secure all the baskets used for  
 3 measuring coal, not according to the provisions hereof.

R. S., c. 60, § 11.

SECT. 10. If any measurer of wood, bark, or charcoal shall  
 2 neglect or refuse to give, to the owner or purchaser, a certificate  
 3 of the contents of any load, he shall forfeit five dollars for each  
 4 offense; and all the penalties and forfeitures, herein before pro-  
 5 vided, may be recovered by action of debt or complaint, one-half  
 6 to the town, where the offense was committed, and the other to  
 7 the prosecutor. R. S., c. 60, § 12, 13, 14.

### *Boards, Plank and Other Lumber.*

SECT. 11. Every town, at its annual meeting, shall elect one  
 2 or more surveyors of boards, plank, timber, and joist; one or  
 3 more surveyors of shingles, clapboards, staves and hoops; and

4 every town, containing a port of delivery, whence staves and  
 5 hoops are usually exported, shall also elect two or more viewers  
 6 and cullers of staves and hoops; and the municipal officers of  
 7 any town may, if they deem it necessary, appoint not exceeding  
 8 seven surveyors of logs, and all of said officers shall be duly  
 9 sworn. R. S., c. 66, § 1, 5, 18, 28.

SECT. 12. All board, plank, timber and joist, offered for sale,  
 2 shall, before delivery, be surveyed by a sworn surveyor thereof,  
 3 and if he have doubts of the dimensions, he shall measure the  
 4 same, and mark the contents thereon, making reasonable allow-  
 5 ance for rots, knots, and splits, drying and shrinking; pine  
 6 boards three-fourths of an inch thick, when fully seasoned, and  
 7 in that proportion, when partly seasoned, shall be considered  
 8 merchantable; and no pine boards, except sheathing boards,  
 9 shall be shipped for exportation beyond the United States; but  
 10 such as are square edged, not less than seven-eighths of an inch  
 11 thick, or less than ten feet long, under penalty of being forfeited  
 12 to the town whence shipped. R. S., c. 66, § 2, 3, 4.

#### *Shingles and Clapboards.*

SECT. 13. All shingles, packed for exportation beyond the  
 2 state, shall be sixteen inches long, free from shakes and  
 3 worm-holes, and at least three-eighths of an inch thick at the  
 4 butt end, when green, and if of pine, free from sap. They shall  
 5 be four inches wide on an average, not less than three inches  
 6 wide in any part, hold their width three-fourths of the way to  
 7 the thin end, well shaved or sawed, and be denominated *No. 1.* ;  
 8 but shingles intended for sale within this state, if of inferior  
 9 quality or of less dimensions, may be surveyed and classed  
 10 accordingly, under the denominations of, *No. 2* and *No. 3.*

R. S., c. 66, § 6, 7.

SECT. 14. All shingles shall be split or sawed cross-wise the  
 2 grain; each bundle shall contain two hundred and fifty shingles,  
 3 and if in square bundles, twenty-five courses, and be twenty-two  
 4 inches and a half at the lay: and, when packed to be surveyed  
 5 as *No. 1.*, or for exportation, if in any bundle, there shall be five  
 6 shingles deficient in the proper dimensions, soundness, or num-  
 7 ber to make two hundred and fifty merchantable shingles; or if

8 any shingles shall be offered for sale, before they are surveyed  
 9 and measured, by a sworn surveyor of some town in the county,  
 10 where made, and the quality branded on the hoop or band of the  
 11 bundle, unless the parties otherwise agree, they shall be for-  
 12 feited to the town where the offense is committed.

R. S., c. 66, § 8, 9, 10.

SECT. 15. All clapboards, exposed to sale, or packed for ex-  
 2 portation, shall be made of good, sound timber, free from shakes  
 3 and worm-holes, and if of pine, clear of sap; and they shall be  
 4 at least five-eighths of an inch thick, on the back or thickest  
 5 part, five inches wide, and four feet, six inches long, and straight  
 6 and well shaved or sawed.

R. S., c. 66, § 11.

### *Staves and Hoops.*

SECT. 16. Staves, packed for sale or exportation, shall be  
 2 well and proportionably split and of the following dimensions,  
 3 viz:

White oak butt staves, at least five feet in length, five inches  
 5 wide, and one inch and a quarter thick on the heart or thinnest  
 6 edge, and every part thereof;

White oak pipe staves, shall be at least four feet and eight  
 8 inches, in length, four inches broad, in the narrowest part, and  
 9 not less than three-quarters of an inch thick, on the heart or  
 10 thinnest edge;

White or red oak hogshead staves shall be at least forty-two  
 12 inches long, and not less than half an inch thick, on the least or  
 13 thinnest edge;

White or red oak barrel staves, for a market out of the United  
 15 States, shall be thirty-two inches long; if for use, within the  
 16 United States, thirty inches long; and in either case, half an  
 17 inch thick on the heart or thinnest edge;

All white or red oak hogshead or barrel staves shall be, at  
 19 least, one with another, four inches in breadth, and no one less  
 20 than three inches in breadth in the narrowest part; and those  
 21 of the breadth last mentioned shall be clear of sap; and two  
 22 staves shall be sold as one cast; fifty casts, one hundred staves,  
 23 and ten hundred, one thousand.

R. S., c. 66, § 12, 13.

SECT. 17. All hogshead hoops, exposed for sale, or packed  
2 for exportation, shall be from ten to thirteen feet in length, and  
3 of oak, ash or walnut, and of good and sufficient substance, well  
4 shaved; if of oak or ash, at least one inch broad, and, if of  
5 walnut, three-quarters of an inch at the least end; the different  
6 lengths shall be made up in bundles by themselves; each bundle  
7 shall contain twenty-five hoops, four bundles make one hundred,  
8 and ten hundred, one thousand; and every bundle, packed for  
9 sale or exportation, found to be deficient in number or dimen-  
10 sions, shall be forfeited to the use of the town where exhibited.

R. S., c. 66, § 14, 15, 16. 1844, c. 100.

SECT. 18. No person shall deliver on sale, or ship or attempt  
2 to ship for exportation any boards, plank, timber, joists, shin-  
3 gles, clapboards, staves or hoops before they have been surveyed,  
4 measured, viewed or culled, as the case may be, and branded by  
5 the proper officer, and a certificate thereof given by him speci-  
6 fying the number, quality and quantity thereof, under a penalty  
7 of two dollars a thousand, by quantity or tale, as such article is  
8 usually sold, one half to the town where the offense is committed,  
9 and the other to the prosecutor; and in addition thereto, the  
10 master or owner of any vessel exporting any of the articles  
11 aforesaid beyond the limits of the United States, contrary to  
12 law, shall, for the first offense, forfeit two hundred dollars, for  
13 the use of the town, whence said articles were exported; and  
14 if, after conviction, he shall commit a second offense in the same  
15 vessel, he shall forfeit the same sum, and the vessel, if found in  
16 this state, shall also be forfeited to the same use.

R. S., c. 66, § 17, 19, 20, 22, 23.

SECT. 19. The master or owner of any vessel, having any of  
2 the lumber or other articles, mentioned in the preceding section,  
3 on board for exportation as aforesaid, shall, before the vessel  
4 shall be cleared at the custom house, produce to the collector a  
5 certificate from the proper officer, that the same have been duly  
6 surveyed, measured, viewed or culled, as the case may require;  
7 and such master or owner shall, likewise, make oath before the  
8 collector, or any justice of the peace, whose certificate shall be  
9 returned to the collector, that the articles, so shipped for ex-  
10 portation, are the same articles thus surveyed, measured, viewed

11 or culled, that he has no others on board of the like description,  
 12 and that he shall not take any others. R. S., c. 66, § 21.

SECT. 20. If any person, duly elected a surveyor, measurer,  
 2 viewer or culler of any of said articles under the provisions of  
 3 this chapter, shall neglect or refuse to take the oath of his office,  
 4 and to serve therein, he shall forfeit three dollars to the use of  
 5 the town, and another person shall be elected to his place, whose  
 6 duty it shall be to take the oath and serve, as aforesaid, under  
 7 the like penalty; and the like proceedings may be had, until the  
 8 office shall be filled; or if any such officer, duly qualified, shall  
 9 unnecessarily refuse or neglect to attend to the duties of his  
 10 office, when requested, he shall forfeit three dollars; and if he  
 11 shall connive at, or willingly allow any breach of the provisions  
 12 hereof, or shall practice any other fraud or deceit in his official  
 13 duties, he shall forfeit thirty dollars to the use aforesaid.

R. S., c. 66, § 24, 25, 26.

SECT. 21. All the pecuniary penalties aforesaid may be re-  
 2 covered by action of debt or by indictment or complaint, and  
 3 all other forfeitures by a libel filed according to law, by the  
 4 treasurer of the town, interested therein, or by any inhabitant  
 5 thereof.

R. S., c. 66, § 27.

### *Logs.*

SECT. 22. Any surveyor of logs may inspect, survey, and  
 2 measure all mill logs floated or brought to market, or offered for  
 3 sale, in their respective towns, and divide them into several  
 4 classes, corresponding to the different quality of boards and other  
 5 sawed lumber, which may be manufactured from them; and they  
 6 shall give certificates under their hands, of the quantity and  
 7 quality thereof, to the person, at whose request the same shall  
 8 be surveyed.

R. S., c. 66, § 29.

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## Chapter 43.

### TIMBER UPON RIVERS, STREAMS AND ADJACENT LANDS.

Sect. 1. Penalty for the unlawful conversion of logs, masts or spars, and how recovered and appropriated.

2. Such unlawful conversion declared to be larceny and punished accordingly.

- Sect.* 3. Penalty for cutting out, altering or destroying marks and how appropriated.
4. Double damages recoverable by the owner.
  5. What shall be presumptive evidence of guilt.
  6. Right of owner to search any mill, boom or raft for lost logs. Penalty for obstructing.
  7. Logs in any boom on Saco river to be released on request, if it can safely be done.
  8. Liability for all damages for a refusal or neglect to do so.
  9. When logs of different owners are intermixed, how they may be driven. Lien thereon for expenses and how ascertained, and seured.
  10. When timber, lodged on banks, shall be forfeited, provided the same shall be advertised.
  11. Owner may remove the same by tendering damages and expenses, or if same be removed without such tender, land owner may have action therefor.

SECT. 1. If any person shall take, carry away, or otherwise  
 2 convert to his own use, without the consent of the owner, any  
 3 log, suitable to be sawed or cut into boards, clapboards, shin-  
 4 gles, joists or other lumber, or any mast or spar, the property  
 5 of another, whether the owner thereof be known or unknown,  
 6 lying and being in any river, pond, bay, stream or inlet, or on,  
 7 or near, the bank or shore thereof, within this state, he shall  
 8 forfeit, for every such log, mast or spar, twenty dollars, to be  
 9 recovered on complaint before any justice of the peace of the  
 10 county, where the offense shall be committed; one-half to the  
 11 use of the state, and the other half to the use of the complainant.

R. S., c. 67, § 1.

SECT. 2. If any person shall, fraudulently and wilfully, take  
 2 and convert to his own use, either by himself, or by another in  
 3 his employment, any such log, mast or spar, lying or being, as  
 4 described in the preceding section, for the purpose of being  
 5 driven to a market, or a place of manufacture, he shall be  
 6 deemed guilty of larceny, and punished accordingly.

R. S., c. 67, § 2.

SECT. 3. If any person shall cut out, alter or destroy any  
 2 mark, made on any such log, mast or spar, lying and being, as  
 3 described in the first section, without the consent of the owner  
 4 thereof, and with the intent to claim the same, he shall be liable  
 5 to the penalty, provided in the first section; to be recovered in  
 6 the same manner and to the same uses. R. S., c. 67, § 3.

SECT. 4. Every person guilty of either of the offenses de-  
 2 scribed in the preceding sections, shall, whether convicted in a

3 criminal prosecution therefor, or not, be liable to pay the owner  
4 of any such log, mast or spar, respecting which the offense was  
5 committed, double the value of the same; to be recovered in an  
6 action of debt. R. S., c. 67, § 4.

SECT. 5. In any prosecution, under the preceding sections,  
2 if such log, mast or spar, shall be found in the possession of  
3 the defendant, with the marks cut out, altered, partly sawed  
4 or manufactured, into lumber of any kind, or partly destroyed,  
5 not being his own property, it shall be considered, as presump-  
6 tive evidence of his guilt; and the burden of proof shall be upon  
7 him to discharge himself. R. S., c. 67, § 5.

SECT. 6. The owner of any such logs, masts or spars, may,  
2 at any time, by himself or his agent, enter, in a peaceable man-  
3 ner, upon any mill, mill-brow, boom, or raft of logs or other  
4 timber, in search of any such logs, masts or spars, which he  
5 may have lost; and any person, who shall wilfully prevent, or  
6 obstruct, such search, shall forfeit, for each offense, not less  
7 than twenty, nor more than fifty dollars; to be recovered, in an  
8 action of debt, to the use of the person, by whom, or on whose  
9 account, such entry was claimed. R. S., c. 67, § 6.

SECT. 7. If any boom, across or partly across the Saco river,  
2 or any of the waters connected with the said river, shall be  
3 placed, or constructed, so as to prevent the free and usual pas-  
4 sage of timber down such river, the owner, or occupier thereof,  
5 at his own expense, shall release and turn out the timber, so  
6 detained, whenever requested to do so by the owner thereof;  
7 provided, it can be done with safety. R. S., c. 67, § 7.

SECT. 8. If the owner, or occupier of such boom shall, for  
2 two days, after such request, if it can be done with safety, neg-  
3 lect or refuse to turn out and release the timber, so detained,  
4 he shall be liable to the owner thereof, for all damages, by him  
5 sustained, to be recovered in an action on the case.

R. S., c. 67, § 8.

SECT. 9. Any person, whose timber, in any of the waters of  
2 this state, shall be so intermixed with the logs, masts or spars  
3 of another, that the same cannot be conveniently separated, for  
4 the purpose of being floated to the market, or place of manufac-  
5 ture, may drive all logs, masts and spars, with which his own

6 are so intermixed, toward such market or place, when no special  
7 and different provision is made, by law, for driving such timber;  
8 and shall be entitled to a reasonable compensation, from the  
9 owner, to be recovered after demand, therefor, on the said owner  
10 or agent, if known, in an action on the case; and he shall have  
11 a prior lien on the same, until thirty days after it shall have  
12 arrived at its place of destination, in order to enable him to  
13 attach it in such action; and if the owner thereof cannot be  
14 ascertained, the property may be libeled according to law, and  
15 so much of it disposed of, as shall be necessary to defray the  
16 expenses thereof; the amount of which shall be determined by  
17 the court, before which the libel is heard. R. S., c. 67, § 9.

SECT. 10. All logs or other timber, carried by freshets, or  
2 otherwise lodged upon any lands, adjoining any of the waters  
3 within this state, shall be forfeited to the owner or occupier of  
4 such lands, after the same shall have so remained two years, if  
5 such lands shall, during that time, have been improved; other-  
6 wise after six years: provided, that the owner or occupier of  
7 such lands shall, within one year, after the same shall have been  
8 found so lodged, advertise, as near as practicable, the number  
9 of pieces of timber, the time when lodged, together with the  
10 marks thereon, and the place where found, three weeks succes-  
11 sively, in some public newspaper in the county, if any, otherwise  
12 in the state paper. R. S., c. 67, § 10.

SECT. 11. The owner of said timber may enter on said land,  
2 and remove the timber, at any time before forfeiture, having  
3 previously tendered to the owner or occupier of the land, a  
4 reasonable compensation for all damages, occasioned by the  
5 lodging, remaining or removal of said timber, and the expenses  
6 of advertising the same; but if the timber shall have been re-  
7 moved by the owner, or otherwise, without such tender, the  
8 owner of the land shall be entitled to recover, in an action of  
9 trespass, the damages aforesaid. R. S., c. 53, § 11, 12.

**Chapter 44.****WEIGHTS AND MEASURES.**

- Sect.* 1. Standard of weights and measures. State sealer to cause other smaller denominations to be regulated by said standard, and keep standard balances at the state house for regulating weights and measures.
2. Description of beams, weights and measures to be kept by the treasurer of state.
3. Also by county treasurers. Same to be sealed once in ten years by state standards; penalty for neglect, and how recovered.
4. Town seal and standard of beams, weights and measures to be kept by treasurers. Same to be sealed once in ten years, penalty for neglect, and how recovered and appropriated.
5. Appointment of sealers by municipal officers of towns, penalty for neglect, and how recovered and appropriated.
6. Penalty for sealer not accepting office and taking oath. Sealer to have custody of standards and seals and be accountable for their preservation and redelivery.
7. Duty of town sealer, penalty for neglecting the same, and how appropriated.
8. Dearborn or Hill's steelyard, or the Fairbanks' scale may be used, provided they are sealed.
9. All measures, for articles sold by heaped measure, shall be conformable to public standard. Penalty for selling by beams, weights or measures not sealed, and how appropriated.
10. Twenty-five pounds shall be a quarter; four quarters, one hundred; twenty hundreds, one ton; and articles, sold by tale, shall be by decimal hundreds.

SECT. 1. The standard of weights and measures, furnished 2 by the United States and adopted by this state, shall continue 3 the standard of weights and measures for the state; and the 4 state sealer of weights and measures shall cause all such weights 5 and measures of a smaller denomination than those furnished by 6 the United States, as may be necessary to make a complete set, 7 to be compared and regulated by the standards aforesaid; and 8 keep, at the expense of the state, a suitable standard balance 9 for gold, and also for avoirdupois weights, to be kept, with the 10 weights and measures, at the state house, and used only for 11 regulating other weights and measures. R. S., c. 73, § 1, 2, 3.

SECT. 2. It shall be the duty of the treasurer of the state, at 2 the expense of the state, to procure and preserve as public 3 standards, until otherwise provided, in the manner mentioned in 4 the first section, and which shall be used only as such, the 5 following beams, weights and measures, to wit: one bushel, one 6 half bushel, one peck, one half peck, one ale quart, one wine 7 gallon, one wine half gallon, one wine quart, one wine pint, one

8 wine half pint, and one wine gill; said measures to be made of  
 9 copper or pewter, conformable, as to contents, to said standard  
 10 measures; and as to breadth, that is to say, the diameter of the  
 11 bushel, not less than eighteen inches and a half, containing  
 12 thirty-two Winchester quarts; of the half bushel, not less than  
 13 thirteen inches and three quarters, containing sixteen Win-  
 14 chester quarts; of the peck, not less than ten inches and three  
 15 quarters, containing eight Winchester quarts; and of the half  
 16 peck, not less than nine inches, containing four Winchester  
 17 quarts; the admeasurement to be made in each instance, within  
 18 side of the measure; also one ell, one yard; one set of brass  
 19 weights, to four pounds, computed at sixteen ounces to the  
 20 pound, with fit scales and steel beam: also a good beam and  
 21 scales, and a nest of troy weights from one hundred and twenty-  
 22 eight ounces down to the least denomination, with the weight of  
 23 each weight, and the length of each measure marked or stamped  
 24 thereon respectively, and sealed with a seal, to be procured and  
 25 kept by the treasurer aforesaid; and also one fifty-six pound  
 26 weight, one twenty-eight pound weight, one fourteen pound  
 27 weight, and one seven pound weight, made of iron.

R. S., c. 73, § 4.

SECT. 3. The treasurer of each county, at the expense thereof,  
 2 shall have one complete set of beams, and of brass, copper, pew-  
 3 ter and iron weights, and of the measures, before mentioned,  
 4 except the bushel measure, proved and sealed by the state  
 5 standards; the said measures, as to breadth, and contents, to  
 6 conform to the state standards, as before mentioned; and the  
 7 county treasurer shall preserve them for the use of such county,  
 8 and to be used only, as standards; and once in every ten years,  
 9 commencing July one, eighteen hundred and thirty nine, he  
 10 shall have them compared, proved, and sealed by the state stand-  
 11 ards; and, for each neglect of his duty aforesaid, he shall forfeit  
 12 two hundred dollars, to be recovered in an action of debt in the  
 13 name of the state.

R. S., c. 73, § 5, 6, 7.

SECT. 4. The treasurers of towns, at the expense thereof,  
 2 shall constantly keep, a town seal, and as town standards, a  
 3 complete set of beams, weights, and copper and pewter measures,  
 4 conformable to the state standards, except that they need not

5 keep the bushel measure, and the half bushel, peck and half  
 6 peck measures may be of wood, instead of copper or pewter, but  
 7 of the same dimensions, and except also a nest of troy weights,  
 8 other than those from the lowest denomination to eight ounces,  
 9 which they are required to keep; they shall cause all beams,  
 10 weights, and measures, belonging to their towns, to be proved  
 11 and sealed, by the state or county standards, once in ten years,  
 12 computing from July one, eighteen hundred and forty; and for  
 13 every neglect of duty as aforesaid, they shall forfeit one hundred  
 14 dollars, half to the use of the town, and half to the use of the  
 15 person suing therefor.

R. S., c. 73, § 8, 9, 10, 11. 1842, c. 31, § 6.

SECT. 5. The municipal officers of each town shall annually  
 2 appoint a sealer of weights and measures therein, removable at  
 3 pleasure, and have power to fill any vacancy that may occur;  
 4 and for each month's neglect of this duty they shall severally  
 5 forfeit ten dollars, to be appropriated as in the preceding section.

R. S., c. 73, § 12, 14.

SECT. 6. If any person, so appointed, and notified thereof,  
 2 shall refuse for seven days to accept the office and be sworn, he  
 3 shall forfeit five dollars to be appropriated as in section four;  
 4 but when sworn he shall receive the standards and seal from the  
 5 treasurer, giving a receipt therefor, describing them and their  
 6 condition, and therein engaging to re-deliver them at the expi-  
 7 ration of his office in like good order; and he shall be accountable  
 8 for their due preservation while in his possession.

R. S., c. 73, § 13, 15.

SECT. 7. Every such sealer shall annually, in the month of  
 2 May, post notices in different parts of his town, stating the  
 3 times and places, he will attend to the proof and sealing of  
 4 weights and measures; shall deface or destroy all weights and  
 5 measures not conformable to the standard; shall visit the houses  
 6 of innholders, the warehouses and stores of merchants, and the  
 7 dwellinghouses of such other inhabitants as shall neglect to  
 8 send to him their weights and measures, and there prove and  
 9 seal the same; and every sealer that shall neglect any duty,  
 10 herein required of him, and every person neglecting or refusing  
 11 to have his weights and measures proved and sealed as afore-

12 said, shall forfeit ten dollars, to be appropriated as in section  
13 four. R. S., c. 73, § 16, 17, 18, 19.

SECT. 8. In all cases of weighing, the vibrating steelyard,  
2 invented by Benjamin Dearborn, or the vibrating steelyard in-  
3 vented by Benjamin Dearborn and improved by Samuel Hills,  
4 or the Fairbanks' scale, may be used: provided, that before  
5 being offered for sale, or the same shall be used, each beam, and  
6 the poises thereof, shall be sealed by a public sealer of weights  
7 and measures, appointed according to law. R. S., c. 73, § 20.

SECT. 9. All measures, by which fruit and other things,  
2 usually sold by heaped measures, are sold, shall be conformable,  
3 in capacity and breadth, to the public standard; and if any  
4 person shall otherwise sell, or expose to sale, any such fruit or  
5 other thing, or shall sell or expose to sale any goods or commo-  
6 dities whatever, by any other beams, weights or measures, than  
7 those proved and sealed, as aforesaid, he shall forfeit for each  
8 offense, not less than one dollar, nor more than ten dollars; one  
9 moiety to the use of the town, and the other to the sealer, or to  
10 him who shall prosecute therefor. R. S., c. 73, § 21.

SECT. 10. All such articles, as have been sold or exchanged,  
2 in any market or town in this state, by gross or avoirdupois  
3 weight, shall be sold or exchanged by the following regulations  
4 of said weights, viz: twenty-five avoirdupois pounds shall con-  
5 stitute one quarter; four quarters, one hundred; and twenty  
6 hundreds, one ton; and all other articles, usually sold by tale,  
7 shall be sold by decimal hundred, any law to the contrary not-  
8 withstanding. R. S., c. 73, § 22.

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## Chapter 45.

### HAWKERS AND PEDLERS.

- Sect. 1.* Penalty for peddling without a license and forfeiture of goods.
2. Description of persons to be licensed by the county commissioners; licenses to expire in one year and not to be assigned without consent of board; amount to be paid therefor and certificate of good moral character to be attached.
3. Persons licensed not to carry property of those not five years residents of the state, jewelry, playing-cards or other prohibited property under a penalty. Articles lawfully raised or manufactured in this state not included in this chapter.

- Sect. 4.* Every person licensed shall exhibit his license on request, or it shall not avail him in defense. Carriages and goods may be seized and held for the payment of fines.
5. Penalties and forfeitures how recovered and appropriated. Forfeited property how seized and disposed of.

SECT. 1. No person, except as hereinafter provided, shall travel from town to town, or place to place in any town, in this state, on foot or by any kind of land or water, public or private conveyance whatever, carrying for sale, or offering for sale any goods, wares, or merchandise whatever, whole or by samples, under a penalty of not less than twenty or more than two hundred dollars, and the forfeiture of all property thus unlawfully carried. 1846, c. 200, § 1. 1848, c. 63. 1853, c. 10, § 1.

SECT. 2. The county commissioners, in their respective counties, may license, for the purposes aforesaid, any person applying, who shall prove, to their satisfaction, that he sustains a good moral character; has been five years a citizen of the United States and of this state, and has resided the year preceding in some town in the county where the application is made; and such licenses shall expire in one year from their date; shall not be transferred or assigned without the consent of the board granting the same, and the applicants shall pay therefor, to the county they are to travel in, if on foot or in any boat or other water craft, ten dollars; with a carriage drawn by one animal, fifteen dollars, and drawn by two animals, twenty dollars, and shall present to the commissioners, with their application, a certificate of good moral character from the municipal officers of the town where they reside, which shall be attached to their license. 1846, c. 200, § 3, 4, 8. 1853, c. 10, § 2.

SECT. 3. No person, licensed as aforesaid, shall sell, carry or offer for sale any property, belonging to persons not five years residents of this state, or any jewelry, playing cards or other property prohibited by law, under the penalty provided in section one; but nothing in this chapter shall prevent any citizen of this state from selling any fish, fruit, provisions, farming utensils, or other articles lawfully raised or manufactured in this state. 1846, c. 200, § 3, 9.

SECT. 4. Every person shall exhibit his license, at all times, when so required, by any justice of the peace, or any constable or other peace officer, and a refusal to do so, shall be deemed evidence of not having any; and, if afterwards prosecuted, the production of his license, at the trial, shall not avail him in defense, but he shall be dealt with as unlicensed; and the carriages, goods, wares, and merchandise of any person, thus refusing, may be seized, by a warrant from any justice of the peace, and detained until the payment of any fine, to which such person may be liable. 1846, c. 200, § 6, 7.

SECT. 5. All penalties and forfeitures herein provided may be recovered by indictment or action of debt, one half to the use of the town, where the offense is committed, and the other to the use of the person prosecuting therefor; and any justice of the peace, on complaint, may cause the arrest of the accused, and seizure of the property, alleged to be forfeited, and detain the same until trial in the proper court, and in case of conviction, the property shall be decreed forfeited to the uses aforesaid, to be sold in the same manner as goods taken on execution. 1846, c. 200, § 1, 2, 5.

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## Chapter 46.

### USURY.

- Sect. 1.* Legal rate of interest fixed at six per cent., but not to apply to letting cattle or maritime contracts.
2. Excessive interest not recoverable; oath of debtor and creditor admissible, and costs for defendant, if damages are reduced.
  - 3 Excessive interest may be recovered back within one year, but not of innocent holder of negotiable paper.

SECT. 1. Legal interest, upon the loan or forbearance of any money, goods, merchandise or things in action is hereby established at the rate of six dollars on a hundred dollars for one year; but this rule shall not apply to letting cattle or other similar contracts, in practice among farmers, or to maritime

6 contracts as bottomry, insurance, and course of exchange, in  
7 practice among merchants. R. S., c. 69, § 1, 4.

SECT. 2. In any action, brought on any contract whatever,  
2 on which there is, directly or indirectly, taken, reserved, or  
3 agreed upon, a rate of interest, exceeding that established in  
4 section one, the defendant may, under the general issue, prove  
5 such excessive interest, and it shall be deducted from the amount  
6 due on such contract; and in such trial, if the creditor be alive  
7 and any one of the debtors shall come into court, and actually  
8 make oath to such excessive interest, it shall be sufficient proof  
9 thereof; unless one of the creditors shall come into court and  
10 make oath that he has not directly or indirectly wittingly taken  
11 or received, and that there is not, by such contract, reserved  
12 more than the legal rate of interest; and in any such action, if  
13 the damages shall be reduced by proof of such excessive interest,  
14 by the oath of the party or otherwise, the plaintiff shall recover  
15 no costs, but shall pay costs to the defendant.

R. S., c. 69, § 2, 3, 7. 1846, c. 192.

SECT. 3. If any person shall have paid any such excessive  
2 interest, in money or other property, he or his personal repre-  
3 sentatives may recover the same of the creditor or his represent-  
4 atives, so receiving it, in an action on the case, brought within  
5 a year after the payment; but this provision shall not extend to  
6 negotiable bills of exchange or promissory notes, in the hands  
7 of an indorsee or holder, who shall have received the same in  
8 good faith and for a valuable consideration, without notice of  
9 any such excessive interest. R. S., c. 69, § 5, 6, 7.

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