

MAINE STATE LEGISLATURE

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REPORT
OF
THE COMMISSIONER
ON THE
REVISION AND CONSOLIDATION
OF THE
PUBLIC LAWS
OF THE
STATE OF MAINE,
UNDER
Resolve of March 21, 1901.

AUGUSTA
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TITLE THREE.

Regulations connected with Trade.

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CHAPTER 31.

PRINCIPAL, FACTORS AND AGENTS, WAREHOUSEMEN.

SEC. 1. Every person, in whose name merchandise is forwarded, every factor or agent entrusted with the possession of any bill of lading, custom house permit, or warehouse keeper's receipt for the delivery of such merchandise, and every such factor or agent not having the documentary evidence of title, who is entrusted with the possession of merchandise for the purpose of sale, or as security for advances to be made thereon, shall be deemed the true owner thereof, so far as to give validity to any lien or contract made by such shipper or agent with any other person for the sale or disposal of the whole, or any part of such merchandise, money advanced, or negotiable instrument, or other obligation in writing, given by such person upon the faith thereof.

SEC. 2. No person, taking such merchandise in deposit from such agent as security for an antecedent demand, shall thereby acquire or enforce any right or interest therein other than such agent could then enforce.

SEC. 3. But the true owner of such merchandise, upon repayment of the money so advanced, restoration of the security so given, or satisfaction of all legal liens, may demand and receive his property, or recover the balance remaining as the produce of the legal sale thereof, after deducting all proper claims and expenses thereon.

How far shipper, factor or agent shall be considered the owner of goods under his control.
 R. S., c. 31, § 1.
 1 Me., 179.
 4 Me., 543.
 11 Me., 413.
 15 Me., 343.
 31 Me., 411.
 57 Me., 64.

Not to extend to prior demands against agent.
 R. S., c. 31, § 2.
 Rights of the true owner in such cases.
 R. S., c. 31, § 3.

Title to goods in possession of warehouseman passes to purchaser, or pledgee, by indorsement of warehouseman's receipt.
R. S., c. 31, § 4.

Account of warehouse transactions to be kept.
R. S., c. 31, § 5.

Goods attachable as goods of person receipted to.
R. S., c. 31, § 6.

—or as goods of last recorded indorsee.

—attachment valid.

Penalty for disposing of warehouseman's certificate without disclosing attachment.
R. S., c. 31, § 7.

Who is a public warehouseman.
R. S., c. 31, § 8.

Grain, etc., stored in public warehouse becoming mixed.
—proceedings.
R. S., c. 31, § 9.

Goods, etc., remaining in warehouse may be sold at public auction.

—demand shall be made for payment of charges upon person depositing goods.
1897, c. 304.

—notice shall be given of sale.

—what notice shall contain.

SEC. 4. The title to merchandise stored in a public warehouse, or on the wharves and premises of the warehouseman, and in his possession, passes to a purchaser or pledgee, in good faith, by the indorsement to such purchaser, or pledgee, but not in blank, of the warehouseman's receipt therefor, signed by the person to whom the receipt was originally given, or by an indorsee of the receipt, and recorded in the books of the warehouseman with whom such merchandise is stored.

SEC. 5. Each warehouseman shall keep books in which shall be entered an account of all transactions relating to the warehousing, storing and insuring of merchandise, the issuing of warehouseman's certificates, and the indorsement thereof, which books shall be open to the inspection of any person interested in the property stored in his warehouse.

SEC. 6. Merchandise stored with a public warehouseman may be attached as the property of the person named in the warehouseman's receipt therefor, when no indorsement of such receipt has been recorded on the books of the warehouseman; and where such indorsement has been recorded, may be attached as the property of the last indorsee of the receipt, shown by the books of the warehouseman, by leaving at the warehouse where the merchandise is stored a copy of the writ, with a copy of so much of the officer's return thereon as relates to the attachment of such merchandise. And an attachment so made is valid against any transfer thereof, the evidence of which is not recorded in the books of the warehouseman, when the copy of the writ is so left.

SEC. 7. Whoever indorses or assigns, or otherwise disposes of a warehouseman's certificate, after his interest in the property described in such certificate has been attached, without disclosing the attachment thereof to the person to whom such certificate has been indorsed, assigned, or disposed of, shall, if he has knowledge of such attachment, be punished by fine not exceeding five thousand dollars and imprisonment in the state prison not exceeding three years, or by imprisonment in jail not exceeding one year.

SEC. 8. Whoever advertises or offers to receive merchandise, on storage for other parties, is a public warehouseman for the purposes of this chapter.

SEC. 9. When grain or other property is so stored in a public warehouse that different lots or parcels are mixed together, so that the identity of the same cannot be accurately preserved, the warehouseman's receipt for any portion thereof shall be deemed a valid title to so much thereof as is designated in said receipt, without regard to any separation or identification.

SEC. 10. Whenever goods, merchandise or any articles of personal property shall remain in a public warehouse for one year after the expiration of the time for which the charges thereon shall have been paid, the same may be sold at public auction, subject to the following conditions; the warehouseman shall first demand payment of the charges thereon by registered letter directed to the person who shall have deposited such goods, merchandise or articles of personal property in said warehouse, if such person shall have left with the warehouseman his address to which the letter may be directed. After such demand, or in cases where no address shall have been given to the warehouseman to which such letter may be directed, the warehouseman shall give thirty days' notice of the time and place of sale in a public newspaper published in the city or town where the warehouse shall be, or if no public newspaper shall be published in such city or town, then in any public newspaper published in the county in which such city or town shall be; said notices shall contain a brief description of the property to be sold, with such marks thereon as may serve to identify it, if it shall be so marked, together with the name of the person depositing such articles in said warehouse and the name of the owner thereof if known; and shall specify the time after the expiration

of said thirty days and the place, which shall be in the city or town where the warehouse shall be, at which the sale shall be made. The proceeds of such goods, merchandise or articles of personal property so sold, after deducting the charges thereon, including the cost of publishing such notice and sale, shall be placed to the credit of the owner of the goods, merchandise or other articles of personal property sold, if known, otherwise to the credit of the person depositing said goods, merchandise or articles of personal property in the books of the warehouseman making the sale, and shall be paid to the owner thereof on demand, and the warehouseman shall not be liable for any greater sum than shall be received from said sale, less said charges thereon.

—how proceeds of sale shall be disposed of.

[Note. By c. 52, §§ 17 and 18, baggage, goods, merchandise, or other personal property remaining in a public warehouse for six months after the charges thereon have been rightfully demanded and left unpaid, may be sold by a corporation under proceedings essentially different from those prescribed in section ten. The commissioner thinks that the procedure as to property in a public warehouse should be uniform and should be prescribed in section ten for all such warehouses, whether owned by corporations or individuals. The following suggestions are therefore submitted: Amend c. 52, § 17, by omitting the lines in italics; amend c. 31, § 10 by inserting after the word "paid" in the third line, the words "or for six months after the charges thereon have been rightfully demanded and left unpaid," and by inserting after the word "shall" in the fifth line, the words "in case such demand has not been made," and by inserting after the word "cases" in the ninth line, the words "where no such demand is required or."

If these suggestions are adopted, the phraseology of § 8 should be changed, so that said section shall read as follows:

Any person, firm or corporation advertising or offering to receive merchandise on storage for other parties, shall be deemed a public warehouseman for the purposes of this chapter.]

CHAPTER 32.

NOTARIES PUBLIC, PROTESTS, BANK HOLIDAYS, DEMAND ON BILLS AND NOTES, ARBOR DAY.

NOTARIES PUBLIC AND PROTESTS.

SEC. 1. Every notary public shall constantly keep a seal of office, whereon is engraven his name, and the words "notary public" and "Maine," with the arms of the State, or such other device as he chooses. When authorized by the laws of this state or of the United States, or of any other state or country, to do any official act, he may administer any oath necessary to the completion or validity thereof.

Notary's seal.
R. S., c. 32, § 1.

—may administer oaths.

SEC. 2. When requested, he shall enter on record all losses or damages sustained or apprehended by sea or land, and all averages, and such other matters, as, by mercantile usage, appertain to his office; grant warrants of survey on vessels; and all facts, extracts from documents, and circumstances, so noted, shall be signed and sworn to by all the persons appearing to protest; he shall note, extend, and record the protest so made; and grant authenticated copies thereof, under his signature and notarial seal, to those who request and pay for them.

Duty as to protests of losses, and record and copies thereof.
R. S., c. 32, § 2.

SEC. 3. He may, in behalf of any person interested, present any bill of exchange or other negotiable paper for acceptance or payment to any party liable therefor; notify indorsers or other parties thereto; record and certify all contracts usually recorded or certified by notaries; take depositions and do any official act which may be performed by a justice of the peace and quorum; take acknowledgment of deeds and other instruments, and administer oaths in all cases where a justice of the peace can act; certify country products, and in general, do all acts which may be done by notaries public according to the usages of merchants, and authorized by law; and shall record at length, in a book of records, all acts, protests, depositions, and other things, by him noted or done in his official capacity.

Demand and notice on notes, bills, etc.
R. S., c. 32, § 3.
1893, c. 270.
15 Me., 454.
18 Me., 43, 247, 260.
17 Me., 363.
18 Me., 235.
21 Me., 219.
86 Me., 214.

Copies, evidence.
R. S., c. 32, § 4.

SEC. 4. The protest of any foreign or inland bill of exchange, or promissory note or order, and all copies or certificates by him granted shall be under his hand and notarial seal, and shall be received as legal evidence of such transaction, and as to the notice given to the drawer or indorser, and of all facts therein contained, in all courts. (a)

When office vacated, records to be deposited with clerk of courts.
R. S., c. 32, § 5.

SEC. 5. On the resignation or removal from office of any notary public, his records shall be deposited with the clerk of the judicial courts in the county for which he was appointed; and by a neglect for three months to comply with the above requisition on his part, or if he is deceased, on the part of his executor or administrator, for three months after the acceptance of his trust, either forfeits not less than fifty, nor more than five hundred dollars.

Penalty for injuring or concealing such records.
R. S., c. 32, § 6.
Duties of clerks relating thereto, and fees.
R. S., c. 32, § 7.
16 Me., 183.
Fees for protest, and appropriation of penalties.
R. S., c. 32, § 8.

SEC. 6. Whoever knowingly destroys, defaces, or conceals, such record, forfeits not less than two hundred, nor more than one thousand dollars; and is liable for damages to any person injured, in an action on the case.

SEC. 7. All clerks shall receive and safely keep all such records and papers lodged in their offices and give attested copies thereof; for which they shall receive the same fees, as a notary; and such copies shall be as valid, as if certified by notaries.

SEC. 8. For each protest of a bill or note, notifying parties, making his certificate thereof in due form, and recording his proceedings, a notary public shall receive one dollar and fifty cents, and no more; and all penalties herein provided accrue half to the State and half to the prosecutor.

BANK HOLIDAYS.

Bank holidays.
1897, c. 259, § 1.

SEC. 9. Any day of public fast or public thanksgiving, appointed by the governor and council, or by the president of the United States, the first day of January, the twenty-second day of February, the thirtieth day of May, the fourth day of July, the first Monday of September and the twenty-fifth day of December are hereby declared to be bank holidays.

Days of grace, abolished.
1897, c. 259, § 2.
—sight drafts excepted.

SEC. 10. No days of grace, according to the custom of merchants, shall be allowed on any promissory note, draft, check, bill of exchange, bond or other evidence of indebtedness made, drawn or accepted after July one, eighteen hundred and ninety-seven, unless expressly stipulated therein, but the same shall be due and payable as therein expressed, without grace; *provided*, that this section shall not apply to any draft or bill of exchange drawn payable at sight.

Notes, etc., falling due on Sunday or any bank holiday, shall be payable next succeeding business day.
1897, c. 259, § 3.

SEC. 11. Any promissory note, draft, check, acceptance, bill of exchange, bond or other evidence of indebtedness made, drawn or accepted after July one, eighteen hundred and ninety-seven, that shall fall due on Sunday or any bank holiday, shall be payable and presentable for payment on the secular or business day next succeeding such Sunday or holiday. If a bank holiday falls on Sunday, the following Monday shall be deemed a bank holiday for the purposes of this chapter. (b)

Every Saturday afternoon, not a bank holiday, shall for certain purposes, be deemed a half holiday.
1897, c. 247.

SEC. 12. Every Saturday, which is not a bank holiday according to law, from twelve o'clock noon until twelve o'clock midnight shall, for all purposes whatever as regards the presenting for payment or acceptance and the protesting and giving notice of dishonor of bills of exchange, drafts, bank checks and promissory notes made after March twenty, eighteen hundred and ninety-seven, be treated as and deemed a half holiday; and all bills of exchange, drafts, bank checks and promissory notes which are liable to be protested for non-acceptance or non-payment at twelve o'clock noon on any Saturday which is not a bank holiday according to law, may be protested for non-acceptance or non-payment, as the

(a) 15 Me., 138; 16 Me., 43, 183, 260; 23 Me., 287, 554; 26 Me., 50; 41 Me., 304, 323; 43 Me., 154, 205; 49 Me., 27; 50 Me., 597; 53 Me., 411.

(b) 13 Me., 414; 14 Me., 100, 288; 84 Me., 241.

case may be, on any such Saturday at any time after twelve o'clock noon, or on the next succeeding secular or business day.

DEMAND ON NOTES AND BILLS.

SEC. 13. In an action on a promissory note payable at a place certain, either on demand, or on demand at or after a time specified therein, the plaintiff shall not recover, unless he proves a demand made at the place of payment prior to the commencement of the suit. No person shall be charged as acceptor of a bill of exchange, draft or written order, unless his acceptance is in writing, signed by him or his lawful agent; and no waiver of demand and notice, by an indorser of a promissory note or bill of exchange, is valid unless it is in writing and signed in like manner. (a)

Demand on note payable at time and place certain. R. S., c. 32, § 10.

—acceptor, when charged.

—waiver of demand to be in writing.

ARBOR DAY.

SEC. 14. The governor shall annually set apart a day in the spring as Arbor Day, and shall issue a proclamation recommending that it be observed by the people of the state in the planting of trees, shrubs and vines, in the adornment of public and private grounds, places and ways, and in such other efforts and undertakings as shall be in harmony with the general character of a day so established.

Arbor day, established. 1887, c. 79.

[Note. School holidays, see c. 11, sec. 86. Days on which courts are not held, see c. 77, sec. 52. Days on which arrests in civil actions may not be made, see c. 81, sec. 82.]

CHAPTER 33.

LIMITED PARTNERSHIPS.

SEC. 1. Limited partnerships for the transaction of mercantile, mechanical, or manufacturing business, but not for banking or insurance, may be formed upon the following conditions and liabilities, to consist of one or more persons, called general partners, who shall be jointly and severally responsible, as general partners are by law, and of one or more persons, who contribute a specific sum in actual cash payment, as capital, to the common stock, called special partners, who shall not be liable for the debts of the partnership beyond the sum so contributed by each.

Organization for mercantile, mechanical, or manufacturing business. R. S., c. 33, § 1.

SEC. 2. Persons forming such a partnership shall sign a certificate, containing the following particulars:

Certificate and particulars thereof. R. S., c. 33, § 2.

I. The name of the firm, under which the partnership shall be conducted.

II. The name and place of residence of each of the general and each of the special partners.

III. The general nature of the business to be transacted, and the amount of capital which each of the special partners contributes.

IV. The time when the partnership shall commence, and when it shall cease.

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

Certificate to be acknowledged and recorded. R. S., c. 33, § 3.

(a) 30 Me., 32; 43 Me., 559; 69 Me., 91; 83 Me., 243, 267, 290, 579; 85 Me., 493; 87 Me., 307; 94 Me., 395; 95 Me., 386, 388.

Liability for any misstatement therein.
R. S. c. 33, § 4.

SEC. 4. If any statement is made in such certificate, which misleads third persons, or is intentionally false, all the persons interested in such partnership are liable for all the engagements thereof, as general partners, to any person thereby deceived or injured.

Publication of such partnership, and mode of renewing it.
R. S., c. 33, § 5.

SEC. 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, if any, otherwise in one printed in an adjoining county, or in the state paper, for six weeks successively, the first publication to be 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 is not made, signed, acknowledged, recorded, and published, as aforesaid, it shall be deemed a general one.

Special partners not to be named, and not to act.
R. S., c. 33, § 6.

SEC. 6. The business of the partnership shall be conducted under a firm, in which no names are 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 is used in the firm with his consent and privity, or if he makes any contract respecting the concerns of the partnership with any person, except the general partners, he shall be deemed a general partner as to such contract.

Capital not to be reduced below the amount stated in the certificate.
R. S. c. 33, § 7.

SEC. 7. During the continuance of such partnership, no part of the capital stock shall be withdrawn therefrom, nor any division of interest or profits be made, so as to reduce the capital stock below the sum stated in the certificate above mentioned; and if during the continuance or at the termination of the partnership, the property is not sufficient to pay the partnership debts, the special partners shall be severally answerable for all sums by them in any way received, withdrawn or divided, with interest thereon from the time of withdrawal, notwithstanding the provision in the following section.

In whose name, suits may be brought.
R. S., c. 33, § 8.

SEC. 8. Suits respecting the business of such partnership shall be commenced and prosecuted by and against the general partners only, except in those cases in which provision is hereinbefore made, that special partners shall be deemed general partners, and special partnerships, general partnerships; in which cases all the partners deemed general partners, may join or be joined in such suits.

Voluntary dissolution, and notice thereof.
R. S., c. 33, § 9.

SEC. 9. No voluntary dissolution of such partnerships shall take place before the time specified in the certificate before named, unless a notice thereof is recorded in each registry, in which the original certificate, or certificate of renewal or continuance is recorded, and published in such paper, as is directed in section five.

In cases not otherwise provided for herein, limited partners to be same as general.
R. S., c. 33, § 10.

SEC. 10. In all cases not otherwise provided for herein, the members of limited partnerships are subject to the liabilities, and entitled to the immunities, incident to general partnerships, and the supreme judicial court may hear and determine, in equity, all questions between co-partners in any partnership formed by virtue of this chapter, and between said co-partners and any creditors of the firm.

CHAPTER 34.

AUCTIONS AND AUCTIONEERS.

SEC. 1. The municipal officers of any town may license any legal voter thereof, by a writing under their hands, to be auctioneer for one year, in every town in their county; and shall record every such license in a book kept by them for that purpose. Upon receipt of such license, such auctioneer shall pay two dollars to the treasurer of said licensing town for said town, and may be exempted from the deduction of two and one half per cent from the gross amount of sales provided in section three. (a)

SEC. 2. If such officers, after written application to them for a license, unreasonably refuse or neglect to grant it, the applicant, by giving them ten days' notice and a bond to pay all costs arising thereafter, may appeal to the county commissioners, who, after a hearing of the parties, may grant the license if they judge it reasonable.

SEC. 3. Every person licensed shall keep a fair and particular account of all goods and chattels by him sold, stating of whom received, and the price for which the same were sold; and unless otherwise authorized, if said goods are sold voluntarily for the benefit of parties residing out of the state, he shall deduct two and a half per cent from the gross amount of the sales for the use of the town where the sale is made, and pay the same to the treasurer thereof within ten days after the sale; and in default thereof, he shall be fined not less than fifty, nor more than three hundred dollars, and shall forfeit his license.

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

SEC. 5. If an auctioneer receives goods for sale at public auction, of any servant or minor, knowing him to be such, or sells goods, before sunrise or after sunset, at public auction, he forfeits not less than fifty, nor more than one hundred and seventy dollars for each offense; but the municipal officers of any town may license any duly licensed auctioneer specially, to sell after sunset upon payment of a sum not exceeding twenty dollars.

SEC. 6. A parcel of real estate lying partly in one town and partly in another, may be sold by an auctioneer of either; but if an auctioneer sells or offers to sell real or personal property at public auction in any other towns than those authorized by his license, or if any person sells without a license, he forfeits not exceeding six hundred dollars; *provided, however*, that any person, employed by the owner of blooded animals may sell the same, as auctioneer, at public auction, whether licensed by municipal officers or not.

SEC. 7. If the tenant or occupant of any building, having actual possession and control thereof, knowingly permits any person to sell any goods or chattels at public auction contrary to this chapter, in such building, or in any apartment, or yard appurtenant thereto, he forfeits not more than six hundred, nor less than one hundred dollars.

SEC. 8. Nothing in the preceding sections extends to sales made by sheriffs, deputy sheriffs, coroners, constables, tax collectors, executors or administrators, or any other person authorized to sell goods, chattels, or lands, by order of any court or judge of probate.

SEC. 9. All fines imposed by this chapter may be recovered by indictment; and it is the special duty of city marshals and their deputies, sheriffs, constables and police officers, to make immediate complaint for every

License.
R. S., c. 34, § 1.

—fee.

—exemption.

Appeal to
county com-
missioners, in
case of re-
fusal.
R. S., c. 34, § 2.

Auctioneers
to keep ac-
count of goods
sold.
R. S., c. 34, § 3.
53 Me., 394.

—tax on goods
of non-resi-
dents.

—penalty.

Penalty for
allowing any
one not a
voter in town,
to act under
him.

R. S., c. 34, § 4.
Penalty for
receiving
goods of
minors or
servants.
R. S., c. 34, § 5.
—town offi-
cers may
license to sell
after sunset.

Real estate
lying in two
towns, how
sold.
R. S., c. 34, § 6.
43 Me., 160.

—blooded ani-
mals may be
sold with-
out license.
1893, c. 159.

Penalty if
occupant of
building per-
mits any per-
son to sell
contrary to
law therein.
R. S., c. 34, § 7.
Exemptions as
to sales by
officers.
R. S., c. 34, § 8.

Fines how re-
covered and
appropriated.
R. S., c. 34, § 9.

(a) 4 Me., 263, 335; 25 Me., 142; 38 Me., 311; 43 Me., 160; 53 Me., 394.

offense against the provisions hereof; half of all fines shall be for the prosecutor, and half for the town where the offense is committed.

SEC. 10. The municipal officers of any city or town, may, upon presentation of an invoice or inventory of the property to be sold, which shall be produced unless said municipal officers decide that the same is unnecessary, grant a special license to any auctioneer, a voter in the state, to sell at public auction, between the hours of seven in the forenoon and six in the afternoon, upon payment to such city or town of five dollars for each invoice or inventory.

Town officers may grant special license to auctioneers to sell on invoice.
R. S., c. 34, § 10.

—fee.

CHAPTER 35.

PAWNBROKERS AND INTELLIGENCE OFFICES.

PAWNBROKERS.

License and removal of pawnbrokers.
R. S., c. 35, § 1.

—penalty.

To keep an account of all business done.
R. S., c. 35, § 2.

—penalty.

Rates of interest fixed.
R. S., c. 35, § 3.
See c. 45, § 2.
—penalty.

Time and mode of selling pawned property, and notice thereof, fixed under a penalty.
R. S., c. 35, § 4.

—penalty.

Penalty for not paying over proceeds, etc.
R. S., c. 35, § 5.

SEC. 1. The municipal officers of any town may grant licenses to persons of good moral character to be pawnbrokers therein for one year, unless sooner removed by said officers for violation of law; whoever carries on said business without a license, forfeits not exceeding one hundred dollars.

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

SEC. 3. No pawnbroker shall directly or indirectly receive a rate of interest greater than twenty-five per cent a year on a loan not exceeding twenty-five dollars, nor more than six per cent on a larger loan made upon property pawned, under a penalty of one hundred dollars for each offense.

SEC. 4. No pawnbroker shall sell any property pawned, until it has remained in his possession for three months after the expiration of the time for which it was pawned; all such sales shall be at public auction by a licensed auctioneer, after notice of the time and place of sale, the name of the auctioneer, and a description of the property to be sold has been published in a newspaper in the town, where the property is pawned, if any, and if not, after such notice has been posted in two public places therein at least two weeks before the sale; all sales of such property otherwise made, are void, and the pawnbroker, undertaking to make them, forfeits twenty dollars for every such offense.

SEC. 5. After deducting from the proceeds of any sale as aforesaid the amount of the loan, the interest then due, and the proportional part of the expenses of sale, such pawnbroker shall pay the balance to the person who would have been entitled to redeem such property if no sale had been made; and if not so paid on demand, the broker forfeits double the amount so retained, half to the pawner, and half to the State.

INTELLIGENCE OFFICES.

Municipal officers may license intelligence offices.
1899, c. 3.

SEC. 6. The municipal officers of any town may, on payment of one dollar each, grant licenses to suitable persons for one year, unless sooner revoked after notice and for cause, to keep offices for the purpose of obtaining employment for domestics, servants or other laborers, except seamen, or of giving information relating thereto, or of doing the usual business of intelligence offices; whoever keeps such an office, without a license, forfeits

not exceeding fifty dollars for every day that it is so kept. The keeper of an intelligence office shall not retain any sum of money, in excess of one dollar, received from a person seeking employment through the agency of such intelligence office, unless employment of the kind sought for is actually furnished. The keeper of a licensed intelligence office shall cause two copies of this section, printed in type of sufficient size to be legible and easily read, to be conspicuously posted in each room used or occupied for the purposes of such intelligence office. Whoever violates the provisions of this section shall have the license revoked, and shall be punished by fine not exceeding twenty dollars for each offense.

SEC. 7. The penalties provided in this chapter may be recovered by complaint or indictment, for the State, when not otherwise appropriated.

Fines, how
disposed of.
R. S., c. 36, § 7.

CHAPTER 36.

PILOTS AND SHIP OWNERS, WRECKS AND SHIPWRECKED GOODS, LIGHTERS
AND HARBORS. PORT WARDENS.

PILOTS.

SEC. 1. The governor, with the advice and consent of council, may appoint pilots for any port, in which a majority of the ship owners and masters apply in writing therefor and recommend suitable persons; and shall give to each of them branches or warrants for the execution of the duties of his office; and such pilots shall, before entering upon said duties, *be sworn, and* give bond to the treasurer of state in the sum of five thousand dollars for the faithful performance thereof.

Appointment,
oath and bond
of pilots.
R. S., c. 36, § 1.
See Const. of
Me., Art. ix,
§ 1.

SEC. 2. Such pilots shall take charge of all vessels, drawing nine feet of water and upwards, bound into, and of all such vessels, except coasting and fishing vessels, bound to sea out of any of said ports, and shall pilot them into or out of the port assigned them, first showing to the master thereof their branch and informing him of their fees; but any master may pilot his own vessel without being subject to pay therefor.

Their duty.
R. S., c. 36, § 2.
—master may
pilot his own
vessel.

SEC. 3. The governor and council may fix the fees of pilotage; specify the same in the branch of each pilot; transmit to each collector of customs in said ports a schedule thereof, to be hung up by him for public inspection; hear and determine all complaints against such pilots for misconduct, and suspend or remove them and appoint others in their place.

Governor and
council to fix
fees, hear
complaints,
and suspend
or remove.
R. S., c. 36, § 3.

SEC. 4. If any vessel, while under the charge of such pilot, is lost, run aground, or cast away, through his fault, he is liable to pay the owner or insurer a just compensation for any damage thereby sustained.

Liability for
damage
caused by
their fault.
R. S., c. 36, § 4.

SHIP OWNERS.

SEC. 5. No ship owner is answerable beyond the amount of his interest in the vessel and freight, for the embezzlement, loss, or destruction, by the master and mariners, of any property put on board of such vessel; nor for any act of theirs without his privity or knowledge; but if several owners of property on the same voyage suffer damage as aforesaid, and the whole vessel and her freight for the voyage are not sufficient to compensate each of them, they shall be compensated by the owner of the vessel in proportion to their respective losses, and for that purpose, they or the owner of the vessel, or any of them, may prosecute a bill in equity for discovery and payment of the sum, for which said owner is liable to the parties entitled thereto.

Ship owners'
liability to
freighters.
R. S., c. 36, § 5.
65 Me., 545.

SEC. 6. For the purposes of the preceding section the charterer of any vessel, navigating the same at his own expense, shall be deemed the owner;

Charterer
deemed the
owner, and

responsible to the real owner.
R. S., c. 36, § 6.
65 Me., 545.

and if loss happens to any person, from the causes therein mentioned, and it is compensated from the freight or vessel, the owner thereof may recover the amount from the charterer.

WRECKS AND SHIPWRECKED GOODS.

Appointment, oath and bond of commissioners of wrecks, and remedy on bond.
R. S., c. 36, § 7.
See Const. of Me., Art. ix, § 1.
Their powers and duties.
R. S., c. 36, § 8.

SEC. 7. The governor, with the advice and consent of council, may appoint in counties where needed, commissioners of wrecks and shipwrecked goods, removable at pleasure; each shall *be sworn and* give bond to the judge of probate for his county for the faithful discharge of his duties; and any person interested may have the same remedy for the breach of such bond, as on administrators' bonds.

SEC. 8. Every such commissioner, immediately on receiving information of any shipwreck, or of the finding of any shipwrecked property of any kind, to the amount of one hundred dollars on any of the shores or waters within his county, shall immediately repair to the place where the property is, and if the same is not in the custody of any owner or agent, he shall take charge of it, and secure and preserve the same for the owner.

Penalty for disobeying order of commissioner, how recovered and appropriated.
R. S., c. 36, § 9.

SEC. 9. The commissioner, in such case, may employ as many persons as he thinks necessary, to assist in preserving the property; appoint guards to receive it; suppress all tumults and disorders; and any person who disobeys any of his lawful orders, forfeits for each offense not exceeding ten dollars, to be recovered for the town in an action on the case in the name of the commissioner.

All property to be inventoried and delivered to owner.
R. S., c. 36, § 10.

SEC. 10. The commissioner shall on every such occasion, take an inventory of all the property coming into his possession; and when required by any person interested, make oath thereto; and shall deliver a copy thereof, if required, together with all such property, to the person lawfully authorized to receive it; *provided*, that there is first paid or secured to him a reasonable compensation for his services, and such custom house duties and other charges, if any, as he has paid, or become liable to pay, on account of the property in question.

Commissioner to decide compensation of other persons.
R. S., c. 36, § 11.

SEC. 11. No person interested in any such property shall be held to pay to any person, other than a commissioner, any compensation for services or expenses in taking or securing any property, except property taken or secured before the arrival of the commissioner; in which case the commissioner shall, upon due hearing of all parties interested, determine the amount of compensation by his award in writing; which shall be final, unless the sum awarded to any party exceeds fifty dollars.

Appeal to judge of probate, who may finally decide, and enforce his decision.
R. S., c. 36, § 12.

SEC. 12. If the commissioner and the party interested disagree respecting the commissioner's charges, or if the award aforesaid exceeds fifty dollars, any party aggrieved may appeal to the judge of probate for the county where the property is situated; who shall, either in vacation or term time, on due notice, decide the case in a summary manner, and issue, under the seal of the court, any process necessary to carry his decision into effect.

Penalty for intermeddling with property after arrival of commissioner.
R. S., c. 36, § 13.

SEC. 13. Whoever after the arrival of the commissioner and without his direction or that of some person interested, takes, detains, or intermeddles with any such property, forfeits not exceeding one thousand dollars for each offense, to be recovered in an action of debt by the commissioner or any person interested, to his own use.

Commissioner to publish particulars of wreck.
R. S., c. 36, § 14.
—penalty.

SEC. 14. The commissioner shall, as soon as practicable, publish all the facts and particulars of the shipwreck and of the property found, in such manner as shall be best for the information of all parties; and in case of neglect, he forfeits fifty dollars to the interested party first suing therefor in an action of debt.

When property may be sold to pay duties, and to prevent its perishing.
R. S., c. 36, § 15.

SEC. 15. He may dispose of so much of the property by public auction within thirty days after taking it, as is necessary to pay the duties thereon at the custom house; and whenever necessity requires it, may, in the same way sell such as is perishable, giving reasonable public notice, and if practicable, in a public newspaper.

SEC. 16. If no person interested appears within one year after such property is taken into custody, and establishes his claim thereto, the commissioner shall present, under oath, to the treasurer of state, an inventory of the property; and if sold, an account of the sales, with an account of all moneys paid by him as duties and expenses thereon; and pay and deliver to the treasurer the balance of such accounts, with all the property remaining in his hands for the use of the State; and if he neglects to do so for sixty days after the expiration of such year, the treasurer shall cause a suit therefor to be commenced in behalf of the State.

Property to be accounted for to state treasurer after one year.
R. S., c. 36, § 16.

—liability for neglect.

SEC. 17. The treasurer may make to the commissioner on the settlement of his account as aforesaid, a just compensation for his services and expenses, to be ascertained in case of disagreement between them, as provided in section twelve.

Treasurer to allow commissioners' pay, and how ascertained.
R. S., c. 36, § 17.

LIGHTERS AND HARBORS.

SEC. 18. Every boat or lighter employed in carrying stones, sand, or gravel, shall be marked at light water mark, and at least at five other places, with the figures four, twelve, sixteen, twenty-four, and thirty, legibly made on the stem and stern post thereof; expressing the weight which such boat or lighter is capable of carrying, when the lower part of the respective numbers touches the water in which it floats; and such marks shall be inspected yearly, and when found illegible in whole or in part, they shall be renewed.

Lighters, carrying stone, sand or gravel, to be marked, and marks to be inspected and renewed yearly.
R. S., c. 36, § 18.

SEC. 19. The master or owner, who uses his craft without such marks, and any person, who falsely marks any such boat or lighter, forfeits fifty dollars, to be recovered by any prosecutor in an action of debt.

Fine for unmarked lighters, and false marking.
R. S., c. 36, § 19.
Town officers to appoint inspectors, and regulate fees.
R. S., c. 36, § 20.

SEC. 20. The municipal officers of every town where boats and lighters are employed for the purposes aforesaid, shall annually, in April or May, appoint some suitable person who shall be sworn, to examine and ascertain the capacities of all such boats and lighters, and mark them as above prescribed; and said officers shall establish and regulate the fees therefor.

SEC. 21. When such inspector thinks that the burden or capacity of any such boat or lighter is altered by repairs or otherwise, he shall forthwith ascertain the same anew, and mark it accordingly.

Capacity altered, to be re-marked.
R. S., c. 36, § 21.

SEC. 22. No master of any vessel shall throw overboard ballast in any road, port, or harbor, under penalty of sixty dollars; and no person shall take any stone or other ballast from any island, beach, or other land, without consent of the owner, under a penalty not exceeding seven dollars for each offense, to be recovered in an action of debt by any prosecutor, half for himself and half for the town where the offense is committed.

Penalty for throwing ballast into roadstead, port or harbor.
R. S., c. 36, § 22.
—or taking stone from shore or island.

PORT WARDENS.*

SEC. 23. Port wardens shall be elected in any city or town situated on navigable waters, upon the petition of ten or more citizens engaged in commercial pursuits therein.

Port wardens, election of.
R. S., c. 36, § 23.

SEC. 24. If in such city or town, there is a board of trade duly incorporated, said board shall annually elect the port wardens; otherwise the municipal officers thereof shall annually elect them.

By board of trade, or by town officers.
R. S., c. 36, § 24.

SEC. 25. Said boards of trade, by their managers, or said municipal officers, shall forthwith, on complaint of any person aggrieved, after hearing, remove for cause, any port warden by them elected, and all vacancies shall be filled by said authorities.

May be removed.
R. S., c. 36, § 25.
—vacancies, how filled.

SEC. 26. Port wardens shall be men of commercial or nautical experience, and shall hold office one year from each election and until others are qualified in their stead, except when removed for cause, or when elected

Qualification and term of office.
R. S., c. 36, § 26.

* As to appointment of harbor masters, see c. 3, § 99.

to serve out an unexpired term; and they shall be sworn faithfully to perform their duties.

Shall keep
record of their
doings.
R.S., c. 36, § 27.

SEC. 27. They shall make a record of their doings and keep the same in their office for inspection at any time, free of charge, by any person interested therein.

Duty of port
warden, on
arrival of
vessels.
R.S., c. 36, § 28.

SEC. 28. When requested by any person interested, port wardens shall proceed on board of any vessel on her arrival in port, and survey her hatches, and notice if they are properly caulked and secured; and if they have been opened by some person not a port warden, that fact shall also be noticed, and all the facts in relation to the hatches of said vessel shall be entered in the official record. They shall also examine the condition and stowage of the cargo of any vessel, and if any portion of it is found to be damaged, they shall inquire into and ascertain the cause thereof, and make a memorandum of the same, noting particularly the marks and numbers of each damaged package, and shall enter the same in full in the records of their office; and for the purpose of ascertaining the extent of said damage, they shall examine goods, wares, or merchandise of any description, in any warehouse or store, or on any wharf or at any place where the same are; *provided*, that said goods, wares or merchandise are part of the cargo, and are claimed to be damaged; and they shall note particularly the marks and numbers of every package examined by them and the extent of the damage received, and all the facts in relation thereto shall be entered in the records of their office.

—shall ex-
amine condi-
tion and
stowage of
cargoes.

—duty of, in
relation to
damaged
cargoes.

—proviso.

Duty of port
warden in
case of ves-
sels arriving
in distress.
R.S., c. 36, § 29.

SEC. 29. When requested in writing by any person interested, port wardens shall also survey the cargo of any vessel arriving in port in distress; and shall make and record in the books of their office, a full and particular report of the condition of said cargo, and of their recommendations in relation to the disposal of such portions of the same as in their judgment may not be in condition for reshipment, reference being had to the best interests of all concerned.

In case of
wrecked or
damaged
vessels.
R.S., c. 36, § 30.

SEC. 30. When requested in writing by any person interested, they shall also survey any vessel which may have suffered wreck or damage, or which may be deemed unseaworthy; and such port wardens shall call to their assistance one merchant and one shipwright, both of whom shall be competent and disinterested persons and shall be sworn faithfully to perform their duties in the examination and survey; and said surveyors and port wardens shall examine the hull, spars, sails, rigging and all the appurtenances of said vessel, and make and record in the books of the port warden's office a full and particular report of all the surveys by them held on said vessel, specifying what damage she has sustained and what repairs in their opinion are necessary to render her again seaworthy; and the aforesaid report shall be presumptive evidence of the necessity of such repairs and of the sufficiency of the same when made.

Port wardens,
their fees
of office.
R.S., c. 36, § 31.

SEC. 31. Port wardens shall be allowed fees to be paid by the person requesting their services, as follows: For survey of hatches, two dollars; for each survey of cargo on shipboard, one dollar; for certificate of stowage of cargo, two dollars; for each subsequent certificate, one dollar; for each survey to ascertain extent of damage, two dollars; for each certificate thereof, two dollars; for each survey required by section twenty-nine, four dollars; for each certificate thereof, two dollars; on each survey as required by section thirty, for each person, two dollars; for each certificate thereof, two dollars.

Jurisdiction
of.
R.S., c. 36, § 32.
—penalty for
performing
duties of port
warden with-
out authority.

SEC. 32. In the cities and towns for which they are elected, port wardens shall have exclusive jurisdiction in all matters pertaining to their duties, as specified in this chapter; and any other person who performs or attempts to perform any such duties in any city or town wherein there is a port warden, forfeits for each offense one hundred dollars, to be recovered in an action of debt by any prosecutor.

CHAPTER 37.

ASSAYERS OF ORES AND METALS.

ASSAYERS, THEIR APPOINTMENT, OATH, DUTY AND COMPENSATION.

The governor with the advice and consent of council, may appoint one or more suitable persons to be assayers; who shall *be sworn, and shall* assay such ores, metals, and other substances, requiring chemical analysis, as are offered for that purpose, and shall give a certificate thereof; for which they shall receive a reasonable compensation from their employers.

Assayers, their appointment, oath, duty, and compensation. R. S., c. 37. See Const. of Me., Art. ix, § 1.

CHAPTER 38.

INSPECTION AND SALE OF AGRICULTURAL PRODUCTIONS, COMMERCIAL FERTILIZERS, COMMERCIAL FEEDING STUFF, AGRICULTURAL SEEDS, BOUNTIES, MARKING OF SHEEP, AND HORSE RECORDS.

BEEF AND PORK.

SEC. 1. The governor, with the advice and consent of council, when a vacancy occurs, shall appoint some skilful person to be inspector general of beef and pork, removable at pleasure; and he shall *be sworn and* give bond with sufficient sureties in the sum of four thousand dollars to the treasurer of state for the faithful discharge of his duties, before entering thereon.

Appointment, removal, oath and bond of inspector general of beef and pork. R. S., c. 38, § 1. See Const. of Me., art. ix, § 1. He shall appoint deputies, and be liable for their misconduct. R. S., c. 38, § 2.

SEC. 2. The inspector general shall appoint one or more deputies in every port, whence beef and pork are exported, and a convenient number in the several counties; and shall be responsible for their neglect or misconduct while acting under him; when the office of inspector general becomes vacant, they may continue to discharge the duties of the office, until a successor is appointed; and they shall be accountable to the State.

SEC. 3. Every deputy shall *be sworn and* give bond to the inspector general, with sureties to his satisfaction, for the faithful performance of his duty, in a sum not less than three hundred, nor more than one thousand dollars; and the bond shall be so expressed as to inure to the State, for the time that the deputy exercises his duties during a vacancy in the office of inspector general.

Deputies to be sworn and give bond. R. S., c. 38, § 3.

SEC. 4. No inspector or deputy shall be concerned, directly or indirectly, in the beef or pork business, or in buying or selling it for barrel-ling, so long as he holds such office. Whoever violates this section, shall forfeit twenty dollars, and forever after be disqualified from holding such office.

Shall not be concerned in the beef and pork business, under a penalty. R. S., c. 38, § 4.

SEC. 5. The inspector general, within the county where he resides, or his deputy within the district for which he is appointed, shall, as soon as may be, within twenty-four hours after request, attend at any suitable place for the purpose of inspecting any quantity of beef or pork, or both, exceeding five barrels; and shall commence thereon, as soon as a con-

General duties of inspectors. R. S., c. 38, § 5.

The first thirty-five sections of this chapter are thought to be entirely obsolete, and the commissioner recommends their repeal. Cattle and dressed meats for export or inter-state commerce are inspected by the authority of the United States. (Act of August 30, 1890, 26 Stat. L. 414; Act of March 3, 1891, 26 Stat. L. 1089). If domestic inspection is considered desirable, the commissioner suggests the passage of an act authorizing municipal officers to appoint inspectors of live-stock and dressed meats, whose duty it shall be to inspect all animals before they are killed in any slaughtering establishment in the state, and the meat from such animals before the same is sold, with authority to condemn the same if found diseased or unfit for food. Such inspection probably should not extend to animals killed on the premises of persons raising the same.

venient, strong, and secure place is provided by the party claiming such inspection, and the key thereof lodged with him; and he shall keep said key, until such beef or pork is packed, or repacked, salted, coopered, and branded, or otherwise prepared for exportation as herein provided.

Not obliged to act until all charges have been paid or secured.
R. S., c. 38, § 6.

SEC. 6. Such officer shall not be liable for neglecting or refusing to commence any inspection or other service, before all the charges for inspecting, cutting, salting, coopering, and branding such beef or pork are either paid or satisfactorily secured to him.

Beef and pork, how packed.
R. S., c. 38, § 7.

SEC. 7. When the inspector or his deputy has inspected and assorted any beef or pork, as hereinafter directed, he shall with the assistance, if necessary, of laborers and coopers in his employment, and for whose conduct he is responsible, cut, weigh, pack, salt, and cooper said beef and pork in barrels or half barrels, as hereinafter required.

The age of beef cattle, and how to be cut up.
R. S., c. 38, § 8.

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

How to be assorted and branded.
R. S., c. 38, § 9.

SEC. 9. Except as provided in sections ten and twelve all beef which the inspector or his deputy on examination finds to have been killed at a proper age, and to be otherwise good and merchantable, shall be by him divided into five different sorts for packing or repacking; to be denominated and branded "mess," "number one," "prime," "cargo," and "hearts and cheeks."

—mess beef.

"Mess beef" consists of oxen, cows, and steers well fattened, of three years old and upwards, and weighing six hundred pounds and upwards; the shin, shoulder, clod and neck shall be taken from the fore quarters, and the leg and the leg round from the hind quarters; and each barrel and half barrel, containing beef of this description, shall be branded on one of the heads with the words, "mess beef."

—number one.

"Number one" shall consist of oxen, cows, steers, and heifers not under three years old and weighing not less than four hundred pounds, and averaging five hundred and twenty pounds, without any necks or shanks. On one head of each barrel or half barrel, containing beef of this description, shall be branded "number one."

—prime.

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

—cargo.

"Cargo beef" consists of those parts of beef, which are excluded from mess, number one, and prime, not including hearts and cheeks; and shall be packed and inspected by the inspector general, or his deputy, in the same manner as number one, or prime, and branded "cargo beef;" first taking from the parts excluded as aforesaid, namely, from the end of the neck not less than four pounds nor more than six, and from the shank and shin of each quarter not less than four pounds nor more than eight; which pieces thus taken off shall not be exported from the state. The hearts and cheek pieces of beef may be inspected and packed as aforesaid, and shall be branded, "hearts and cheeks."

—hearts and cheeks.

May by request be packed and branded.
R. S., c. 38, § 10.
—extra mess and

SEC. 10. The inspector or his deputy may also, at the request of the owner or agent, inspect and pack the following 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

—navy mess.

Choice pieces of oxen, steers, cows, and heifers, of three years old and upwards, weighing four hundred pounds or more, and averaging five hundred and fifty pounds, excluding the parts aforesaid, to be cut into pieces of as nearly ten pounds as practicable, to be branded "navy mess."

Mode of salting beef.
R. S., c. 38, § 11.

SEC. 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 number one, 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.

SEC. 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 the edge bone, and the neck and chines of the fore quarter, cut as provided in section ten; 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 he may put into each barrel of beef or pork less salt than is required by section eleven, and the same shall be branded "light salted;" but he 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.

The round, neck and chines may be reserved for jerking, etc.
R. S., c. 38, § 12.

SEC. 13. Except as provided in the next section, all pork packed, or repacked, 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 cases the following parts shall be taken out as refuse, viz.: nose pieces or faces, ears, brains, tail, feet, and lard.

Pork for exportation divided into seven sorts.
R. S., c. 38, § 13.

The two kinds of clear pork shall consist of the best pieces of large well-fatted healthy hogs, weighing three hundred pounds or upwards, free from bones or the lean part of the meat, except the ends of the ribs and the brisket; and extra clear pork shall consist of such pieces, not less than three and a half inches thick, in the thickest part thereof, clear of lean; and the clear pork of such pieces not less than two inches and a half thick, in the thickest part thereof, clear of lean.

—clear, and extra clear.

Bone middlings shall consist of middling pieces taken from hogs well fatted weighing two hundred and thirty pounds and upwards.

—bone middlings.

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

—navy mess.

Number one shall consist of all parts of hogs well fatted, averaging two hundred and twenty pounds or upwards, and each weighing not less than one hundred and eighty pounds, to have no more heads, legs, shoulders, or other coarse parts, than belong to one carcass, deducting the lard and refuse as above.

—number one.

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

—prime.

Cargo pork shall consist of the merchantable parts of wholesome pork, of quality inferior to prime pork, and there shall not be more than the merchantable parts of two carcasses of pork in one barrel; except that where any of the legs are taken out, the same number of shoulder pieces and no more may be added; the deficiency of weight to be made up in better parts of a carcass of pork.

—cargo.

SEC. 14. Barrels or half barrels filled with pork heads or feet shall be so branded; and the inspector general or his deputy, at the request of the owner or agent, may inspect, cut, weigh, pack, or repack, salt, cooper or brand, pork of the following description, which shall be branded "mess

Pork heads and feet, and mess pork.
R. S., c. 38, § 14.

pork," viz.: every part, except the heads, legs, shanks and lard, of well fattened hogs, in good condition, weighing from two hundred to three hundred pounds, and averaging two hundred and fifty pounds.

Pork, how salted; barrels, how branded, etc.
R. S., c. 38, § 15.

SEC. 15. Every barrel of pork shall be well salted with seventy pounds, and every half barrel with thirty-five pounds, of clean coarse salt, exclusive of a strong pickle, except as provided in section twelve; shall be branded on one of the heads with the quality of the pork it contains; and each barrel of beef or pork for exportation shall contain two hundred pounds; and each half barrel one hundred pounds; and the casks shall be made of good, seasoned, rift white oak, white ash, or maple staves and headings, free from defect.

Dimensions of beef barrels and half barrels.
R. S., c. 38, § 16.

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

The half barrels shall contain not less than fifteen, nor more than fifteen and a half gallons, to be hooped like barrels.

Also of pork barrels and half barrels, etc.
R. S., c. 38, § 17.

SEC. 17. The pork barrels shall measure seventeen inches and a quarter between the chimes, and contain not less than thirty-one gallons nor more than thirty-one gallons and a half; and be hooped like beef barrels; and all beef and pork barrels and half barrels aforesaid shall be branded on the bilge with the manufacturer's name.

The brand of the inspector and owner.
R. S., c. 38, § 18.

SEC. 18. Every barrel and half barrel of pork and beef, packed or repacked for exportation, shall be branded with the initials of the christian name and the whole of the surname of the inspector who inspected the same, with the name of the town where, and the month and year, in which it is inspected, in full, or intelligibly abridged, and the actual weight, in legible letters and figures, with the addition of the word, "Maine." Every barrel or half barrel of beef, marked "extra mess," "navy mess," "number one," or "prime;" or of pork, marked "extra clear," "clear," "bone middlings," or "navy mess," shall be branded with the name of the person for whom the same was packed.

Penalty for inspector branding packages not inspected by him, or committing other frauds.
R. S., c. 38, § 19.

SEC. 19. Neither the inspector general nor his deputy shall brand any packages of beef or pork, other than those that he has personally inspected and caused to be weighed and packed, as the law requires; nor, his fees being duly tendered or secured to him, shall he neglect to perform any duty pertaining to his office; or be guilty of any fraud in the exercise thereof, under penalty of ten dollars for each offense.

Penalty for deputy inspecting out of his district, etc.
R. S., c. 38, § 20.

SEC. 20. No deputy shall inspect or brand any cask of beef or pork out of the district for which he was appointed, under penalty of fifty dollars; and no person, other than the inspector and his deputies, shall stamp or brand any cask of beef or pork, with intent that the same shall pass as inspected and branded according to law, under penalty of twenty dollars for each offense.

Penalty for owner not branding beef reserved for exportation.
R. S., c. 38, § 21.

SEC. 21. When any beef is reserved for exportation agreeably to section twelve, the hogshead or other package containing it, when exported, shall be branded on one head with the name of the owner and of the town where he resides, under a penalty of one dollar for each package not branded; and the feet, ears, and faces of pork, when separated from the cheek part of the head, or any other pieces herein prohibited, shall not be exported under the brand "refuse," or any other brand allowed for exported pork.

Penalty for mixing inspected beef or pork with uninspected.
R. S., c. 38, § 22.

SEC. 22. Whoever intermixes, takes out, or shifts, any beef or pork, from any cask inspected or branded as hereby required, or puts in any other beef or pork for sale or exportation with fraudulent intent, forfeits twenty dollars for each offense.

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

"I, A. B., master" (or owner as the case may be) "of the ———, swear, that according to my best knowledge and belief, the certificate hereunto annexed, contains the whole quantity of salted beef" (or pork as the case may be) "on board the ———, ———, master; and that no salted beef, or pork, is shipped on board said vessel for the ship's company, on freight or cargo, but what is inspected and branded, according to the law of the state."

SEC. 24. When any beef or pork, packed in barrels, half barrels, or casks, not bearing the name or brand of an inspector of this state or some one of the United States, is sold or offered for sale in this state, the purchaser thereof may, at the time of purchase, demand an inspection conformable to the laws of this state, and in case of refusal or neglect of the seller to cause the same to be properly inspected and branded, and to pay all charges thereon, he forfeits not less than ten dollars for each package sold, to be recovered as provided in section thirty-five; but the purchaser is entitled to damages for any deficiency in quality or quantity, if purchased without inspection.

SEC. 25. If any person exports or ships for exportation out of the state any salted beef or pork, not inspected and branded, as herein directed, every owner or shipper thereof privy to such offense, forfeits six dollars, and the master of every vessel, having on board such uninspected beef or pork, two dollars, for every such cask.

SEC. 26. Any trial justice on complaint made to him, that any such beef or pork has been put on board any vessel in his county for exportation, may issue his warrant directed to the proper officer, requiring him to seize and secure the same for trial; or the inspector general or his deputy may, on like information, so seize and secure it.

SEC. 27. The officer, making such seizure, shall, as soon as may be, file a libel or information thereupon, and if upon trial it appears that such beef or pork was thus shipped against the provisions hereof, it shall be forfeited, half to the State, and half to the officer.

SEC. 28. Every deputy inspector shall make an annual return to the inspector general of the number of barrels and half barrels of beef and pork inspected by him; and the inspector general in January, annually, shall make a return, up to the first day of December, into the office of the secretary of state, of the whole number of barrels and half barrels inspected by him and his deputies during the preceding year, under each of the respective brands used by them; designating in the return the different sorts, and places where inspected.

SEC. 29. The inspector general may administer all oaths required of his deputies or of others, pertaining to the business of his office.

SEC. 30. No beef or pork shall be weighed by the owners or keepers of slaughter-houses, stores, or warehouses, or by persons under their control in the transaction of their business, in any greater quantity than fifty pounds, unless in scales and with weights, or by the vibrating steel-yard invented by Benjamin Dearborn, the vibrating steel-yard invented

Penalty for transporting, shipping, or offering for sale beef or pork not inspected, etc.
R. S., c. 38, § 23.

—certificate of inspector to be produced by owners or master of vessel.

—form of oath.

Purchaser of beef or pork may demand inspection.
R. S., c. 38, § 24.

—penalty, if seller refuses or neglects to cause inspection.

—how recovered.

Penalty for shipping, exporting or having on board uninspected salt beef or pork.
R. S., c. 38, § 25.
How the same may be seized.
R. S., c. 38, § 26.

The officer seizing, to libel same; forfeiture, how appropriated.
R. S., c. 38, § 27.
Inspector general and deputies to make returns.
R. S., c. 38, § 28.

Oaths.
R. S., c. 38, § 29.

By what scales beef and pork are to be weighed.
R. S., c. 38, § 30.
See c. 43, § 16.

or improved by Samuel Hills, or the Fairbanks' scales, sealed according to law, under penalty of ten dollars.

Town officers to appoint sworn weighers of beef.
R. S., c. 38, § 31.

SEC. 31. The municipal officers of towns, where beef cattle are sold for immediate consumption or for barreling, shall appoint one or more suitable persons not dealers in cattle, to be weighers of beef, and they shall be sworn.

Weigher's certificate.
R. S., c. 38, § 32.

SEC. 32. All beef sold as aforesaid, shall be weighed by the sworn weighers, and certificates of the weight of all the beef, hide, and tallow of each head of cattle shall be signed by said weighers, and delivered to the seller thereof in the form following, viz.:

—form.

"This certifies, that I have duly weighed the cattle, bought by
 , of , from , of , this day of , 19 :

Beef,				
Hide,				
Tallow,				
Total,				

A. B., Sworn Weigher."

Penalty for purchasing dead beef cattle without weighing, unless agreed.
R. S., c. 38, § 33.
Hides to be weighed and certified by inspector.
R. S., c. 38, § 34.

SEC. 33. Any person, purchasing for market or exportation beef cattle not weighed pursuant to the foregoing provisions, other than live cattle, and except when the weight or mode of weighing is expressly agreed upon by the buyer and seller, forfeits thirty dollars for each offense.

SEC. 34. The inspector general and his deputies, by themselves or by other persons by them appointed and sworn, shall weigh all hides taken from cattle slaughtered for barreling, making reasonable deduction for tare and drainage; and give a certificate, specifying the gross weight and the deductions made as aforesaid.

Penalties, how recovered and appropriated.
R. S., c. 38, § 35.

SEC. 35. All the foregoing fines and forfeitures, not herein otherwise provided for, may be recovered by action of debt, complaint, or indictment, half to the prosecutor, and half to the town where the offense is committed.

INSPECTION OF FLOUR.

Inspectors, how appointed.
R. S., c. 38, § 36.

SEC. 36. The municipal officers of towns may annually appoint in their towns, one or more suitable persons not interested in the manufacture and sale of flour, to be inspectors thereof for one year from the date of appointment.

Inspectors to be sworn and to receive certificate of appointment.
R. S., c. 38, § 37.

SEC. 37. Such inspector before entering upon his duties, shall be sworn to the faithful and impartial discharge thereof before the town clerk, who shall, upon payment of fifty cents, give him a certificate of his appointment and qualification, to be exhibited on the demand of any person interested in any inspection made by him.

Inspection, how made, and duties of inspectors, defined.
R. S., c. 38, § 38.

SEC. 38. Inspection of flour shall be for the purpose of ascertaining its soundness; every package inspected shall be opened sufficiently to allow a trier to be passed through it, and a sample of the whole length of the passage shall be taken out and examined by the inspector, who shall mark upon each package with a brand, or stencil, the words, "Sound" or "Unsound," as the quality of the flour contained in each is found, and his name, residence, office, and the year of inspection. He shall keep a record of all flour inspected by him, in a suitable book which he shall exhibit to any person requiring it.

—inspectors to keep a record, and to exhibit same.

Penalty for fraudulent marks.
R. S., c. 38, § 39.

SEC. 39. If an inspector falsely and fraudulently marks any package of flour, he shall be fined five dollars for every such package, and forfeits

to any person injured thereby, three times the amount of damage, in an action of debt.

SEC. 40. Whoever, with intent to defraud, alters, obliterates or counterfeits the marks of an inspector, and whoever, with such intent, places upon any package of flour, marks falsely purporting to be inspection marks, shall for every offense, be fined not exceeding fifty dollars, and on conviction of placing such false marks on as many as ten packages at one time, shall also be imprisoned not exceeding ten months.

Penalty for alteration, etc., of inspection marks.
R. S., c. 38, § 40.

SEC. 41. The purchaser may require flour to be inspected before delivery. The inspector's fees are five cents a package, for lots of less than ten; for lots of more than ten and not exceeding twenty, two cents a package; and for every package exceeding twenty, one cent; to be paid by the person demanding inspection.

Purchasers of flour may require inspection before delivery.
R. S., c. 38, § 41.
—fees, and by whom paid.
Duties of inspectors in relation to sample packages.
R. S., c. 38, § 42.

SEC. 42. Inspectors shall, when required, determine whether the flour conforms to and equals the sample furnished, and shall mark, with some distinct and intelligible mark, the packages that are found like the sample, and for this service they may charge an additional compensation of one half cent a package.

SEC. 43. Nothing herein contained prohibits any contract for the manufacture, or sale of uninspected flour, when inspection is not required by the buyer or the seller.

Inapplicable, if inspection is not demanded.
R. S., c. 38, § 43.

REGULATION OF THE SALE OF MILK.

SEC. 44. The municipal officers of cities and towns containing not less than three thousand inhabitants shall annually appoint, and the municipal officers of all other towns shall on application of ten voters therein, annually appoint one or more persons to be inspectors of milk, who shall, before entering upon their duties, *be sworn, and* give notice of their appointment by publishing the same for two weeks in a newspaper published in their towns, if any, otherwise by posting such notice in two or more public places therein, (and may receive such fees as said officers establish.)

Inspectors of milk shall be appointed in towns of not less than three thousand inhabitants.
R. S., c. 38, § 44.
1893, c. 255, § 1.
See c. 3, § 92, ¶ xiii.

SEC. 45. Inspectors shall keep an office and books for the purpose of recording the names and places of business of all persons selling milk within their limits. They may enter any place where milk is kept or stored for sale, and examine all carriages used in the conveyance thereof, and when they have reason to believe any milk found therein to be adulterated, they shall take specimens thereof, and cause them to be analyzed or otherwise satisfactorily tested, and they shall preserve the result as evidence. Said inspectors shall leave with the owner of the milk inspected a sealed specimen of the milk examined by them, which shall be marked in the same manner as the specimen taken at that time by said inspectors, and prosecute for all violations of the two following sections.

Duties of inspectors of milk.
R. S., c. 38, § 45.
1897, c. 292.
See c. 127, § 6.

SEC. 46. All measures, cans or other vessels used in the sale of milk, shall annually be sealed by the sealer of weights and measures, by wine measure, and shall be marked by the sealer with figures, indicating the quantity which they hold, and whoever fraudulently sells by any other measure, can or vessel, forfeits twenty dollars for each offense. (a)

All measures used in sale of milk to be sealed by wine measure.
R. S., c. 38, § 46.
1887, c. 20.
See c. 43, §§ 18, 19.

SEC. 47. All bottles, pipetts or other measuring glasses used by any person, firm or corporation, or their agents or employes, at any creamery, butter factory, cheese factory or condensed milk factory, or elsewhere in this state, in determining by the Babcock test, or by any other test, the value of milk or cream received from different persons or parties at such creameries or factories, shall before such use be tested for accuracy of measurement and for accuracy of the per cent scale marked thereon. Such bottles, pipetts or measuring glasses shall bear in marks or char-

Bottles and glasses used to measure milk or cream, shall be tested for accuracy, and marked.
1895, c. 169, § 1.

(a) Registration of designs and marks on cans and other receptacles for milk, c. 39, § 56.

—shall bear evidence that test has been made.
See c. 39, § 37. Duty of director of Maine Agricultural Experiment Station, to test all bottles, etc.
1895, c. 169, § 2.

—shall mark all bottles, etc., found correct.

—compensation.

Persons who manipulate test, shall be certified by superintendent of dairy school.
1895, c. 169, § 3.

—rules for granting certificate.

Penalty for using sulphuric acid of less than required specific gravity.
1895, c. 169, § 4.

—penalty for violating § 47.

—penalty for violating § 49.

—fines, how disposed of.

acters ineffaceable the evidence that such test has been made by the authority named in the following section. And no inaccurate bottles, pipetts or other glasses shall bear such marks or characters.

SEC. 48. The director of the Maine Agricultural Experiment Station, or some competent person designated by him, shall test the accuracy of all bottles, pipetts or other measuring glasses used by persons, firms or corporations in this state buying or pooling milk or cream, or apportioning butter or cheese made from the same, by the contents of butter fat contained therein. The said director, or the person designated by him, shall mark such bottles, pipetts or other measuring glasses as are found correct, in marks or characters which cannot be erased, and which marks or characters shall stand as proof that they have been so tested. The said director shall receive for such service the actual cost incurred, and no more, the same to be paid by the persons or corporations for whom it is done.

SEC. 49. Any person, either for himself or in the employ of any other person, firm or corporation, who manipulates the Babcock test or any other test, whether mechanical or chemical, for the purpose of measuring the contents of butter fat in milk or cream for a basis of apportioning the value of such milk or cream, or the butter or cheese made from the same, shall secure a certificate from the superintendent of the dairy school at the University of Maine that he or she is competent and well qualified to perform such work. The rules and regulations in the application for such certificate and in the granting of the same shall be such as the superintendent of that school may arrange, and the fee for issuing a certificate shall in no case exceed one dollar, the same to be paid by the applicant.

SEC. 50. Whoever uses, or has in his possession with intent to use, at any creamery, butter factory, cheese factory or condensed milk factory, any sulphuric acid of less than one and eighty-two hundredths of specific gravity in the process known as the Babcock test, or any other test for determining the butter fat contents of milk or cream, shall be punished by a fine not exceeding twenty-five dollars for the first offense, and for a second offense a sum not exceeding fifty dollars. Any person, firm or corporation violating the provisions of section forty-seven, shall be punished by a fine not exceeding fifty dollars for the first offense, and for a second offense a sum not exceeding one hundred dollars; and any person violating section forty-nine, shall be punished by a fine not exceeding ten dollars. Every inspector of milk, sheriff, deputy sheriff and constable shall institute complaint against any person or persons violating said provisions, and on conviction one-half of the fines shall go to the complainant and the balance to the state.

REGULATION OF SALE OF COMMERCIAL FERTILIZERS.

All packages of fertilizer exceeding in price ten dollars a ton, shall have affixed thereto a statement certifying number of pounds, name of trade mark and manufacturer and place of business, and analysis.
1893, c. 256, § 1.

Manufacturers shall annually file certified copy

SEC. 51. Every manufacturer, company or person who shall sell, offer or expose for sale in this state any commercial fertilizer or any material used for fertilizing purposes the price of which exceeds ten dollars a ton, shall affix to every package of such fertilizer in a conspicuous place on the outside thereof, a plainly printed statement clearly and truly certifying the number of net pounds in the package sold or offered for sale, the name or trade mark under which the article is sold, the name of the manufacturer or shipper, the place of manufacture, the place of business and a chemical analysis stating the percentage of nitrogen, or its equivalent in ammonia in available form, of potash soluble in water, and of phosphoric acid in available form, soluble and reverted as well as the total phosphoric acid.

SEC. 52. Every manufacturer, company or person who shall sell, offer or expose for sale in this state, any commercial fertilizer or material used for fertilizing purposes, the price of which exceeds ten dollars a ton, shall

for each and every fertilizer bearing a distinguishing name or trade mark, file annually with the director of the Maine Agricultural Experiment Station, between the fifteenth day of November and the fifteenth day of December, a certified copy of the statement, named in the preceding section, said certified copy to be accompanied when required, by a sealed glass jar or bottle containing at least one pound of the fertilizer to be sold or offered for sale, and the company or person filing said certified copy with its accompanying sample of fertilizer shall thereupon make affidavit that said sample corresponds within reasonable limits to the fertilizer which it represents in the percentage of nitrogen, total and available phosphoric acid, and potash soluble in water, which it contains. Such affidavit shall apply to the entire calendar year next succeeding the date upon which said affidavit is made, unless the person or persons making said affidavit shall give notice to the director of the Maine Agricultural Experiment Station that a change is to be made during the year in the percentages of the above named ingredients contained in the fertilizer, in which case he shall, before selling or offering for sale such fertilizer, file another certified statement with an accompanying sample of fertilizer and an affidavit as hereinbefore required. The deposit of a sample of fertilizer as herein provided shall be required by said director unless the company, manufacturer or person selling or offering for sale a fertilizer coming within the provisions hereof, shall certify that its composition for the succeeding year is to be the same as given in the last previously certified statement, in which case the requiring of said sample shall be at the discretion of said director.

SEC. 53. The director of the Maine Agricultural Experiment Station shall analyze, or cause to be analyzed, all the samples of fertilizers which come into his possession under the provisions of section fifty-two, and shall publish the results thereof in a bulletin or report on or before the fifteenth of March next succeeding.

SEC. 54. Any manufacturer, importer, agent or seller of any commercial fertilizer, who shall deposit with the director of the Maine Agricultural Experiment Station a sample or samples of fertilizer under the provisions of section fifty-two, shall pay annually to said director an analysis fee as follows: Ten dollars for the phosphoric acid, and five dollars each for the nitrogen and potash, contained or said to be contained in the fertilizer, this fee to be assessed on any brand sold in the state, and upon receipt of such fee and of the certified statement named in section fifty-two, said director shall issue a certificate of compliance with this chapter. Whenever the manufacturer or importer of a fertilizer shall have filed the statement made in section fifty-two and paid the analysis fee, no agent or seller of said manufacturer, importer or shipper shall be required to file such statement or pay such fee. The analysis fees received by said director shall be paid immediately by him into the treasury of said experiment station.

SEC. 55. The director of the Maine Agricultural Experiment Station shall annually analyze, or cause to be analyzed, at least one sample taken in the manner hereinafter prescribed, of every fertilizer sold or offered for sale under the provisions of this chapter. Said director shall, in person or by deputy, take a sample, not exceeding two pounds in weight, for said analysis, from any lot or package of fertilizer or any material used for manurial purposes which may be in the possession of any manufacturer, importer, agent or dealer in this state; but said sample shall be drawn in the presence of said party or parties in interest, or their representatives, and taken from a parcel or a number of packages which shall not be less than ten per cent of the whole lot sampled, and shall be thoroughly mixed and then divided into two equal samples and placed in glass vessels and carefully sealed and a label placed on each, stating the name

of statement with Maine Agricultural Experiment Station, with sample of fertilizer, and make affidavit that sample corresponds with fertilizer. 1893, c. 256, § 2.

—affidavit shall apply to entire year.

—sample need not be deposited every year, if composition is same each year.

Director shall analyze samples and publish results. 1893, c. 256, § 3.

Analysis and fees. 1893, c. 256, § 4. 1897, c. 197.

—certificate of compliance.

—when fee is paid by manufacturer, payment shall not be required of agent.

Director shall annually analyze samples of fertilizers. 1893, c. 256, § 6. 1895, c. 94, § 2.

—how samples shall be taken.

or brand of the fertilizer or material sampled, the name of the party from whose stock the sample was drawn and the time and place of drawing, and said label shall also be signed by the director or his deputy, and by the party or parties in interest or their representative at the drawing and sealing of said samples; one of said duplicate samples shall be retained by the director and the other by the party whose stock was sampled; and the sample or samples retained by the director shall be for comparison with the certified statement named in section fifty-two. The result of analysis of the sample or samples so procured shall be published in a report or bulletin within reasonable time.

--result shall
be published.

Importer to
be licensed.
R. S., c. 33, § 49.

--license fee.

--to sell only
one kind, or
pay additional
fee.

SEC. 56. Every importer of commercial fertilizers, as specified in section fifty-one before offering the same for sale, shall procure from the secretary of state a license as an importer thereof, and shall pay into the state treasury fifty dollars annually, as a license fee; and shall at the same time file with the commissioner of agriculture, a paper giving the names of his principal agents, and the name and composition of the fertilizers manufactured or imported by him. Such license entitles the licensee to sell and offer for sale only one distinct kind of fertilizer; but he may sell any other kind upon paying into said treasury an additional license fee of fifteen dollars for each every additional kind.

REGULATION OF SALE OF COMMERCIAL FEEDING STUFF.

Dealers in
concentrated
commercial
feeding stuff,
shall affix
printed state-
ment to each
package
thereof.
1897, c. 334, § 1.

--what it shall
contain

What term
shall not in-
clude.
1897, c. 334, § 2.

What term
shall include.
1897, c. 334, § 3.

Certified copy
of statement
shall be filed
with
director of
Experiment
Station, with
specimen of
stuff.
1897, c. 334, § 4.

SEC. 57. Every manufacturer, company or person who shall sell, offer or expose for sale or for distribution in this state any concentrated commercial feeding stuff, as defined in section fifty-nine, used for feeding farm live stock, shall, in addition to the tax tag described in section sixty-one, affix to every package of such feeding stuff, in a conspicuous place on the outside thereof, a plainly printed statement clearly and truly certifying the number of net pounds in the package sold or offered for sale, the name or trade mark under which the article is sold, the name of the manufacturer or shipper, the place of manufacture, the place of business and a chemical analysis stating the percentage of crude protein, allowing one per cent of nitrogen to equal six and one-fourth per cent of protein and of crude fat it contains, both constituents to be determined by the methods adopted at the time by the association of official agricultural chemists.

SEC. 58. The term concentrated commercial feeding stuff, as here used, shall not include hays and straws, the whole seeds nor the unmixed meals made directly from the entire grains of wheat, rye, barley, oats, Indian corn, buckwheat, and broom corn. Neither shall it include wheat, rye and buckwheat brans or middlings, not mixed with other substances, and sold separately, as distinct articles of commerce, nor pure grains ground together.

SEC. 59. The term concentrated commercial feeding stuff, as here used, shall include linseed meals, cottonseed meals, pea meals, cocoanut meals, gluten meals, gluten feeds, maize feeds, starch feeds, sugar feeds, dried brewer's grains, malt sprouts, hominy feeds, cerealine feeds, rice meals, oat feeds, corn and oat chops, ground beef or fish scraps, mixed feeds, and all other materials of similar nature not included within the preceding section.

SEC. 60. Before any manufacturer, company or person shall sell, offer or expose for sale in this state any concentrated commercial feeding stuff, as defined in the preceding section, he or they shall for each and every feeding stuff bearing a distinguishing name or trade mark, file with the director of the Maine Agricultural Experiment Station a certified copy of the statement named in section fifty-seven, which shall be accompanied, when the director shall so request, by a sealed glass jar or bottle containing at least one pound of the feeding stuff to be sold or offered for sale,

and the company or person furnishing said sample shall thereupon make affidavit that said sample corresponds within reasonable limits to the feeding stuff which it represents, in the percentage of protein and fat which it contains.

SEC. 61. Each manufacturer, importer, agent or seller of any concentrated commercial feeding stuff, as defined in section fifty-nine, shall pay to the director of the Maine Agricultural Experiment Station an inspection tax of ten cents a ton for each ton of such concentrated feeding stuff sold or offered for sale in the state of *Maine*, and shall affix to each car shipped in bulk and to each bag, barrel or other package of such concentrated feeding stuff, a tag to be furnished by said director, stating that all charges specified in this section have been paid. The director of said experiment station may prescribe the form for such tags, and adopt such regulations as may be necessary for the enforcement of the law. Whenever the manufacturer or importer or shipper of a concentrated feeding stuff shall have filed the statement made in section fifty-seven and paid the inspection tax, no agent or seller of said manufacturer, importer or shipper shall be required to file such statement or pay such tax. The amount of inspection tax received by said director shall be paid by him into the treasury of the Maine Agricultural Experiment Station. The treasurer of said station shall make an annual report of receipts and expenditures of funds from this inspection tax, and all receipts in excess of three thousand dollars shall be carried into the state treasury.

SEC. 62. The director of the Maine Agricultural Experiment Station shall annually analyze, or cause to be analyzed, at least one sample to be taken in the manner hereinafter prescribed, of every concentrated commercial feeding stuff sold or offered for sale under the provisions of this chapter. Said director shall, in person or by deputy, take a sample, not exceeding two pounds in weight, for said analysis, from any lot or package of concentrated commercial feeding stuff which may be in the possession of any manufacturer, importer, agent or dealer in this state; but said sample shall be drawn in the presence of said party or parties in interest, or their representative, and taken from a parcel or a number of packages, which shall not be less than ten per cent of the whole lot sampled, and shall be thoroughly mixed, and then divided into two equal samples, and placed in glass vessels, and carefully sealed and a label placed on each, stating the name or brand of the feeding stuff or material sampled, the name of the party from whose stock the sample was drawn and the time and place of drawing, and said label shall also be signed by the director or his deputy and by the party or parties in interest or their representative at the drawing and sealing of said samples; one of said duplicate samples shall be retained by the director and the other by the party whose stock was sampled; and the sample or samples retained by the director shall be for comparison with the certified statement named in section sixty. The result of the analysis of the sample or samples so procured, together with such additional information as circumstances advise, shall be published in reports or bulletins from time to time.

Manufacturers and dealers, required to pay inspection tax.
1897, c. 334, § 5.

—affix to each car, etc., certificate of payment of tax.

—director may prescribe form for tag, etc.

—tax shall be paid into the treasury of station.

—report of receipts and expenditures.

Director shall annually analyze one sample at least of all stuff offered for sale.
1897, c. 334, § 7.

—samples may be taken by director from manufacturer, etc.

—shall be drawn in presence of parties in interest.

—samples shall be divided in two parts, sealed and labeled.

—result of analysis, shall be published.

REGULATION OF SALE OF AGRICULTURAL SEEDS.

SEC. 63. Every lot of seeds of agricultural plants, whether in bulk or in package, containing one pound or more, and including the seeds of cereals, except sweet corn, grasses, forage plants, vegetables, and garden plants but not including those of trees, shrubs and ornamental plants, which is sold, offered or exposed for sale for seed by any person or persons in *Maine*, (the state) shall be accompanied by a written or printed guaranty of its percentage of purity and freedom from foreign matter; *provided*, that mixtures may be sold as such when the percentages of the various constituents are stated.

Seeds of agricultural plants offered for sale shall be accompanied by guaranty of percentage of purity.
1897, c. 313, § 1.

How guar-
anties may
be based.
1897, c. 313, § 2.

Results of
tests made by
director, shall
be published.
1897, c. 313, § 3.
—director
shall publish
standard of
purity.

SEC. 64. Dealers may base their guaranties upon tests conducted by themselves, their agents, or by the director of the Maine Agricultural Experiment Station; *provided*, that such tests shall be made under such conditions as the said director may prescribe.

SEC. 65. The results of all tests of seeds made by said director shall be published by him in the bulletins or reports of the experiment station, together with the names of the person or persons from whom the samples of seeds were obtained. The said director shall also publish equitable standards of purity together with such other information concerning agricultural seeds as may be of public benefit.

PENALTIES AND PROSECUTIONS.

Punishment
for violations
of sections
51 to 54, 56, 57
to 61, 63 and
64.
R. S., c. 38, § 50.
1893, c. 256, § 5.
1897, c. 334, § 6.
1897, c. 313,
§§ 4, 5.

SEC. 66. Any manufacturer, importer or person who shall sell, offer or expose for sale or for distribution in the state, any commercial fertilizer without complying with the requirements of sections fifty-one, fifty-two, fifty-four and fifty-six, or any fertilizer which contains substantially a smaller percentage of constituents than are certified to be contained, or any concentrated commercial feeding stuff, as defined in section fifty-nine without complying with the requirements of sections fifty-seven, sixty and sixty-one, or any feeding stuff which contains substantially a smaller percentage of constituents than are certified to be contained, or any agricultural seeds without complying with the requirements of sections sixty-three and sixty-four, or who shall, with intention to deceive, wrongly mark or label any package or bag containing garden or vegetable seeds or any other agricultural seeds, not including those of trees, shrubs and ornamental plants, shall be punished by a fine not exceeding one hundred dollars for the first offense and not exceeding two hundred dollars for each subsequent offense.

Sec. 63-66 not
to apply to
cereals sold
for food.
1897, c. 313, § 6.
Director
shall report
violations to
commission-
er of agricul-
ture.
1893, c. 256, § 7.
1897, c. 334, § 8.
1897, c. 313, § 7.

SEC. 67. The provisions of the four preceding sections shall not apply to any person or persons growing or selling cereals and other seeds for food.

SEC. 68. Whenever the said director becomes cognizant of any violation of the seventeen preceding sections, he shall report such violation to the commissioner of agriculture, and said commissioner shall prosecute the party or parties thus reported; but said commissioner upon thus ascertaining any such violation of sections fifty-one to sixty-two inclusive, except section fifty-six, shall forthwith notify the manufacturer, importer or dealer in writing, and give him not less than thirty days thereafter in which to comply with the requirements of this chapter; there shall be no prosecution in relation to the quality of any fertilizer or fertilizing material if the same shall be found substantially equivalent to the certified statement named in section fifty-two, or in relation to the quality of any concentrated commercial feeding stuff, if the same shall be found substantially equivalent to the certified statement named in section sixty.

SALE OF PRESSED HAY.

Pressed hay,
how to be
marked.
R. S., c. 38, § 55.
1889, c. 174.

—penalty.

SEC. 69. All hay pressed and put up in bundles, except hay pressed by farmers and retailed from their own barns, shall have the first letter of the christian, and the whole of the surname of the person putting up the same, written, printed or stamped on bands or boards made fast thereto, with the name of the state and the place where such person lives. Whoever offers for sale or shipment any pressed hay not marked as aforesaid, except hay pressed by farmers and retailed from their own barns, forfeits one dollar for each bale so offered, to be recovered by complaint. No person who has received hay not marked as provided in this section shall defend any

action for the price thereof upon that ground, unless he shall prove that before the delivery of said hay to him, he requested the person from whom he bought the same to comply with the provisions of this section.

—when person receiving hay not marked may defend action for price.
1897, c. 300.

MEASURERS OF SALT, CORN AND GRAIN.

SEC. 70. The municipal officers of towns may annually appoint measurers of salt, corn and grain therein, who shall *be sworn, and* receive such fees from the purchaser as said officers establish; and in every contract made in the state for the sale of salt by the hogshead, such hogshead shall consist of eight bushels; and when the buyer or seller requests, salt, corn, or grain in places where such measurers live, shall be measured by them.

Appointment, oath, and fees of measurers, etc.
R. S., c. 38, § 56.

WEIGHT OF CORN AND GRAIN, MEAL, VEGETABLES, AND HAY.

SEC. 71. The standard weight of a bushel of potatoes, in good order and fit for shipping, is sixty pounds; of apples, in good order and fit for the market, forty-four pounds; of wheat, sixty pounds; of corn, fifty-six pounds; of barley and buckwheat, forty-eight pounds; of carrots, fifty pounds; of onions in good order and fit for shipping, fifty-two pounds; of ruta бага, sugar beets, mangel wurzel, and turnip beets, in like condition, sixty pounds; of English turnips, in like condition, fifty pounds; of parsnips, in like condition, forty-five pounds; of beans, in like condition, sixty-two pounds; of peas, sixty pounds; of rye and Indian meal, fifty pounds; of oats, thirty-two pounds, or strike measure; of Turk's Island, or other coarse grades of salt, seventy pounds, and of Liverpool, or other fine grades sixty pounds; and of hay used in masonry, well dried and cleansed, eleven pounds; and the measure of each of these articles shall be determined as aforesaid at the request of the vendor or vendee; and if either party refuses so to do, he forfeits twenty cents for each bushel, to the person prosecuting therefor within thirty days.

Standard weight fixed.
R. S., c. 38, § 57.
1887, c. 45.
1887, c. 121.
1897, c. 283.

The standard and legal weight of a bushel of herdsgrass seed, when well cleaned and in good condition, is forty-five pounds.

—herdsgrass seed.
1885, c. 278.

The standard weight of a barrel of potatoes, in good order and fit for shipping, is one hundred and sixty-five pounds. Whoever acting for himself or as the employe of another, takes more than the standard weight for a barrel of potatoes, shall forfeit fifty cents for each barrel, to the person prosecuting therefor within thirty days.

—barrel of potatoes.
1885, c. 266.

—penalty.

BOUNTY ON SILK.

SEC. 72. Treasurers of towns, on satisfactory proof, shall pay a bounty of ten cents for every pound of cocoons, and one dollar for every pound of silk reeled from cocoons, raised in the state, to the person raising it in such town; such applicant shall make oath, that no bounty has been received by any person for such cocoons or silk; and each treasurer shall keep an account of the money so paid, and present it, verified by his oath, to the next legislature, and if found correct, it shall be allowed and paid from the state treasury.

Treasurer of town to pay bounty on cocoons and silk raised in town.
R. S., c. 38, § 58.

BOUNTY ON BEET SUGAR.

SEC. 73. The governor and council may, on such terms and conditions as they deem advantageous to the State, contract with any responsible party or company, to pay said party or company not exceeding one cent a pound, on all beet sugar manufactured in the state, from beets raised in the state; but the bounty, so paid, shall not exceed seven thousand dollars in any one year, and shall not exceed ten years from the time of the payment of the first bounty money.

Governor and council may pay a bounty on beet sugar manufactured in the state.
R. S., c. 38, § 59.
—limited to ten years.

[The commissioner suggests the repeal of sections seventy-two and seventy-three. He understands that bounties have not been paid under those sections for a number of years and that no industries now exist in the state, which will be injuriously affected by the repeal.]

MARKING SHEEP.

Owner of sheep shall have mark, to be recorded. R. S., c. 38, § 23. See c. 115, § 23.

SEC. 74. All owners of sheep shall mark them with some distinctive mark, by a cut in the ears, or a brand on some part of the animal, and cause such mark to be recorded by the clerk of their town in a book kept for that purpose.

RECORD OF STALLIONS.

Record of advertised stallions to be filed with register of deeds. R. S., c. 38, § 61. 1889, c. 161. See c. 7, § 17, c. 115, § 21.

—certificate to be recorded. 87 Me., 150. 89 Me., 264.

—penalty for neglect.

SEC. 75. The owner or keeper of any stallion for breeding purposes before advertising, by written or printed notices, the service thereof, shall file a certificate with the register of deeds in the county where said stallion is owned, or kept, stating the name, color, age and size of the same, together with the pedigree of said stallion, as fully as attainable, and the name of the person by whom he was bred. And such register shall record such certificate in a book kept for that purpose; copies of such certificate, duly certified by such register, may be used in evidence, the same as the original, in any court in the state. Whoever neglects to make and file such certificate shall recover no compensation for said services, and if he knowingly and wilfully makes and files a false certificate of the statements aforesaid, he forfeits one hundred dollars, to be recovered by complaint, indictment or action of debt, for the county where the offense is committed.

Note. Penalty for false registration of blooded animal, c. 125, § 10.

CHAPTER 39.

INSPECTION AND SALE OF MANUFACTURED ARTICLES. TRADE-MARKS AND LABELS.

LIME AND LIME CASKS.

Appointment and oath of inspectors and their deputies. R. S., c. 39, § 1. See Const. of Me., Art. ix, § 1.

—amount of their bonds.

Lime, inspectors of; their duties. R. S., c. 39, § 2. 1891, c. 138.

—first quality, how inspected and branded.

—casks may be marked.

SEC. 1. The governor with the advice and consent of council, when a vacancy occurs in any town, shall appoint one resident citizen thereof, to be inspector of lime and lime casks therein, for four years, unless sooner removed; he shall *be sworn, and* give bond with sufficient sureties for the faithful performance of his duties, before entering thereon, to the treasurer of his county in the following sums:

The inspector of Rockland, five thousand dollars; of Thomaston and Camden, three thousand each, and of every other town, two thousand each, to be approved by the county commissioners; and each inspector may appoint in his town as many deputies as are necessary, for whom he is answerable, who shall *be sworn and* give bond to their principal for one thousand dollars with sufficient sureties.

SEC. 2. Each inspector, by himself or deputy, shall inspect all lime manufactured in his town, with the casks therefor, at the time that they are filled at the kiln where it is burnt; see that in all respects the lime and casks conform to law, and brand each cask as herein provided. All well burned, pure, fine grained lime, of a white or yellowish color, manufactured for shipment or sale, shall be contained in casks well filled, one head of which shall be branded with the name of the town where the lime was burned with letters not less than one inch in length, the initials of the christian name and the whole of the surname of the inspector or deputy, the word "inspected" and the figure "I" and the word "quality," in a legible manner. But instead of being branded, such marks of the inspector may be painted upon the casks, in a suitable and legible manner,

with letters of the length hereinbefore provided. All black, dark, or impure lime manufactured for shipment or sale shall be contained in casks well filled and branded with the figure "2" and the word "quality," in a legible manner upon such cask. But no person is forbidden to put up and brand lump lime in the manner now practiced, if it is included in that first above named.

—impure lime, how branded.

—lump lime.

SEC. 3. No lime manufactured in the state shall be sold, exposed for sale, or shipped on board any vessel in casks, unless it is contained in casks made of sound and seasoned staves and headings, well fired on the inside, with at least eight good and strong hoops on each, of oak, ash, beech, birch, maple, cherry, or elm wood, all well driven and secured with nails, and duly inspected and branded as provided in the preceding section, the staves of said casks to be made of sawed or rift timber, not less than thirty inches in length and half an inch thick on the thinnest edge; each of the heads not less than three-fourths of an inch thick and well crozed in, each hoop not less than one inch wide in the narrowest part, and each cask not less than twenty-six inches in length between the heads, sixteen inches in width between the chimes, and eighteen inches in the clear on the inside at the bilge at the time of inspection, and made in a workmanlike manner to hold lime; and before any lime is inspected, the manufacturer thereof shall brand on the head of each cask, with letters not less than one inch in length, the first letter of his christian name and the surname at length, with the letters "Man'r;" and all lime casks shall be branded on the outside of the bilge with the initials of the christian name and the whole of the surname of the manufacturer.

Lime exposed for sale, how packed.

—casks, description and quality of.
R. S., c. 39, § 3.

—casks to be branded with name of manufacturer, on the head.

—on bilge.

SEC. 4. No inspector or deputy shall brand any casks of lime, not inspected by him, or not conformable in all respects to the provisions hereof, nor permit any other person unlawfully to use his brands; and no person shall sell, expose for sale, lade or receive on board any vessel, any lime in casks not made, inspected and branded according to law; nor shift the contents of any lime cask, branded as aforesaid, with intent to sell the same as inspected; nor shall any person, firm or corporation, put up or fill, or cause to be put up or filled, sell, expose for sale, or cause to be sold, or exposed for sale, or lade or receive, or cause to be laden or received on board any vessel or car, any lime in casks, upon which is either branded, stamped, painted or marked, in any place, the name of any city or town, or any imitation or abbreviation thereof, other than that in which such lime is burned or manufactured. In addition to the penalties hereinafter provided, such inspector or deputy is also liable in an action on the case to any party, for all damages he sustains by such misdoings, and if the misdoings are on the part of the deputy the action may be against him or his principal.

Penalty if inspector or deputy brands casks of lime not inspected by him, etc.
R. S., c. 39, § 4.
1895, c. 163, § 1.

—additional penalty.

SEC. 5. No person shall sell, expose for sale, lade or receive on board any vessel, lime in casks not made, inspected and branded according to law; or sell, expose for sale, or purchase any lime casks not made in conformity to the provisions of section three.

Trade in unbranded lime and casks prohibited.
R. S., c. 39, § 5.
1895, c. 163, § 2.

SEC. 6. Any person convicted of a violation of any of the provisions of the foregoing sections of this chapter shall be punished by a fine not exceeding fifty dollars; and when judgment is recovered against an inspector or deputy for penalties or damages on account of any misdoings in his office, and the execution issued thereon is 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 a coroner may avail himself of the official bond of such officer given to the treasurer of state. The provisions of this section and the five preceding sections shall be held or construed to apply only to lime manufactured for shipment or sale which is contained in casks or barrels.

Penalty for violation of foregoing sections.
R. S., c. 39, § 6.
1895, c. 163, § 3.

See c. 80, § 14.

—sections one to six, inclusive, how applied.
1897, c. 291.

POT AND PEARL ASHES.

Appointment,
removal, oath
and bond of
inspector and
his deputies.
R. S., c. 39, § 7.
See Const. of
Me., Art. ix,
§ 1.

SEC. 7. The governor with the advice and consent of council, when a vacancy occurs, shall appoint some skilful person, removable at pleasure, to be inspector of pot and pearl ashes for the state; he shall *be 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 other necessary places, for whom he shall be answerable, who shall *be sworn*, and give bond to their principal with sureties.

Process of
inspecting,
packing, and
branding.
R. S., c. 39, § 8.

SEC. 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 them; 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 they were inspected, and the word "Maine," branded in plain letters on each cask; and shall at the same time weigh the cask and mark the weight with a marking iron on each head; and if when applied to, he unreasonably delays or refuses for three hours, to inspect any such cask, he forfeits five dollars.

Dimensions
and materials
of casks.
R. S., c. 39, § 9.

SEC. 9. Every cask, in which such ashes are packed for exportation, shall be made of sound and seasoned oak or white ash staves and heading, full bound, twenty-nine inches long, and shall be of nineteen inches diameter in the head; and of such weight in proportion to its contents, as will amount, as nearly as may be, to fourteen per cent tare thereon; and every manufacturer of said ashes shall brand on each cask the initials of his christian name and the whole of his surname, with the name of the town where they were manufactured, before they are removed from the manufactory, under penalty of one dollar for each cask.

—how
branded.

Penalty for
attempting to
transport
such ashes
without in-
spection.
R. S., c. 39, § 10.

SEC. 10. Whoever transports out of the state, or receives for transportation, any such ashes, before inspection and branding as aforesaid, forfeits twenty dollars for each offense; and any inspector may with or without a warrant enter on board any vessel within his limits, and seize, carry away, and secure for trial all unbranded ashes found therein, as forfeited property, to be proceeded against according to law; and whoever obstructs him in such search and seizure, forfeits thirty dollars for each offense.

—may depu-
tize compe-
tent person.

Penalty for
falsely brand-
ing casks of
ashes.
R. S., c. 39, § 11.

SEC. 11. Whoever brands any cask of pot or pearl ashes manufactured by himself with the name of another; or another's cask with his name; or with the brand of an inspector or his deputy, or in any way counterfeits any lawful brand; or shifts any such ashes from a cask lawfully branded, and puts in others for sale or exportation without first cutting out said brand, forfeits two hundred dollars.

Appropriation of pen-
alties and
forfeited
property.
R. S., c. 39, § 12.

SEC. 12. All foregoing penalties under sixty dollars are for the prosecutor; but all others are half for the prosecutor, and half for the State, and all forfeited property is half for the officer seizing and half for the State.

Inspector and
his deputies
to make
returns to
secretary of
state.
R. S., c. 39, § 13.

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

NAILS.

SEC. 14. The governor, with the advice and consent of council, when a vacancy occurs, shall appoint some suitable person to be inspector of nails; he shall *be sworn, and* give bond to the State with sufficient sureties in such sum as the governor and council direct, for the faithful discharge of his duties, before entering thereon, and shall appoint one or more deputies in any town where they are necessary, who shall *be sworn, and* give bond to the State the same as the inspector.

Appointment, oath and bond of inspector and deputies. R.S., c. 39, § 14. See Const. of Me., Art. ix, § 1.

SEC. 15. The inspector or his deputy shall, on request, inspect every cask of wrought nails, by opening the same, turning out the nails, weighing them, and ascertaining the number necessary to make a pound, and their quality, both as to the iron and workmanship; brand on the head of such cask the number thereof, the whole weight of the cask and nails, the weight of the cask only, the number of nails necessary to make a pound, and the quality thereof, viz.: "first sort," "second sort," and "third sort," or "refuse;" his own name at large and the title of his office; and give a certificate expressing the number of the cask, the whole weight, the weight of tare, number of nails to a pound, and their quality.

Process of inspecting and branding wrought nails. R.S., c. 39, § 15.

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

Rules of progress in marking the number of nails to a pound. R.S., c. 39, § 16.

SEC. 17. The inspector shall see that all casks are well made of sound timber, strong, and lined at both heads; each cask to have eight or more good hoops, and to contain no more than three hundred and fifty pounds of nails; bad casks shall be condemned and deficient hoops supplied at the expense of the person applying for inspection; and all wrought nails shall be sold by the pound or by real thousands; delivering and receiving so many pounds for a thousand, as will produce ten net hundreds.

Dimensions and materials of casks, and by what weight wrought nails shall be sold. R. S., c. 39, § 17.

SEC. 18. Cut nails and brads shall be packed in strong casks seasoned and well hooped, no cask containing more than three hundred pounds net, free from waste pieces of iron (unless refuse nails,) or fraudulent mixture, increasing the weight. The maker, if also the owner of such nails, shall brand the initials of his christian name and his surname at large on the side of the cask, the town where he resides, and the true weight of the tare under it.

In what kind of casks, cut nails and brads shall be packed. R.S., c. 39, § 18.

—how branded.

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

Penalty for attempting to sell or forward brads, or nails not inspected and branded. R.S., c. 39, § 19.

SEC. 20. Any inspector, who on request, unnecessarily or unreasonably delays to inspect any cask of nails, forfeits for each offense, four dollars.

Penalty for delay of inspector. R.S., c. 39, § 20.

SEC. 21. Whoever counterfeits any inspector's brand; marks any nails with the same; destroys any lawful marks made by another, or shifts any branded nails for those not branded, or from one branded cask to another, forfeits twenty dollars for each offense; and all the penalties aforesaid belong, half to the prosecutor, and half to the town where the offense is committed.

Penalty for counterfeiting brands, destroying marks, or shifting nails. R.S., c. 39, § 21.

SEC. 22. The deputies shall make returns once in three months, and oftener if required, to the inspector, and annually on the first day of January, he shall make return to the secretary of state, of the number of casks and weight of wrought and cut nails inspected by him and his deputies, to December first, specifying the different quantities of each.

Inspector to make annual returns. R.S., c. 39, § 22. —deputies, quarterly.

Mode of
packing and
marking
paper.
R.S., c. 39, § 23.

Penalty for
making, sell-
ing or trans-
porting
paper not
lawfully
packed.
R.S., c. 39, § 24.

What shall
be deemed
pure sperm
oil.
R.S., c. 39, § 25.

Inspectors of
petroleum to
be appointed
in towns of
two thousand
inhabitants.
or more.
R.S., c. 39, § 26.
—duty of
inspectors.
See Const. of
Me., Art. ix,
§ 1.

What casks
shall be
marked "un-
safe for
illuminating
purposes."
R.S., c. 39, § 27.

—penalty.

Remedy for
neglect of
such inspec-
tion, and
marking.

—penalty.
R.S., c. 39, § 28.
See c. 26, § 20.

Rights and
duties of
town and po-
lice officers.
R.S., c. 39, § 29.

PAPER.

SEC. 23. All paper, except that of foreign manufacture, press, bonnet, and such as is usually sold by weight, made or offered for sale in the state, shall be packed in parcels of two reams, single reams, and half reams, at the rate of twenty quires to the ream, and twenty-four sheets to the quire, and on the wrapper of each parcel shall be legibly printed or stamped the name of the maker, his place of residence, and the quantity and quality of paper therein.

SEC. 24. Whoever makes, sells, offers for sale, transports out of the state, or places on board any vessel or carriage for transportation, any paper not packed and stamped as aforesaid, forfeits four dollars for each parcel, half to the county where the offense is committed, and half to the prosecutor; and all such paper is forfeited, and liable to seizure, for any person libeling it within seven days after seizure.

OILS.

SEC. 25. All oils sold under the names of sperm, summer, fall, and winter oils, are deemed to be sold for pure sperm oil, the test of which is Southworth's oleometer. Whoever sells under said names, any oils which are adulterated by the mixture of an inferior article, without disclosing the full extent of adulteration to the purchaser, forfeits to the prosecutor fifteen dollars for each offense; and the oil so sold shall be deemed whale oil, and the seller is liable to the purchaser for the difference between pure sperm and whale oil, to be recovered in an action on the case.

PETROLEUM, COAL OIL AND BURNING FLUID.

SEC. 26. In towns containing two thousand inhabitants or more, the municipal officers shall, on or before the first day of May annually, appoint one or more persons, and fix their compensation, to be inspectors of petroleum, coal oil, and burning fluid, who shall *be sworn, and* shall, when requested, inspect such oils and burning fluids by applying the fire test with G. Tagliabue's pyrometer or some other accurate instrument, to ascertain the igniting or explosive point thereof in degrees of Fahrenheit's thermometer, and they shall cause every vessel or cask thereof by them so inspected to be plainly marked by the name of such inspector, the date of inspection, and the igniting or explosive point of the contents thereof.

SEC. 27. When a cask or vessel of such oil or fluid will not bear the fire test of at least one hundred and twenty degrees Fahrenheit without ignition or explosion, the same shall be marked as aforesaid, and also "UNSAFE FOR ILLUMINATING PURPOSES." If an inspector knowingly puts false marks upon such casks or vessels inspected by him, he shall be fined not exceeding five hundred dollars, or be imprisoned six months.

SEC. 28. Every person and corporation engaged in manufacturing petroleum, coal oil or burning fluid, shall cause every cask or other vessel thereof to be so inspected and marked, by a sworn inspector. Whoever manufactures or sells such oil or burning fluid not so inspected and marked in this state, or that has been so inspected and marked as unsafe for illuminating purposes, shall pay a fine not exceeding five hundred dollars, or be imprisoned six months, upon indictment.

SEC. 29. The municipal officers of towns, and the police of cities, may at all times examine all such oils and fluids kept in their towns for sale, and cause them to be inspected and tested; and they shall do so in all cases where they are informed or believe that the same are kept for sale in violation of law; and cause the keeper and seller to be prosecuted therefor.

SEC. 30. All persons or corporations engaged in the sale of kerosene, refined petroleum, gasoline, or other burning or illuminating oils or fluids, in cans of a capacity of not less than five gallons, with their names, or other marks or devices branded, stamped, engraved, etched, impressed or otherwise produced upon such cans or anything connected therewith or appertaining thereto, may file in the office of the town or city clerk in which their principal place of business is situated, a description of the names and marks aforesaid, used by them, and cause the same to be published once a week for three successive weeks, in any weekly (news) paper published in the county in which said notice may have been filed as aforesaid.

Persons engaged in sale of kerosene, etc., may file with town clerk, description of marks used on cans.
1895, c. 68, § 1.

SEC. 31. Whoever knowingly and wilfully, without the written consent of the owner, (who has complied with the provisions of the preceding section,) uses, buys, sells, fills or traffics in any such can so marked as aforesaid, or defaces, covers up or obliterates the names, marks or devices thereon, with intent to use, fill, sell, buy, dispose of or traffic therein, or to convert the same to his own use, shall, on complaint, be punished by a fine of not more than twenty dollars.

Penalty for using, without consent of owner, cans so marked.
1895, c. 68, § 2.

FIRE-ARMS.

SEC. 32. The governor, with the advice and consent of council, whenever a vacancy occurs, or otherwise, as he judges necessary, may appoint suitable persons to be provers of the barrels of all new or unused fire-arms; and each prover shall 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 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:

Appointment and duties of provers of fire-arms.
R.S., c. 39, § 30.

"I certify that on this ——— day of ———, 19—, I proved for ——— ———, a musket," (pistol or rifle,) "barrel," (as the case may be,) "which is numbered and marked, as in the margin, and that the same is good and strong.

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

SEC. 33. Whoever sells or offers for sale any new or unused musket, rifle, or pistol barrel, without having it proved, marked, and certified, as aforesaid, forfeits ten dollars for each barrel to the prosecutor, or by indictment to the State; and if he falsely alters the mark or certificate of any prover of fire-arms, he so forfeits to the State not less than twenty, nor more than one hundred dollars, to be recovered by indictment.

Penalty for selling new and unused gun, rifle, or pistol barrels, unless proved.
R.S., c. 39, § 31.

INSPECTORS OF LEATHER.

SEC. 34. The municipal officers of each town, when they deem it expedient, may appoint one or more suitable inspectors of sole leather, who shall *be sworn, and* receive such fees from their employer, as said officers establish; and when paid by the seller, to be repaid to him by the buyer; when requested, they shall go to any place in their town to inspect any sides of sole leather, which have not been inspected in this state according to law.

Appointment, oath, duties and fees of inspectors of sole leather.
R.S., c. 39, § 33.
See Const. of Me., Art. ix, § 1.

SEC. 35. 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 quality," "third quality," "damaged," or "bad," according to the fact; and whoever counterfeits, alters or defaces such mark, forfeits twenty dollars for each offense, half to the town and half to the prosecutor.

Mode of inspecting and stamping sole leather.
R.S., c. 39, § 34.

USE OF NAMES, TRADE-MARKS, LABELS AND DESIGNS.

Manufacturer of leather, boots and shoes, may stamp his name thereon, etc.
R.S., c. 39, § 32.
—penalty for counterfeit-ing stamp.

No person shall use another's trade-mark.
R.S., c. 126, § 8.

Damages for violation.
R.S., c. 126, § 9.

Business names, unauthorized use of, prohibited.
R.S., c. 126, § 10.

Injunctions.
R.S., c. 126, § 11.

Proprietor of trade-mark may file certificate with secretary of state.
R.S., c. 39, § 37.

—what certificate must set forth.

—fac-simile to be annexed to certificate.

—certificate to be sworn to.

Penalty for perjury.
R.S., c. 39, § 38.

—secretary of state may decline to record certificate, if he believes it untrue, until compelled by mandamus.

—proceedings.

Exclusive right to use of trade-mark, guaranteed.
R.S., c. 39, § 39.

SEC. 36. Every manufacturer of leather, and of boots and shoes, of any description, has the exclusive right of stamping them with the initials of his christian name, and the whole of his surname; and such stamping is a warranty that the article is merchantable, and well made of good materials; and if any person fraudulently stamps any such articles with the name or stamp of any other person, he shall be fined not exceeding twenty dollars, or imprisoned not exceeding six months.

SEC. 37. When a person uses any peculiar name, letters, marks, device, or figures, cut, stamped, cast or engraved upon, or in any way attached to or connected with any article manufactured or sold by him to designate it as an article of a peculiar kind, character or quality, or as manufactured by him, no other person shall, without his consent, use the same or any similar names, letters, marks, devices or figures, for the purpose of falsely representing any articles to have been manufactured by him, or to be of the same kind, character or quality, as that manufactured or sold by the party rightfully using the same.

SEC. 38. Whoever violates the provisions of the preceding section, is liable to any party aggrieved thereby, for all damages actually incurred, to be recovered in an action on the case.

SEC. 39. No one shall assume, or continue to use in his business, either alone, or in connection with his own or any other name, or designation, the name of any person formerly connected with him in partnership, without the written consent of such person or his legal representative.

SEC. 40. The supreme judicial court may restrain, by injunction, any use of trade-marks or names, in violation of the foregoing provisions.

SEC. 41. Any person entitled to the exclusive use of any trade-mark, or who intends to adopt and use any trade-mark not previously adopted or used by another, may file for record in the office of the secretary of state a certificate setting forth his name, residence and place of business; the class of merchandise and the particular description of goods comprised in such class to which such trade-mark has been or is to be appropriated; a description thereof, and of the mode in which it is to be applied and used; the date when it was first used or adopted; that he has a right to the use of it; and that no other person, firm or corporation has the right to such use, either in the identical form, or having such near resemblance thereto as is calculated to deceive. A fac-simile of such trade-mark shall be incorporated in or annexed to said certificate, and a duplicate shall be filed therewith, to be pasted or bound into the record book, if practicable. Such certificate shall be signed and sworn to by such person, or his agent.

SEC. 42. Whoever wilfully swears or affirms falsely to any such certificate, is guilty of perjury, and shall pay treble damages to every party injured thereby. If the secretary of state has reason to apprehend, on the filing of such certificate, that any statement therein contained is untrue, he may decline to record the same, unless the party filing it obtains a writ of mandamus to compel him. Such writ may be granted, but without costs to the secretary, by any proper court, on proof that all the statements in such certificate are true, but no final hearing on the application therefor, shall be had until such notice thereof as said court orders has been advertised in one or more newspapers published in the county where the party filing said certificate resides; and any persons who desire may appear and intervene as parties defendant, and oppose the granting of such writ, and shall be liable to judgment for any costs occasioned by such intervention.

SEC. 43. Every party entitled to make and file such certificate and affidavit, upon recording the same in said office, becomes entitled to the exclusive use of the trade-mark therein described, so long as he or his

assigns continue to be engaged in the manufacture or sale of the merchandise or description of goods to which it is appropriated; and such right is assignable in writing; but all assignments thereof are good only against the assignor and his personal representatives, until lodged for record in said office.

—rights are assignable.

SEC. 44. The secretary of state shall retain all such certificates on file, and cause the same and all assignments of trade-mark rights to be recorded at length in his office. Copies of the record of any such certificate, attested by him under the seal of the State, are prima facie evidence of the right of the party filing such certificate to the exclusive use of the trade-mark therein described for the periods limited in the preceding section.

Certificates and assignments recorded.
R.S., c. 39, § 40.

—copies are evidence.
See c. 115, § 20.

SEC. 45. Whoever knowingly and wilfully counterfeits, or causes to be counterfeited, any private stamps, labels, or trade-marks, used by a mechanic or manufacturer about the sale of his goods, with intent to defraud the purchaser or manufacturer; or sells such goods with such counterfeit stamps, labels, or trade-marks thereon, knowing them to be counterfeit, without disclosing the fact to the purchaser, shall be punished by imprisonment for less than one year, or by fine not exceeding two hundred dollars.

Counterfeiting trade-marks, and sale of goods with such counterfeits thereon, prohibited; penalty.
R.S., c. 126, § 7.

SEC. 46. Whoever reproduces, copies, counterfeits, or imitates any such recorded trade-mark, knowing the same to have been recorded, and affixes such reproduction, copy, counterfeit, or imitation to goods resembling or designed to resemble those to which such trade-mark is so appropriated, shall pay to the owner of such trade-mark double damages, besides such sum, not exceeding five hundred dollars, as the court before which the action is brought orders to be added to the damages found by the verdict or judgment.

Penalty for counterfeiting recorded trade-marks.
R.S., c. 39, § 41.

SEC. 47. Whoever fraudulently and with intent to deceive, affixes any trade-mark recorded under section forty-four or any such imitation thereof as is calculated to deceive, to any goods, receptacle or package similar in descriptive properties to those to which such trade-mark is appropriated, or who fraudulently and with intent to deceive, places in any receptacle or package to which is lawfully affixed a recorded trade-mark, goods other than those which said trade-mark is designed and appropriated to protect; or who fraudulently and with intent to deceive, deals in or keeps for sale any goods with a trade-mark fraudulently affixed, as above described, or any goods contained in any package or receptacle having a lawful trade-mark, but not being such goods as said trade-mark was designed and appropriated to protect, shall be fined not more than five hundred dollars, or imprisoned not more than thirty days, or both.

Penalty for fraudulent use of such trade-marks.
R.S., c. 39, § 42.

SEC. 48. This chapter does not abridge rights to any existing trade-marks, whether the same are hereafter recorded or not, nor any remedies or rights of action otherwise or heretofore existing in favor of owners of trade-marks.

Rights to existing trade-marks not abridged.
R.S., c. 39, § 43.

LABELS OF WORKINGMEN'S UNIONS.

SEC. 49. No person shall counterfeit or imitate any label, trade-mark, device or form of advertisement, adopted or used by *any person*, or any association or union of workingmen, to indicate that goods to which such label, trade-mark, device or form of advertisement may be attached or affixed, or on which the same may be printed, painted, stamped or impressed, were manufactured, or produced, packed or put on sale by *such person*, or by such association or union, or by any member or members thereof, or use such label, trade-mark, device or form of advertisement without the consent or authority of the *person*, association or union so having adopted and used it; *provided*, that such label, trade-mark, device or form of advertisement was not, before such adoption and use, lawfully

Unlawful to counterfeit labels, trade-marks, etc., of any person, association or union of workingmen.
1893, c. 276, § 1.

adopted, owned and used by another; but any *person*, association or union, desiring to adopt and use such label, trade-mark, device or form of advertisement previously adopted, owned and used by another, may acquire from such owner the right to so adopt and use it.

SEC. 50. Every such *person*, association or union adopting a label, trade-mark, device or form of advertisement as aforesaid, shall file the same for record in the office of the secretary of state, by leaving two copies, counterparts or fac-similes thereof, with the secretary of state, together with a statement in writing, signed and sworn to by *such person* or by some person for and in behalf of such association or union stating when and by whom so far as he knows and believes, said label, trade-mark, device or form of advertisement was adopted or used, in what manner and for what purpose the same is to be used and by what right the same is claimed, and such other particulars as shall serve to identify the same; said secretary shall deliver to such *person*, association or union so filing the same a duly attested certificate of the record of the same. Such certificate of record shall in all suits and prosecutions under this chapter be sufficient proof of the adoption of such label, trade-mark, device, or form of advertisement. (Whoever wilfully swears or affirms falsely to any such statement in writing is guilty of perjury.) No label, trade-mark, device or form of advertisement, so closely resembling one already recorded as to be liable to be mistaken therefor, shall be recorded, and when in the judgment of the secretary of state, such resemblance exists he *shall* (may) refuse to record such label, trade-mark, device or form of advertisement, (and thereupon proceedings may be had for a writ of mandamus, upon the application of any such association or union, as provided in section forty-two.)

SEC. 51. Every such *person*, association or union that has adopted and uses a label, trade-mark, device or form of advertisement, as aforesaid, which has been recorded in the office of the secretary of state as hereinbefore provided, may proceed by suit to enjoin the manufacture, use, display or sale of any *such* counterfeits or imitations (thereof), or of any goods to which such counterfeits or imitations shall be affixed or attached, or on which the same shall be printed, painted or impressed, and all courts having jurisdiction thereof shall grant injunctions to restrain such manufacture, use, display or sale, and shall award the complainant in such suit, such damages resulting from such wrongful manufacture, use, display or sale as may by said court be deemed reasonable, and shall require the defendants to pay such *person*, association or union the profits derived from such wrongful manufacture, use, display or sale; and said court shall also order that all such counterfeits or imitations in the possession or under the control of any defendant in such case, be delivered to an officer of the court, or to the complainant, to be destroyed.

SEC. 52. Whoever knowingly and with intent to mislead or deceive, counterfeits or imitates any such (recorded) label, trade-mark, device or form of advertisement, or knowingly uses or sells any counterfeit or imitation of any such (recorded) label, trade-mark, device or form of advertisement, or knowingly sells or disposes of, or keeps, or has in his possession with intent that the same shall be sold, any goods to which any such counterfeit or imitation of such (recorded) label, trade-mark, device or form of advertisement is attached or affixed, or on which the same is printed, painted, stamped or impressed, shall, for the first offense be punished by fine not exceeding one hundred dollars, or by imprisonment for less than one year, and for the second and every subsequent offense, he shall be punished by fine not less than one hundred, nor more than five hundred dollars, or by imprisonment for not less than sixty days, nor more than three years.

SEC. 53. Whoever wilfully uses or displays the genuine label, trade-mark, device, or form of advertisement of any such *person*, association or

Labels and trade-marks shall be filed and recorded in office of secretary of state. 1893, c. 276, § 3.

See c.115, § 20.

—certificate of record, shall be proof of adoption.

—label closely resembling one already in use, shall not be recorded.

Person using lawful trade-mark may enjoin manufacture and use of counterfeit. 1893, c. 276, § 4.

—court shall grant injunctions and award damages.

—counterfeits to be destroyed.

Penalty for counterfeiting label or trade-mark. 1893, c. 276, § 2.

Punishment for wilful use of genuine

union, in any manner not authorized by such *person*, association or union, shall be punished by imprisonment for not more than six months, or by a fine not exceeding one hundred dollars, or both; and upon conviction for a second offense, shall be punished by imprisonment for not less than thirty days nor more than one year, or by fine not less than fifty, nor more than three hundred dollars, or both.

SEC. 54. Whoever in any way wilfully uses the name or seal of any such *person*, association or union, or officer thereof, in and about the sale of goods or otherwise, without the authority of such *person*, association or union, shall be punished by imprisonment for not more than six months, or by fine not exceeding one hundred dollars, or both; and upon conviction for a second offense shall be punished by imprisonment for not less than thirty days nor more than one year, or by fine not less than fifty, nor more than three hundred dollars, or both.

SEC. 55. In all cases where such association or union is not incorporated, suits and proceedings hereunder may be commenced and prosecuted by an officer or member of such association or union, for and in behalf of and for the benefit of such association or union.

[Note. P. L. 1893, c. 276 is regarded by the commissioner as superseding P. L. 1891, c. 114.

The commissioner calls attention to the fact that P. L. 1893, c. 276 applies to trade-marks as well as labels, devices and forms of advertisements, and protects individuals, as well as associations and unions of workmen and their members, and covers the entire subject matter of R. S., c. 39, § 37 (§41). By strict construction, therefore, chapter two-hundred and seventy-six repeals the latter section.

The commissioner doubts if such was the intention of the legislature and is inclined to think that chapter two hundred and seventy-six is to be regarded as additional legislation for the protection of such associations and unions and the members thereof, and should be limited in its application accordingly. So understanding the purpose of the legislature, the commissioner suggests the omission of the words in italics in sections 49, 50, 51, 53 and 54. If any doubt arises as to this construction, the words "device or label" may be inserted after the word "trade mark" in sections 41, 43, 44, 46 and 47, thus harmonizing all portions of the statute.]

MARKS ON SYPHONS, BOTTLES AND CANS.

SEC. 56. All persons or corporations engaged in the manufacture or sale of soda water, mineral and aerated waters, ginger ale, small beer, spruce beer, white beer, milk, cream, or other similar beverages, in syphons, boxes, cans, bottles, kegs or other vessels, with their names, or other marks or devices branded, stamped, engraved, etched, blown, impressed or otherwise produced upon such syphons, boxes, cans, bottles, kegs or anything connected therewith and appertaining thereto, may file in the office of the town or city clerk in which their principal place of business is situated, a description of the names and marks aforesaid used by them, and cause the same to be published once a week for three successive weeks, in any weekly (news) paper published in the county in which said notice may have been filed as aforesaid.

SEC. 57. Whoever knowingly and wilfully, without the written consent of the owner, (who has complied with the provisions of the preceding section,) uses, buys, sells, fills or traffics in any such syphon, box, can, bottle, keg or other vessel so marked as aforesaid, or defaces, covers up or obliterates the names, marks or devices thereon, with intent to use, fill, buy, sell, dispose of or traffic therein, or to convert the same to his own use, shall, on complaint, be punished by imprisonment, not more than thirty days, or by fine of not more than twenty dollars, and fifty cents for each such syphon, box, can, bottle, keg or other vessel so used, bought, sold, filled, trafficked in or disposed of, or by both such imprisonment and fine, in the discretion of the magistrate hearing the complaint; and the said magistrate on finding such person or persons guilty, shall impose the punishment herein prescribed and shall award possession of the property taken to the owner thereof.

trade-mark.
in manner
not author-
ized.
1893, c. 276, § 5.

Punishment
for wilful,
unauthorized
use of name
or seal.
1893, c. 276, § 6.
—second of-
fense.

How suits
may be pros-
ecuted.
1893, c. 276, § 7.

Protection
of trade-
marks on
bottles,
syphons, etc.
R.S., c. 39, § 35.
1891, c. 125, § 1.

—how se-
cured.

Unlawful use,
or defacing
cans, etc., so
marked.
R.S., c. 39, § 36.
1891, c. 125, § 2.

—penalty.

Search warrant may issue to search for such bottles, syphons, etc.
1891, c. 125, § 3.

SEC. 58. Whenever any person or corporation by its agent, shall make complaint on oath to any magistrate or court, authorized to issue warrants in criminal cases, that he has reason to believe and does believe that any of his or said corporation's syphons, boxes, cans, bottles, kegs or other vessels, a description of the names, marks or devices whereon has been so filed and published as aforesaid, are being unlawfully used, filled, bought, sold, disposed of or trafficked in, or unlawfully had by any person or corporation, manufacturing or selling said beverages or liquids, or by any junk dealer or dealer in second-hand articles, or by any vendor of such syphons, boxes, cans, bottles, kegs or other vessels, the said magistrate shall, thereupon, issue a search warrant to search therefor.

CHAPTER 40.

SEA AND SHORE FISHERIES.

Commissioner of sea and shore fisheries how appointed.
1901, c. 284, § 1.

—term.

—duties.
1901, c. 284, § 2.

—shall report biennially.
1901, c. 284, § 3.

Appointment of fish wardens.
1901, c. 284, § 5.

—term of office.

—powers and duties.

—shall give bond.

See § 30.

—commissioner may appoint deputy wardens.

—powers.

Wardens shall enforce laws relating to sea and shore fisheries.
1901, c. 284, § 6.
94 Me., 132.

SEC. 1. The governor, with the advice and consent of the council, shall appoint a commissioner who shall have general supervision of the sea and shore fisheries and shell fish regulated by this chapter and shall hold his office for three years and until his successor is appointed and qualified. He shall exercise supervision over all the fisheries and their products taken from tide waters within the state, including the proper enforcement of all laws relating to the catching, packing, curing, manufacturing, branding and transportation of all kinds of pickled, salt, smoked, fresh, canned, frozen shell, or other fish. He shall make a detailed biennial report in the month of December, showing the amount of capital invested in, number of men employed in, value of products of, and any other information that he may be able to obtain relating to the sea and shore fisheries.

SEC. 2. The governor with the advice and consent of the council upon the recommendation of the commissioner of sea and shore fisheries, may appoint suitable persons as fish wardens, who shall hold office for the term of three years unless sooner removed, and shall enforce all laws and the rules and regulations relating to sea and shore fisheries, arrest all violators thereof, and prosecute all offenses against the same; they shall have the same power to serve criminal processes against such offenders, and shall be allowed the same fees as sheriffs for like services; they shall have the same right as sheriffs to require aid in executing the duties of their office. They shall, before being qualified to discharge the duties required by this chapter, give bond with two good and sufficient sureties in the penal sum of two thousand dollars, approved by the commissioner of sea and shore fisheries, to the treasurer of state, conditioned for the faithful performance of the duties of their office. The commissioner of sea and shore fisheries may appoint deputy wardens, for whose official misconduct and neglect he shall be answerable, and said deputy wardens shall be sworn. Their appointment and discharge shall be in writing. Such deputy wardens shall be subject to all the laws pertaining to wardens appointed by the governor and council, and have the same powers. And said commissioner may revoke such appointment at any time.

SEC. 3. The fish wardens shall enforce all laws relating to the sea and shore fisheries within the counties in which they respectively reside, but they shall not exercise jurisdiction in any other county unless so instructed in writing by the commissioner of sea and shore fisheries. The commissioner of sea and shore fisheries and fish wardens may, with or without (lawful) warrant (therefor), enter upon any vessel, boat, receptacle for fish or lobsters, or any place or places used therefor, and seize and carry

away all fish and lobsters liable to seizure found therein, and may, with or without (lawful) warrant (therefor), search and seize any car or pound used for the keeping of fish or lobsters, and seize and carry away all fish or lobsters liable to seizure found therein, the fish or lobsters in each case to be disposed of according to law. Any magistrate may issue warrants to search, within his jurisdiction, any vessel, boat, receptacle for fish or lobsters, or any place or places used therefor, to the commissioner of sea and shore fisheries, or any fish warden appointed and qualified as provided in this chapter. Such warrants shall issue subject to the requirements of section thirteen of chapter one hundred and thirty-one.

SEC. 4. Each warden shall make a detailed monthly report to the commissioner of sea and shore fisheries of all that has come to his knowledge relating to the fisheries within his county, or in any county where he has rendered services, from the first day of one month to the first day of the following month, in such manner and on such blanks as the commissioner may prescribe and furnish, and shall do such other acts as the commissioner may require for the purpose of gaining information and for the proper enforcement of the law.

—commissioner and wardens may seize fish and lobsters.
—magistrates may issue search warrants.

—how warrants shall issue.

Wardens shall make monthly report.
1901, c. 284, § 7.

INSPECTION OF FISH.

SEC. 5. In each town where pickled fish are cured or packed for exportation, the governor, with the advice and consent of the council, shall, from time to time, as occasion requires, appoint one or more persons skilled in the quality of the same, to be inspectors of fish, who shall hold their office for five years, unless sooner removed by the governor and council.

Appointment of inspectors of fish.
1901, c. 284, § 9.

—term.

SEC. 6. Every such inspector, before entering upon his duties, shall be sworn, and give bonds with sufficient sureties to the treasurer of the town for which he is appointed, to the satisfaction of the municipal officers thereof, in the penal sum of not less than five hundred, nor more than five thousand dollars, for the faithful performance of his official duties; and such officers shall, at least once a year, examine the bonds given by said inspectors, and if that of any inspector is not in their opinion sufficient they shall forthwith notify him, and if for thirty days thereafter he neglects to give satisfactory bond, they shall give information thereof to the governor who shall remove him from office.

Inspectors shall be sworn and give bond.
1901, c. 284, § 10.
See Const. of Me., Art. ix, § 1.

SEC. 7. Every inspector shall, by the thirtieth day of November, annually, make a return into the office of the commissioner of sea and shore fisheries of all fish by him inspected during the year preceding the thirtieth day of such November, designating the quantities, kinds, and qualities of pickled fish, and said commissioner shall embody the substance thereof in his next official report.

Shall make return annually of all fish inspected.
1901, c. 284, § 11.

SEC. 8. Any person injured by the neglect or misdoings of an inspector, on tendering to such treasurer a reasonable indemnity against the costs may bring an action on such inspector's bond in the name of the treasurer, for his own use, and may have a copy of the bond therefor; and if judgment is rendered thereon for the plaintiff, execution shall issue for the sum found due to the person for whose use such action is brought, and the sum awarded in damages shall be entered by the clerk of the court on the original bond, to remain in the custody of the treasurer.

Any person injured by neglect of inspector may bring action on bond.
1901, c. 284, § 12.

SEC. 9. Every inspector who inspects any kind of fish that are split and pickled for packing, shall see that they are, in the first instance, free from taint, rust or damage, and well struck with salt or pickle; and such of said fish as are in good order and of good quality, shall be pickled in barrels, half barrels, quarter barrels, and tenths of barrels or kits; each barrel containing two hundred pounds, and so on in that proportion; and the same shall be packed in good, clean coarse salt, sufficient for their preservation; and then each cask shall be headed up and filled with clear,

How fish shall be inspected and packed.
1901, c. 284, § 13.

—how branded.

strong pickle, and shall be branded by the inspector with the name and quality of the fish therein.

Mackerel of best quality shall be branded number one.
1901, c.284, § 14.

—number two.

—number three, large.

—number three.

—number three, small.

—casks, how branded.

SEC. 10. Mackerel of the best quality, not mutilated, measuring, when split, not less than thirteen inches from the extremity of the head to the crotch or fork of the tail, free from taint, rust or damage, shall be branded "Number one;" the next best quality, being not less than eleven inches, measuring as aforesaid, free from taint, rust or damage, shall be branded "Number two;" those that remain after the above selection, free from taint or damage, and not less than thirteen inches, measuring as aforesaid, shall be branded "Number three large;" those of the next inferior, free from taint or damage, not less than ten inches, measured as aforesaid, shall be branded "Number three;" all other mackerel, free from taint or damage, shall be branded "Number three small." The inspector shall brand or stencil in plain letters on the head of every such cask, the weight, the initials of his christian name, the whole of his surname, the name of his town, and the letters "Me.," and an abridgment in figures, of the year when packed.

Quality of casks and how made.
1901, c.284, § 15.

—dimensions.

SEC. 11. All barrels and casks used for packing pickled fish, shall be made of sound, well seasoned white oak, white ash, spruce, pine, chestnut or poplar staves with heading of either of such kinds of wood, sound, well planed and seasoned, and when of pine, free from sap, and the barrels hooped with at least three strong hoops on each bilge, and three also on each chime; the barrel staves shall be twenty-eight inches in length, and the heads not less than sixteen and one-half inches between the chimes, and made in workmanlike manner, to hold pickle. The barrels from twenty-eight to thirty gallons each, and the aliquot parts of a barrel in the same proportion.

Pickled alewives and herring, how prepared and packed.
1901, c.284, § 16.

SEC. 12. Every inspector who inspects pickled alewives or herring, or other small fish, packed whole or round, shall see that they are struck with salt or pickle, and then put in good casks of the size and material aforesaid, packed closely therein, and well salted, and the casks filled with fish and salt, putting no more salt with the fish than is necessary for their preservation; and the inspector shall brand or stencil all such casks with the name of the inspected fish as aforesaid.

Fees for inspection and branding, how paid.
1901, c.284, § 17.

SEC. 13. The fees for inspection and branding, exclusive of cooperage, are for each barrel seven cents, and all such fees shall in the first instance be paid by the original owners of the fish, who may recover the amount thereof from the party buying or receiving the same, under the marks and brand aforesaid, and in addition to the price thereof.

Penalty for selling or exporting uninspected or damaged fish.
1901, c.284, § 18.

SEC. 14. Whoever sells in the state, or exports therefrom any fish in barrels or boxes, not inspected, packed and branded, as aforesaid, except good and wholesome fish packed in kegs of less than ten gallons, or pickled, dry or smoked fish imported into the state from some other state or country lawfully inspected and branded there, and whoever sells or exports unlawfully any fish known by him to be tainted or damaged, unless sold as such, forfeits ten dollars for every hundred weight thus sold or exported.

Penalty for attempting to export uninspected fish.
1901, c.284, § 19.

SEC. 15. Whoever ships or receives on board any vessel or other carriage for transportation from the state, any pickled fish in barrels, parts of barrels, or casks, not inspected and branded or stenciled as aforesaid, forfeits not less than fifty dollars for each offense, and any trial justice may issue his warrant to the proper officer, directing him to seize and secure such prohibited fish, and convey it to any inspector within a convenient distance for inspection; and whoever refuses to give necessary aid in the service of such warrant when required by the officer, forfeits five dollars to the prosecutor in an action of debt; and such inspector shall open, inspect, pack, and brand such fish according to law, and detain the same until all lawful charges of seizure and inspection are paid.

—trial justice may issue warrant for seizure of.

—penalty for refusing to aid officer.

Penalty for intermixing

SEC. 16. If any person takes from a cask or barrel, any pickled fish lawfully inspected and branded, and substitutes therefor or fraudulently

intermixes other fish; or if any inspector marks any cask or barrel out of his own town, or which he has not inspected, packed, and himself prepared according to law; permits other persons unlawfully to use his brands, or wilfully and fraudulently uses the same himself after the expiration of his commission, he forfeits one dollar for each cask or barrel so dealt with; but an inspector may, after a satisfactory examination, brand such packages, thereby becoming responsible for the quality of the contents as represented by his brand.

inspected
fish.
1901, c.284, § 20.

—for fraud of
inspector.

LOBSTERS.

SEC. 17. No person shall catch, buy or sell, or expose for sale, or possess for any purpose any lobster less than ten and one-half inches in length, alive or dead, cooked or uncooked, measured in manner as follows: taking the length of the back of the lobster, measured from the bone of the nose to the end of bone of the middle flipper of the tail, the length to be taken in a gauge with a cleat upon each end of the same, measuring ten and one-half inches between said cleats, with the lobster laid and extended upon its back its natural length upon the gauge, without stretching or pulling; and any lobster shorter than the prescribed length when caught shall be liberated alive at the risk and cost of the parties taking them, under a penalty of one dollar for each lobster so caught, bought, sold, exposed for sale or in possession. The possession of mutilated, uncooked lobsters shall be prima facie evidence that they are not of the required length. (a)

Unlawful to
catch lobsters
less than
10½ inches
long.
1901, c.284, § 21.

—how
measured.

—penalty.

SEC. 18. No person shall destroy, catch, buy, sell, expose for sale or possess any female lobsters in spawn or with eggs attached at any season of the year, under a penalty of ten dollars for each lobster so destroyed, caught, bought, sold, exposed for sale or possessed, *provided, however*, if it appears that it was intended to liberate them in accordance with the provisions of this chapter, the person having such lobsters in possession shall not be liable to any of the penalties herein provided, though he may have failed, for any cause not within his control, to so liberate them.

Close time
on female
lobsters.
1901, c.284, § 22.

—penalty.

—exceptions.

SEC. 19. No person shall can, preserve or pickle lobsters less than ten and one-half inches in length, alive or dead, measured as aforesaid; and for every lobster canned, preserved or pickled contrary to the provisions of this section, every person, firm, association or corporation so canning, preserving or pickling, shall be liable to a penalty of one dollar for every lobster so canned, preserved or pickled contrary to the provisions of this section, and a further penalty of three hundred dollars for every day on which such unlawful canning, preserving or pickling is carried on.

Unlawful to
can lobsters
less than 10½
inches long.
1901, c.284, § 23.

—penalty.

SEC. 20. All barrels, boxes, or other packages in transit containing lobsters, shall be marked with the word "lobsters" in capital letters, at least one inch in length, together with the full name of the shipper; said marking shall be placed in a plain and legible manner on the outside of such barrel, boxes or other packages; and in case of seizure by any duly authorized officer, of any barrels, boxes or other packages in transit, containing lobsters, which are not so marked, or in case of seizure by such officer, of barrels, boxes or other packages in transit, containing lobsters, less than the prescribed length, such lobsters as are alive and less than the prescribed length shall be liberated, and all such lobsters as are of the prescribed length, found in such barrels, boxes or packages, together with such barrels, boxes and packages, shall be forfeited and disposed of under the provisions of section twenty-five.

How pack-
ages of lob-
sters in tran-
sit shall be
marked.
1901, c.284, § 24.
83 Me., 211.

—short lob-
sters in case
of seizure,
shall be
liberated.

SEC. 21. Every person, firm, association or corporation who ships lobsters without having the barrels, boxes or other packages in which the same are contained, marked as prescribed in the previous section, shall

Penalty for
shipping lob-
sters without
having bar-
rels, etc.,
properly

(a) 79 Me., 55, 163; 80 Me., 87; 83 Me., 180; 85 Me., 121; 87 Me., 109; 93 Me., 420; 94 Me., 129.

marked.
1901, c.284, § 25.

—penalty on
common car-
riers.

Cars in which
lobsters are
kept shall be
branded.
1901, c.284, § 26.

—penalty for
neglect.

Traps not to
be set near
fish weir.
1901, c.284, § 27.

Penalty for
wilful inter-
ference with
any lobster
trap.
1901, c.284, § 28.

—does not
apply to un-
marked
traps.

How lobster
cars, etc.,
seized, shall
be disposed
of.
1901, c.284, § 29.
94 Me., 133.

—officer mak-
ing seizure
shall file
libel in behalf
of the state.

—what shall
be set forth
in libel.

—judge shall
appoint time
and place for
hearing.

—if claimant
appears judge
shall deter-
mine the
cause.

—if claim is
allowed, pro-
ceeds shall
be paid
claimant.

upon conviction be punished by a fine of twenty-five dollars, and upon subsequent conviction thereof by a fine of fifty dollars, and any person or corporation in the business of a common carrier of merchandise, who shall carry or transport from place to place lobsters in barrels, boxes or other packages not so marked, shall be liable to a penalty of fifty dollars upon each conviction thereof.

SEC. 22. All cars in which lobsters are kept and all lobster cars while in the water, shall have the name of the owner or owners thereof on the top of the car, where it may be plainly seen, in letters no less than three-fourths of an inch in length, plainly carved or branded thereon, and all traps, nets, or other devices for the catching of lobsters, shall have, while in the water, the owner's name carved or branded in like manner on all the buoys attached to said traps or other devices, under a penalty of ten dollars for each car, and five dollars for each trap or device not so marked; and if sufficient proof to establish the ownership of such cars or traps cannot be readily obtained they may be declared forfeited, subject to the provisions of section twenty-five.

SEC. 23. No person shall set any lobster trap within three hundred feet of the mouth or outer end of the leaders of any fish weir, under a penalty of ten dollars for each offense.

SEC. 24. Whoever takes up, or attempts to take up, or in any way knowingly and wilfully interferes with any lobster trap while set for use, without the authority of the owner thereof, shall be punished by a fine not less than twenty, nor more than fifty dollars; *provided, however*, that no action, complaint or indictment shall be maintained under this section unless the name of the owner of all such traps shall be carved or branded in legible letters, not less than three-fourths of an inch in length, on all the buoys connected with such traps.

SEC. 25. When any lobsters are seized by virtue of the provisions of this chapter, the officer making such seizure shall cause such lobsters, so seized, as he is not required by law to liberate, together with the cars, traps, barrels, boxes or other packages in which they are contained, to be appraised within twenty-four hours after the time of such seizure by three disinterested men residing in the county where such seizure is made, to be selected by him, and the lobsters, cars, traps, barrels, boxes or other packages so seized and appraised shall thereupon be sold by the officer making the seizure thereof, at such time and in such manner as shall by him be deemed proper. The officer making such seizure and sale shall within ten days after the time of such seizure file a libel in behalf of the state before a trial justice, or a judge of a police or municipal court of the county in which such seizure was made, setting forth the fact of such seizure, appraisal and sale, the time and place of the seizure, the number of lobsters, cars, traps, barrels, boxes, or other packages so seized and sold and the amount of the proceeds of such sale; and such trial justice or judge shall appoint a time and place for the hearing on such libel, and shall issue a notice of the same to all persons interested to appear at the time and place appointed, and show cause why the lobsters, cars, traps, barrels, boxes or other packages so seized and sold, and the proceeds of such sale, should not be declared forfeited, which notice shall be served upon the owner, if known, and by causing an attested copy of such libel and notice to be posted in two public and conspicuous places in the town in which the seizure was made, seven days at least before the time of hearing. If any person appears at the time and place of hearing and claims that the lobsters, cars, traps, barrels, boxes or other packages so seized, and sold were not liable to forfeiture at the time of seizure, and that he was entitled thereto, the trial justice or judge shall hear and determine the cause, and if he shall decide that such lobsters, cars, traps, barrels, boxes or other packages, at the time of seizure were not liable to forfeiture and that the claimant was entitled thereto, he shall order the proceeds of such sale to be paid to the claimant; if no claimant shall

appear, or if such trial justice or judge shall decide that such lobsters, traps, cars, barrels, boxes or other packages, at the time of seizure were liable to forfeiture, or that the claimant was not entitled thereto, he shall decree a forfeiture of such lobsters, cars, traps, barrels, boxes or other packages and of the proceeds of sale, and shall order the proceeds of sale, after deducting all lawful charges, to be paid to the treasurer of state, to be used as directed in section sixty, and shall render judgment against the claimant for costs to be taxed as in civil suits, and issue execution therefor against him in favor of the state, which costs, when collected, shall be paid to the treasurer of state, to be added to and made a part of the appropriation for sea and shore fisheries. The claimant shall have the right of appeal to the next supreme judicial court or superior court in the county, upon recognizing and paying the fees for copies and entry as in cases of appeal in criminal cases. The fees and costs of seizure, appraisal and sale, and of all other proceedings in the case, shall be as provided by law in criminal cases, and, in case a forfeiture shall be declared, shall be paid out of the proceeds of the sale, otherwise shall be paid by the county, as in criminal cases.

[The commissioner is of the opinion that this section violates the provision of the constitution which prohibits any person of being deprived of his property without due process of law. See 80 Me., 206.]

—if no claimant appears judge shall decree a forfeiture.

—proceeds shall finally be paid to the state treasurer.

—claimant may appeal to supreme judicial court.

—fees and costs how paid.

REGULATION OF PACKING FISH.

SEC. 26. The commissioner of sea and shore fisheries shall require a strict observance of the following rules: Whoever catches, takes, preserves, sells, or offers for sale between the first day of December and the tenth day of the following May, any herring for canning purposes less than eight inches long, measured from one extreme to the other, or packs or cans sardines of any description, between the first day of December and the tenth day of the following May, forfeits twenty dollars for every hundred cans so packed or canned, and for every hundred herring so taken; and whoever either bakes, fries, packs or cans any herring or other fish for sardines without first heading and eviscerating the same, and whoever sells, offers for sale or has in his possession for sale any sardines packed without being so headed and eviscerated shall forfeit twenty dollars for every hundred cans so packed, sold, offered for sale or in possession for sale, to be recovered by indictment or action of debt. In packing herring, mackerel or other fish in hermetically sealed cans, either in oil, mustard or vinegar, there shall be used not less than three quarts of oil, of the first quality, pure summer or winter cotton oil or any food oil of equal quality, for every hundred cans so packed of the size known as quarter oils; three quarts of mustard sauce of good quality for every fifty cans of the size known as three quarter mustards, and for every one hundred cans of the size known as one quarter mustards; one gallon of vinegar for every one hundred cans of the size known as one quarter spiced, and for every fifty cans of the size known as three-quarters spiced or tomato. Proprietors of fish packing factories shall provide sealed measures holding one-hundredth part of three quarts each, which shall be used in measuring all oil into quarter oil sardine cans, and measures holding one-fiftieth part of a gallon which shall be used in measuring all mustard sauce and vinegar into three-quarter size cans used in packing sardines, and all fish packed as aforesaid shall be when so packed good and sound, except that they shall be cleaned, headed and eviscerated. Whoever packs or cans or causes to be packed or canned any fish in violation of this section shall forfeit twenty dollars for every one hundred cans, or fifty cans as aforesaid, as the case may be, so packed by him or by his employees, to be recovered by complaint.

Duties of commissioner. 1901, c.284, § 30.

—penalty for taking of herring for canning less than 8 inches long between December 1 and May 10.

—penalty for packing herring without heading and eviscerating the same.

—amount of oil and mustard that shall be used in packing herring.

—how oil shall be measured.

—penalty for packing in violation of this section.

SEC. 27. All cans shall be decorated, stamped or labeled with quality, packer's name and place of business, or merchant's name for whom the same are packed; all leaks, swell heads and blow heads, shall be thor-

Labels required on cans. 1901, c.284, § 31.

—how swell heads, etc., shall be treated.

—penalty for violation of this section.

No can shall contain less than six fish. 1901, c. 284, § 32.

—fish shall be flaked before baking.

—penalty.

Section 28 shall not apply to certain articles in stock. 1901, c. 284, § 33.

—packers shall file schedule of all cans, etc., in possession March 22, 1901.

Commissioner shall enforce sections 26 to 29, and require bond of wardens. 1901, c. 284, § 34. See § 2.

Commissioner and wardens may enter any canning establishment to make investigations. 1901, c. 284, § 35.

—wardens for Eastport and Lubec. See c. 114, § 10.

—eligibility of wardens.

Penalty for using torches for purpose of driving herring. 1901, c. 284, § 36.

Towns may regulate taking of clams 1901, c. 284, § 37. 89 Me., 543.

oughly mended and filled with oil or vinegar, as *per kind of sardines*, (may be required) and then bathed in boiling water for not less than twenty minutes, or in retort, at a temperature of two hundred and forty degrees, not less than five minutes. Whoever sells or offers for sale, any sardines in violation of this section shall forfeit one dollar for every can so sold or offered for sale, to be recovered by complaint, indictment or action of debt.

SEC. 28. No can of sardines shall be packed with less than six fish and no fish shall be packed as sardines unless they have been headed and eviscerated within twenty-four hours from the time they arrive at the factory. No fish shall be baked for sardines in ovens unless they shall first be properly flaked in rows and laid on without overlapping. Whoever flakes, bakes or packs any sardines in violation of this section forfeits five dollars for every hundred fish so flaked, baked or packed, to be recovered by indictment or action of debt.

SEC. 29. Section twenty-eight shall not apply to certain articles of stock in possession of any packer of sardines on March twenty-two, nineteen hundred and one, as follows: decorated tin plate, cans, metal, labels and cans of sardines, nor to goods packed previous to said date. But this exemption does not apply to any of the methods, processes or regulations in regard to canning sardines or mending leaky cans provided for in this chapter. All packers of sardines shall file with the commissioner of sea and shore fisheries, or his wardens, within ten days after said March twenty-two, a true list or schedule of all decorated cans and tin plate, metal, labels and cans of sardines, in his possession on said day, subscribed and sworn to by said packer of sardines before a notary or justice of the peace, otherwise he shall not obtain the benefits of this section.

SEC. 30. The commissioner of sea and shore fisheries shall insist upon the strict enforcement of the four preceding sections, and require his wardens who have jurisdiction in localities where sardine canning factories are located, to give a good and sufficient bond in the sum of five thousand dollars payable to the treasurer of state, said bond to be deposited in the state treasury, to guarantee the faithful and strict enforcement of the provisions of this chapter and its penalties, and in no case shall a packer of sardines be accepted as a surety.

SEC. 31. The commissioner of sea and shore fisheries or his wardens shall inquire into violations of the laws relating to sardines and enforce the penalties therefor, and for *the (that) purpose of inquiring into any violation of said laws, and enforcing the penalties thereof*, such commissioner or his deputies may at all reasonable times enter any manufactory, or canning establishment, and make investigations concerning the methods employed and the condition of the product, and if necessary, open packages and cut open cans of sardines for such investigation. Sufficient wardens shall be appointed by the commissioner of sea and shore fisheries to enforce the provisions of this chapter, and for the city of Eastport and town of Lubec not less than two each, *and the compensation of the wardens shall be two dollars a day and expenses when actually employed*. No person shall be eligible for appointment as warden who is an owner in a sardine factory or a relative of such an owner in the town where such factory is located.

SEC. 32. No person shall use in the herring fishery, in any of the waters of this state, torches or any artificial light, of any kind, for the purpose of driving herring under a penalty of ten dollars for each offense.

TAKING AND PACKING OF CLAMS.

SEC. 33. Any town may at its annual meeting fix the times in which clams may be taken within its limits, and the prices for which its municipal officers shall grant permits therefor; and unless so regulated by vote, residents of the town may take clams without written permit. But with-

out permit any inhabitant within his own town, or transient person therein, may take clams for the consumption of himself and family. This section does not apply to hotel keepers taking clams for the use of their hotels, nor does it interfere with any law relating to the taking of shell fish for bait by fishermen. Whoever takes clams contrary to municipal regulations authorized by this section, shall, for each offense, be fined not more than ten dollars, or imprisoned not more than thirty days or both. In all contracts relating to the sale of clam bait by the barrel, and clam bait barrels, unless otherwise specified in the contract, a barrel shall be twenty-seven and one-half inches long, sixteen inches head diameter, outside measure, holding not less than twenty-one gallons and not more than twenty-three gallons.

SEC. 34. The canning, packing and barreling of clams, either fresh or in salt, and the digging of clams for the purpose of canning, packing or barreling, between the first day of June and the fifteenth day of September following, is hereby prohibited under a penalty of one dollar a bushel in the shell. But this section shall not apply to the barreling of clams in the shell for consumption in this state.

SEC. 35. The shipping or transportation of clams in any manner beyond the limits of the state, between the first day of June and the fifteenth day of September following, except clams which had been canned, packed or barreled between the fifteenth day of September and the first day of June, is hereby prohibited under a penalty of three dollars for each bushel so shipped or transported.

SEC. 36. Any inhabitant of the state, with consent of the adjacent riparian proprietors, may plant oysters below low water mark in any navigable waters, in places where there is no natural oyster bed; enclose such grounds with stakes, set at suitable distances, and extending at least two feet above high water mark, but so as not to obstruct the free navigation of such waters; and have the exclusive right of taking such oysters. Whoever trespasses on such enclosure or injures such oyster beds, is liable in an action of trespass for all damages; and if he takes any oysters therein without the consent of the owner, he shall forfeit not less than twenty, nor more than fifty dollars, or be imprisoned not exceeding three months.

USE OF SEINES, WEIRS, NETS AND ARTIFICIAL FLIES.

SEC. 37. No person shall use any purse or drag seines in the following waters: In Casco bay north of a line drawn easterly from Prince's point in the town of Yarmouth to Bear island in the town of Phippsburg, excepting for smelts, bluebacks and spurling; in Kennebec river above a line drawn across said river from Fort Popham in the town of Phippsburg to a point opposite at the lower end of Long island in the town of Georgetown; in the Sheepscot river above a bridge leading from Wiscasset to Edgecomb; in Damariscotta river above a line drawn from Farnham's head in the town of Boothbay to a point opposite on the shore in the town of Bristol, excepting the use of drag seines between the above line and The Ledges, for all fish excepting alewives; in Medomak river, above a line drawn from Martin's point in the town of Friendship, westerly by the northeast end of Hog island to a point opposite in the town of Bremen, or take smelts in said river and its tributaries in any other way than by hook and line; in Georges river, above a line drawn from Hooper's point in the town of St. George, westerly past the northerly end of Caldwell's island to a point opposite on the shore in the town of Cushing, or take smelts in said river and its tributaries in any other way than by hook and line, or dip nets, and no individual shall take more than one-half bushel of smelts within a period of twenty-four hours with dip net; in all bays, inlets, rivers and harbors east of the west shore of the Penobscot bay and river where any entrance to the same or any part thereof from main land to main land is not more than three nautical miles in width, but purse and

—clams may be taken for family use without permit.
—section does not apply to hotels, nor taking of clams for bait.

—penalty.
—size of bait barrels.

Close time for clams.
1901, c.284, § 38.

—penalty.

Transportation of clams regulated.
1901, c.284, § 39.

—exceptions.

—penalty.

Any inhabitant may plant oysters and have exclusive right to take same.
1901, c.284, § 40.

—penalty for trespassing on such beds.

Unlawful to use purse or drag seines in certain waters.
1901, c.284, § 41.
85 Me., 192.

—amount of smelts taken, limited.

—all bays and harbors east of west shore of Penobscot river and bay.

—smelts may be taken except in Bluehill bay.

—taking of herring with drag seines or nets, in Machias bay.

—use of purse or drag seines in waters east of White Head prohibited. 1901, c. 270.

—penalty.

Salmon, shad, etc., not to be taken at certain points on Penobscot or Kennebec rivers. 1901, c. 284, § 43.

—nor at certain points on St. Croix river.

—exception.

—section does not apply to taking of alewives in Georges river. 78 Me., 394.

—nor Woolwich.

—fly fishing permitted in Denny's river.

—Laconia and Lower falls of Saco river, excepted.

—salmon shall not be taken in Whiting within 130 yards of fishway.

—penalty.

Penalty for setting net or seine near a weir.

1901, c. 284, § 44. Owner may use.

1901, c. 284, § 45. Close time for salmon.

1901, c. 284, § 46.

—penalty.

—proviso.

drag seines may be used for the purpose of taking smelts in these waters, except in Bluehill bay. The taking of herring, or fishing therefor, by the use of purse or drag seines and all other seines or nets, except the use of seines or nets in weirs, from the first day of June to the first day of November in the waters of Machias bay and its approaches inside of or to the northward of a direct line drawn straight from the highest summit of the island called The Brothers, easterly to a point one-half mile distant and due south from Libby island light house, thence from said point easterly to the southerly extremity of the southern island called Double Head Shots, is hereby prohibited. The use of purse or drag seines within a distance of one-half of a nautical mile from any fish weir in any of the waters of the state east of White Head on the west shore of Penobscot river is hereby prohibited; but such seines may be used for the taking of smelts and for the purpose of taking fish in weirs, but shall not be used in any water in which their use is prohibited by special or general law. Any person violating any of the provisions of this section shall be liable to a penalty not exceeding five hundred dollars for each offense, to be recovered in an action of debt.

SEC. 38. No salmon, shad or other migratory fish shall be taken or fished for within five hundred yards of any fishway, dam, or mill race; nor in the Penobscot river between the mouth of the Kenduskeag stream and the water works dam at Treat's falls on said river, nor between the Augusta highway bridge over the Kennebec river and the Augusta dam; nor any salmon five hundred feet above Ferry point bridge on the St. Croix river in Calais, between the first days of April and November, except by the ordinary mode of angling with single hook and line or artificial flies; nor shall hook and line or artificial flies be used at any time within one hundred yards of any fishway, dam or mill race; but this section shall not apply to the taking of alewives by the town of Warren in the Georges river, and by the town of Waldo-boro in Medomak river, under the authority granted said towns by a private and special law of Massachusetts, passed March six, eighteen hundred and two, and amendments thereof, passed by the legislature of this state; nor shall it apply to the taking of alewives by the town of Woolwich in Nequasset stream; fly fishing shall be allowed up to the bridge across the Denny's river at Lincoln's mill, but not between said bridge and Lincoln's mill dam. This section shall not apply to the Laconia falls and the Lower falls, so called, of the Saco river, located at Biddeford and Saco; and upon the first three days of each week, from the first of June to the first of September of each year, all persons may dip for salmon, shad and alewives at the falls last named above. Any person may take any salmon, shad or alewives in the waters of Orange river, in the town of Whiting, in the county of Washington, up to one hundred and thirty yards of the fishway at the lower dam in said river, subject, however, to all the laws of the state, and laws regulating the taking of such fish in said river. The penalty for any violation of this section is a fine of not more than fifty, nor less than ten dollars for each offense, and a further fine of ten dollars for each salmon and one dollar for each shad so taken.

SEC. 39. No person shall set any net or seine within five hundred feet of the mouth of any weir under a penalty of fifty dollars for each offense.

SEC. 40. The owner or person in charge of any weir is hereby permitted to use nets and seines in such weir.

SEC. 41. From the fifteenth day of July to the first day of April following, there shall be a close time for salmon during which no salmon shall be taken or killed in any manner, under a penalty of not more than fifty, nor less than ten dollars, and a further penalty of ten dollars for each salmon so taken or killed. *Provided, however,* that between the fifteenth days of July and September it is lawful to fish for and take salmon by the ordinary mode, with rod and single line, but not otherwise. But any person may take salmon by weirs on the Saint Croix river below

the breakwater at the ledge between the fifteenth day of May and the first day of September.

SEC. 42. Between the first day of April and the fifteenth day of July there shall be a weekly close time of forty-eight hours from sunrise on each Saturday morning to sunrise on the following Monday morning, during which no salmon, shad, alewives or bass, shall be taken. During the weekly close time all seines, nets and other movable apparatus shall be removed from the water. Every weir shall have, in that part where the fish are usually taken, an opening three feet wide, extending from the bottom to the top of the weir, and the netting or other material which closes the same while fishing, shall be taken out, carried on shore and there remain during the weekly close time, to the intent that during said close time the fish may have a free and unobstructed passage through such weir or other structure, and no contrivance which tends to hinder such fish shall be placed in any part thereof. If the enclosure where the fish are taken is furnished with a board floor, an opening extending from the floor to the top of the weir is equivalent to one extending from the bottom to the top. The penalty for the violation of this section is twenty dollars for each offense. This section does not apply to the Kennebec, Androscoggin or Penobscot rivers or their tributaries, or to the Saint Croix river below the breakwater at the ledge. *Provided, however,* that the weekly close time on the Damariscotta river below the bridge at Damariscotta shall be from sunset on each Saturday night to twelve o'clock on the following Sunday night.

SEC. 43. No smelts shall be taken or fished for in tidal waters, except by hook and line, between the first days of April and October, under a penalty of not less than ten, nor more than thirty dollars for each offense, and a further penalty of twenty dollars for each smelt so taken; and all weirs for the capture of smelts shall be opened and so remain, and all nets used in the smelt and tom-cod fishery, shall be taken from the water on or before said first day of April, under a penalty of not less than twenty, nor more than fifty dollars, and a further fine of five dollars for each day that any such weir or net remains in violation of law. But weirs with catch pounds covered with nets, the meshes of which are one inch square in the clear, or greater, are not subject to this section. But no smelts caught in such weirs after the first day of April, shall be sold or offered for sale in this state, nor shall smelts caught in any manner between the first day of April and the first day of October following be offered for sale, sold, or shipped from the state under a penalty of twenty-five dollars for each offense; *provided, however,* that dip nets may be used between the first day of April and the first day of May, and all smelts caught by dip nets between said days may be lawfully offered for sale and sold in this state; *provided, further,* that this section does not apply to smelts taken in the Androscoggin river above the Merrymeeting bay bridge, between the first days of October and November, nor to smelts taken in the Penobscot river and its tributaries between the first and fifteenth days of April, nor to smelts taken in Casco bay between the fifteenth day of September and the first day of October, nor to smelts taken in Taunton bay between the first day of April and the first day of May, nor smelts taken in Little Kennebec bay, so called, in the county of Washington, between the first day of April and the first day of May.

SEC. 44. No net, the meshes of which are smaller than one inch square in the clear shall be used in any waters frequented by migratory fishes, except the Saint Croix river, between the first days of April and October, under a penalty of not more than twenty, nor less than ten dollars for each offense; but this section shall not apply to dip nets.

SEC. 45. No weir, hedge, set net or any other contrivance for the capture of fish, which is stationary while in use, shall extend into more than two feet of water at ordinary low water, under a penalty of not more than one hundred, nor less than fifty dollars, and forfeiture of all apparatus

Weekly close time of salmon, shad, alewives and bass established. 1901, c.284, § 47.

—how it shall be observed. 81 Me., 395.

—penalty.

—rivers to which section does not apply.

—close time for Damariscotta river. 78 Me., 394.

Close time for smelts. 1901, c.284, § 48.

—penalty for violation.

—weirs shall be opened and nets removed.

—penalty.

—certain weirs excepted.

—sale of smelts restricted.

—use of dip-nets.

—exceptions.

—Androscoggin river.

—Penobscot river.

—Casco bay.

—Taunton bay.

—Little Kennebec bay.

Nets with meshes smaller than one inch prohibited. 1901, c.284, § 49.

No stationary contrivance shall extend into more than two feet of water. 1901, c.284, § 50.

—penalty.
85 Me., 121,
164.

—exceptions.

Depth of
weirs how
measured.
1901, c.284, § 51.
—conditions
under which
limits may be
exceeded.

—standard
for low water
on the Ken-
nebec river.
—weirs used
for taking
herring and
other salt
water fish
excepted.

Forfeitures.
1901, c.284, § 52.

Penalty for
taking ale-
wives in
Damariscotta
river except
by hook and
line.
1901, c.284, § 53.

—all devices
shall be for-
feited.

—right of
towns not
abridged.

Close time
in Pemaquid
river.
1901, c.284, § 54.

—penalty.

Fishing
about Pema-
quid falls re-
stricted.
1901, c.284, § 55.

—fishing sea-
son.

Persons not
authorized
shall not be
allowed to
catch ale-
wives in
Pemaquid
river.
1901, c.284, § 56.

and material so unlawfully used. This provision applies to any seine or drift net which is at any time attached to a stationary object, but not to fykes or bag-nets used in the winter fishery for smelts and tom-cods, nor to any implements lawfully used above the flow of tide, nor to any portion of Penobscot river, bay or tributaries, nor to the Saint Croix river five hundred feet above Ferry's point, in Calais.

SEC. 46. The limit of depth prescribed for weirs in the preceding section shall be measured at the entrance of the weir, *provided* that no part of the weir known as the leader, is in more than two feet of water at low water mark. Weirs may exceed the limit of two feet depth, measured as aforesaid, under the following conditions; first, the distance from the before mentioned two feet limit to the entrance of such weir, shall not exceed one hundred feet; second, no such weir shall obstruct more than one-eighth of the channel, except that in the Cathance, Abbagadasset and Eastern rivers, such weirs may extend twenty-five feet beyond the one-eighth aforesaid, *provided* such extension shall not exceed one-fourth of the width of the channel in the Abbagadasset and Eastern rivers; third, every such weir shall be stripped so as to render it incapable of taking fish between the twenty-fifth day of June and the fifteenth day of August of each year; but these conditions apply only to weirs that exceed the aforesaid limit of depth. The standard for low water mark on the Kennebec river, is in all cases the nearest bench mark of the United States coast survey, allowance being made at the various points for the difference in time. The provisions of this and the preceding sections do not apply to weirs built for the purpose of taking herring, or other salt water fish.

SEC. 47. All boats, implements and materials used and all fish taken in violation of the two preceding sections are liable to forfeiture.

SEC. 48. Whoever shall construct, set, maintain or use any net, weir, seine or other device, in the waters of the Damariscotta river, northerly of the bridge between the villages of Newcastle and Damariscotta, for the purpose of taking or catching alewives, or whoever shall take or catch any alewives within said limits, except by hook and line, shall be punished by a fine of two hundred dollars for each offense; all nets, weirs, seines or other machines or devices, prohibited as aforesaid, shall be deemed forfeited and contraband, and any member of the fish committee of the towns of Newcastle and Nobleborough finding them in such use, may destroy them. But nothing in this section shall be construed to abridge or effect in any manner, the rights and privileges now held by law, by said towns of Newcastle and Nobleborough in the alewife fishery in the said Damariscotta river.

SEC. 49. From the first day of April to the fifteenth day of July in each year, all persons are hereby prohibited from fishing with nets, seines, traps, weirs, or any other contrivance, in that part of Pemaquid river which lies between Pemaquid falls and a line drawn west from the site of the old Pemaquid fort, for the term of ten years from the twelfth day of February, eighteen hundred and ninety-five. Any person violating any of the provisions of this section shall be subject to a fine of one hundred dollars, and forfeiture of all boats, nets and apparatus used in such illegal fishing.

SEC. 50. All fishing for alewives at or about Pemaquid falls below the mill dam, shall be restricted to four days in each week, and the fishing season shall be from the first day of April to the fifteenth day of July of each year, for the term aforesaid, and all fishing shall be under such regulations and further restrictions as the fish committee of the town of Bristol shall decide upon.

SEC. 51. No person not authorized by the fish committee of the town of Bristol, shall be allowed to catch or disturb any alewives in Pemaquid river above the flow of the tide, and no person unless authorized by said fish committee, shall set traps, or use any other contrivance, for catching eels, or any other fish, that shall in any way interfere with the passage,

either way, of alewives old or young; any person violating this section shall be subject to a fine of twenty-five dollars and one dollar for each fish so taken or destroyed. —penalty.

BOUNTY ON SEALS.

SEC. 52. A bounty of one dollar for each and every seal killed in the waters of this state shall be paid by the treasurer of the town in which such seal is killed, to the person exhibiting to said treasurer the nose of such seal within thirty days after said seal was killed. Such treasurer shall destroy it, and shall then proceed as in section sixteen of chapter thirty. The carcasses of such seals when destroyed shall not be left derelict in any waters of the state, but shall be removed therefrom and properly disposed of by the persons destroying them; *provided, however*, that no person shall during the months of June, July and August destroy seals in the waters of Casco bay by shooting with rifle or other long range weapon, which might endanger human life, under a penalty for any violation of this section, of fifty dollars, to be recovered upon complaint or indictment, before any court of competent jurisdiction.

Bounty on seals.
1901, c.284, § 57.

—carcass shall not be left derelict in any waters.

—shall not be destroyed with long range weapons in Casco bay during June, July and August.

GENERAL PROVISIONS.

SEC. 53. All persons who are now or may hereafter derive special benefits from legislation for the protection of fish in any waters of this state, in excess of what is or may be derived by others, shall publish such protection by posting and maintaining notices substantially as hereinafter provided. Said notices shall be placed on the banks or shores of such protected waters not more than ten feet nor less than six feet above the ground, in a conspicuous position; and if on running water such notices shall be not more than one-half mile apart on the banks of such waters; and if on a pond or lake, not more than one mile apart on the shores of such pond or lake.

Persons deriving special benefit from protected waters shall post notices of such protection.
1901, c.284, § 63.

—where same shall be placed.
78 Me., 486.

SEC. 54. Said notices shall be painted on wood in black Roman letters not less than two inches in length and not less than one-half inch in breadth, so that such letters shall be plainly legible, and such notices shall state the number of the act and the date of the same giving the said protection to such waters.

Form of such notices, prescribed.
1901, c.284, § 64.

SEC. 55. Any one mutilating or destroying such notices, shall be subject to the same penalties as set forth in section twenty-two of chapter one hundred and twenty-six.

Mutilation.
1901, c.284, § 65.

SEC. 56. In case no notices as herein provided are posted and maintained on waters that are protected by any special law, no one violating such law shall be liable thereunder to any penalties therein set forth.

No liability unless notices are posted.
1901, c.284, § 66.
Application of sections 53-56.
1901, c.284, § 67.

SEC. 57. The four preceding sections shall not apply to towns which by special act have acquired vested rights in any fishery in said towns.

SEC. 58. All vessels, boats, craft, owned and officered by non-residents, and apparatus of every kind, employed in unlawful fishing, or having on board any fish unlawfully taken, are liable for all fines and costs herein provided for; and any officer may seize and detain said property not exceeding twenty-four hours, in order that it may be attached and taken by due process of law to satisfy any judgment that may be recovered, but it shall, at any time be released on payment, by the owner or master, of the fine, costs and reasonable expenses.

Vessels owned by non-residents liable for unlawful fishing.
1901, c.284, § 68.

—seizure.

SEC. 59. In all prosecutions under this chapter *and the amendments and additions thereto*, municipal and police judges and trial justices within their counties have by complaint original and concurrent jurisdiction with the supreme judicial and superior courts. (a)

Municipal judges and trial justices shall have jurisdiction.
1901, c.284, § 70.

(a) 79 Me., 17, 160; 80 Me., 85; 89 Me., 42.

Fines how recovered, 1901, c.284, § 71.

—settlement of offenses.

—how fines shall be disposed of. 87 Me., 206. 89 Me., 42.

SEC. 60. All fines and penalties under this chapter may be recovered by complaint, indictment or action of debt made or brought in the county where the offense was committed. The action of debt shall be brought in the name of the commissioner of sea and shore fisheries, and all offenses under, or violations of, the provisions of this statute, may be settled by the commissioner of sea and shore fisheries, upon such terms and conditions as he deems advisable. All fines, penalties and collections under this chapter shall be paid to the treasurer of state, to be added to and made a part of the appropriation for sea and shore fisheries.

Note. Notices on petition to legislature for special legislation relating to fish, c. 2, § 37.

Use of dynamite or other explosives or any poisonous or stupefying substance, for purpose of destroying or taking fish forbidden, c. 30, § 4.

Cultivation of fish for purposes of science by commissioners of inland fisheries and game, and commissioner of sea and shore fisheries, c. 30, § 34.

Exemption of certain waters from provisions relating to migratory fishes, and supervision of fishways, c. 30, § 37.

Cultivation of useful fishes by riparian proprietor, c. 30, §§ 40, 41.

CHAPTER 41.

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

WOOD AND BARK.

Dimensions of a cord of wood. R. S., c. 41, § 1. See c. 3, § 92, ¶ v. 14 Me., 406. 82 Me., 318.

Penalty for selling wood or bark before survey. R. S., c. 41, § 2. 72 Me., 119. 82 Me., 574.

How cord wood brought by water, shall be measured. R. S., c. 41, § 3. —penalty for carrying it away before.

Ticket stating quantity, and name of driver required, and penalty for not showing it. R. S., c. 41, § 4.

Penalty for fraudulent stowage. R. S., c. 41, § 5.

SEC. 1. Towns may, by ordinance, regulate the measure and sale of wood, coal, and bark therein, and the location of teams hauling the same; and may enforce it by reasonable penalties. All cord wood exposed for sale shall be four feet long including half the scarf, and 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, and bad storage.

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

SEC. 3. All cord wood, brought by water into any town for sale, shall be corded on the wharf or land, on which it is landed, in ranges making up in height what is wanting in length; then 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.

SEC. 4. Persons, carrying fire wood from a wharf or landing for sale, shall be furnished by the owner or seller with a ticket stating the quantity, and the name of the driver; and if such fire wood is carried away without such ticket, or any driver refuses to exhibit such ticket to any sworn measurer on demand, or does not consent to have the same measured, when in the opinion of the measurer the ticket certifies 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.

SEC. 5. When any wood, bark, or charcoal, sold by the cord, foot, or load, is so stowed as to prevent the surveyors from examining the middle of the load, and it appears on delivery, that it was stowed with a fraudulent intent of obtaining payment for a greater quantity than there was in fact, the seller or owner thereof forfeits ten dollars to the county.

CHARCOAL.

SEC. 6. Charcoal brought into a town for sale, may be measured and sold by the cord or foot, estimating the cord at ninety-six bushels, when the purchaser and seller agree to the same; and the measurers before named shall be measurers of charcoal also.

How charcoal may be measured and sold.
R. S., c. 41, § 6.

SEC. 7. All baskets for measuring charcoal brought into a town for sale, shall be sealed by the sealer of the town where the person using them usually resides, and shall contain two bushels and be of the following dimensions, viz.: nineteen inches in breadth in every part, and seventeen inches and a half deep, measuring from the top of the basket to the highest part of the bottom; and in measuring charcoal for sale, the basket shall be well heaped.

Coal baskets to be sealed; dimensions.
R. S., c. 41, § 7.

SEC. 8. Whoever measures charcoal for sale, in any basket of less dimensions, or not sealed, forfeits, for each offense, five dollars.

Penalty for using smaller.
R. S., c. 41, § 8.
Seizure of unlawful baskets.
R. S., c. 41, § 9.

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

SEC. 10. Any measurer of wood, bark, or charcoal, who neglects or refuses to give to the owner or purchaser a certificate of the contents of a load, forfeits five dollars for each offense; and all the penalties hereinbefore provided, may be recovered by action of debt or complaint, half to the town where the offense is committed, and half to the prosecutor.

Penalty for refusing to give certificate, how recovered and appropriated.
R. S., c. 41, § 10.

HARD COAL.

SEC. 11. Anthracite, bituminous, and other mineral coal shall be sold by weight; and two thousand pounds thereof are a ton.

Weight of ton.
R. S., c. 41, § 11.

SEC. 12. The municipal officers of towns shall annually appoint weighers of such coal, who shall *be sworn*, and receive such fees as said officers may establish, to be paid by the buyer.

Weighers of coal.
R. S., c. 41, § 12.
See Const. of Me., Art. ix, § 1.
Coal unless sold by cargo weighed or suit not maintained.
R. S., c. 41, § 13.

SEC. 13. Unless coal is sold by the cargo, the seller shall, on request of the purchaser, cause it to be weighed by a sworn weigher, who shall make a certificate of the weight; and he shall deliver such certificate to the buyer, before commencing a suit against him for the price of such coal. (a)

BOARDS, PLANK AND OTHER LUMBER.

SEC. 14. Every town, at its annual meeting, shall elect one or more surveyors of boards, plank, timber, and joist; one or more surveyors of shingles, clapboards, staves and hoops; and every town containing a port of delivery whence staves and hoops are usually exported, shall also elect two or more viewers and cullers of staves and hoops; and the municipal officers of a town may, if they deem it necessary, appoint not exceeding seven surveyors of logs; and *all said officers shall be sworn*.

Towns to elect surveyors of lumber.
R. S., c. 41, § 14.
See c. 3, §§ 12, 14.
See Const. of Me., Art. ix, § 1.

SEC. 15. All boards, plank, timber, and joist, offered for sale, shall, before delivery, be surveyed by a sworn surveyor thereof, and if he has doubts of the dimensions, he shall measure the same, and mark the contents thereon, making reasonable allowance for rots, knots, and splits, drying and shrinking; pine boards three-fourths of an inch thick when fully seasoned, and in that proportion when partly seasoned, shall be considered merchantable; and no pine boards, except sheathing boards, shall be shipped for exportation beyond the United States, but such as are square edged, and not less than seven eighths of an inch thick, nor less than ten feet long, under penalty of forfeiture to the town whence shipped.

Lumber to be surveyed before delivery.
R. S., c. 41, § 15.
77 Me., 590.
82 Me., 318.
90 Me., 295.

(a) 65 Me., 138, 139; 68 Me., 268.

SHINGLES AND CLAPBOARDS.

Dimensions
and quality
shingles.

R.S., c. 41, § 16.

~~16 Me., 592.~~

SEC. 16. All shingles, packed for exportation beyond the state, shall be sixteen inches long, free from shakes and worm holes, and at least three eighths of an inch thick at the butt end when green, and if of pine, free from sap. They shall be four inches wide on an average, not less than three inches wide in any part, hold their width three fourths of the way to the thin end, well shaved or sawed, and be denominated "number one;" but shingles intended for sale within the state, if of inferior quality or of less dimensions, may be surveyed and classed accordingly, under the denominations of "number two," and "number three."

How shingles
shall be split
or sawed, and
packed, and
when forfeit-
ed.

R.S., c. 41, § 17.
77 Me., 592.

SEC. 17. All shingles shall be split or sawed crosswise the grain; each bundle shall contain two hundred and fifty shingles, and if in square bundles, twenty-five courses, and be twenty-two inches and a half at the lay; and when packed to be surveyed as "number one," or for exportation, if in any bundle there are five shingles deficient in the proper dimensions, soundness or number, to make two hundred and fifty merchantable shingles, or if any shingles are offered for sale, before they are surveyed and measured by a sworn surveyor of some town in the county where they were made, and the quality branded on the hoop or band of the bundle, unless the parties otherwise agree, they are forfeited to the town where the offense is committed.

Dimensions
and quality
of clapboards.
R.S., c. 41, § 18.

SEC. 18. All clapboards, exposed for sale, or packed for exportation, shall be made of good sound timber, free from shakes and worm holes, and if of pine, clear of sap; and they shall be at least five eighths of an inch thick on the back or thickest part, five inches wide, and four feet six inches long, and straight and well shaved or sawed.

STAVES AND HOOPS.

Dimensions
and quality
of staves, and
how enumer-
ated.
R.S., c. 41, § 19.

SEC. 19. Staves packed for sale or exportation shall be well and proportionably split, and of the following dimensions, viz.:

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

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

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

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

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

Dimensions
and quality
of hogshead
hoops; how
packed, and
forfeiture for
deficiency.
R.S., c. 41, § 20.
85 Me., 284.

SEC. 20. All hogshead hoops, exposed for sale, or packed for exportation, shall be from ten to thirteen feet in length, and of oak, ash or walnut, and of good and sufficient substance, well shaved; if of oak or ash, at least one inch broad, and, if of walnut, three quarters of an inch at the smaller end; the different lengths shall be made up in bundles by themselves; each bundle shall contain twenty-five hoops, four bundles shall make one hundred, and ten hundred hoops, one thousand; and every bundle, packed for sale or exportation, found to be deficient in number or dimensions, is forfeited to the town where it is exhibited.

The articles
hereinbefore

SEC. 21. No person shall deliver on sale, or ship or attempt to ship for exportation, any boards, plank, timber, joists, shingles, clapboards, staves,

or hoops, before they have been surveyed, measured, viewed or culled, as the case may be, and branded by the proper officer, and a certificate thereof given by him, specifying the number, quality, and quantity thereof, under a penalty of two dollars a thousand, by quantity or tale, as such article is usually sold, half to the town where the offense is committed, and half to the prosecutor; and in addition thereto, the master or owner of any vessel, exporting any of the articles aforesaid beyond the limits of the United States contrary to law, shall, for the first offense, forfeit two hundred dollars to the town whence said articles are exported; and if after conviction he commits a second offense in the same vessel, he forfeits the same sum, and the vessel is also forfeited to the town.

SEC. 22. In any action hereafter brought for the price of boards, plank, timber, joists, shingles, clapboards, staves or hoops, unless sold by the cargo, any failure to survey, measure, view or cull and brand the same and to give certificate thereof as required by section twenty-one, shall not defeat recovery in such action, unless it appears that before delivery the purchaser requested such survey, measurement, view or culling, and branding and certificate.

SEC. 23. The master or owner of any vessel, having any of the lumber or other articles mentioned in section twenty-one on board, for exportation as aforesaid, shall, before the vessel is cleared at the custom house, produce to the collector a certificate from the proper officer, that the same have been duly surveyed, measured, viewed, or culled, as the case may require; and such master or owner shall likewise make oath before the collector, or a justice of the peace, whose certificate shall be returned to the collector, that the articles so shipped for exportation are the same articles thus surveyed, measured, viewed or culled, that he has no others on board of the like description, and that he will not take any others.

SEC. 24. If any person, duly elected a surveyor, measurer, viewer, or culler of any of said articles under this chapter, neglects or refuses to take the oath of his office and to serve therein, he forfeits three dollars to the town, and another person shall be elected to his place, who shall take the oath and serve as aforesaid under the like penalty; and the like proceedings shall be had, until the office is filled; or if any such officer duly qualified unnecessarily refuses or neglects to attend to the duties of his office when requested, he forfeits three dollars; and if he connives at or willingly allows any breach of the provisions hereof, or practices any other fraud or deceit in his official duties, he forfeits thirty dollars to the use aforesaid.

SEC. 25. All pecuniary penalties aforesaid may be recovered by action of debt, indictment, or complaint, and all other forfeitures, by a libel filed by the treasurer or any inhabitant of the town interested.

LOGS.

SEC. 26. Surveyors of logs may inspect, survey, and measure all mill logs floated or brought to market or offered for sale in their towns, and divide them into several classes, corresponding to the different quality of boards and other sawed lumber, which may be manufactured from them; and they shall give certificates under their hands of the quantity and quality thereof to the person, at whose request they are surveyed.

named, not to be offered for sale until surveyed and branded.
R.S., c. 41, § 21.
68 Me., 144.
77 Me., 591.
83 Me., 324.
85 Me., 284.

—penalty for so offering.

—ship-master also liable.

Failure to survey lumber and give certificate shall not defeat action for price.
1895, c. 59.
90 Me., 295.

Master or owner to produce surveyor's certificate before clearance, with affidavit there to.
R.S., c. 41, § 22.

Penalty, if surveyor or culler neglects or refuses oath of office, or for fraud in his office.
R.S., c. 41, § 23.
See c. 3, § 25.

Penalties, how recovered.
R.S., c. 41, § 24.

Duty of surveyors of logs.
R.S., c. 41, § 25.
8 Me., 32.
25 Me., 401.
53 Me., 491.
62 Me., 168.
92 Me., 196.

CHAPTER 42.

TIMBER UPON RIVERS, STREAMS AND ADJACENT LANDS.

Penalty for unlawful conversion of timber, how recovered.
R.S., c. 42, § 1.
2 Me., 131.
3 Me., 203.
16 Me., 68.
64 Me., 442.

Such unlawful conversion declared larceny.
R.S., c. 42, § 2.
64 Me., 443.

What is presumptive evidence of guilt.
R.S., c. 42, § 3.
64 Me., 442.

—double damages recoverable by owner.

Right of owner to search mill, boom or raft, for lost logs.
R.S., c. 42, § 4.

—penalty for obstructing.

Logs or timber in any boom on Saco river or tributaries, to be released on request, if safe to do so.
R.S., c. 42, § 5.
—liability for all damages for neglect.

When logs or timber of different owners are intermixed how driven and lien for expenses.
R.S., c. 42, § 6.
46 Me., 366.
71 Me., 39.
78 Me., 274.
88 Me., 415.
423.
93 Me., 525.

When logs or timber, lodged on banks, shall be forfeited, if advertised.
R.S., c. 42, § 7.

SEC. 1. Whoever takes, carries away, or otherwise converts to his own use, without the consent of the owner, any log suitable to be sawed or cut into boards, clapboards, shingles, joists or other lumber, or any mast or spar the property of another, whether the owner is known or unknown, lying in any river, pond, bay, stream or inlet, or on, or near the bank or shore thereof, or cuts out, alters or destroys any mark made thereon, without the consent of the owner, and with intent to claim the same, forfeits for every such log, mast, or spar, twenty dollars, to be recovered on complaint; half for the State, and half for the complainant.

SEC. 2. Whoever fraudulently and wilfully takes and converts to his own use, either by himself or by another in his employment, any such log, mast, or spar, lying as aforesaid, for the purpose of being driven to a market or place of manufacture, is guilty of larceny and shall be punished accordingly.

SEC. 3. In prosecutions under sections one and two, if such log, mast, or spar is found in the possession of the accused partly destroyed, partly sawed, or manufactured, or with the marks cut out or altered, not being his property, it is presumptive evidence of his guilt; and the burden of proof is then on him; and whoever is guilty of the offense described in either section is also liable to the owner, in an action of debt, for double the value of the log, mast or spar so dealt with.

SEC. 4. The owner of such logs, masts or spars, may at any time, by himself or his agent, enter in a peaceable manner upon any mill, mill-brow, boom, or raft of logs or other timber, in search of such lost property; and whoever wilfully prevents or obstructs such search forfeits for each offense not less than twenty, nor more than fifty dollars, to the person by whom or on whose account such entry was claimed, to be recovered in an action of debt.

SEC. 5. If any boom on the Saco river, or any of the waters connected therewith, is so placed, or constructed, as to prevent the free and usual passage of timber down the river, the owner or occupant thereof, at his own expense, shall release and turn out the timber so detained, when requested to do so by the owner thereof, if it can be done with safety; and if for two days after request he neglects or refuses to do so, he is liable to the owner of the timber, in an action on the case, for all damages by him sustained.

SEC. 6. Any person, whose timber in any waters of the state is so intermixed with the logs, masts or spars of another, that it cannot be conveniently separated for the purpose of being floated to the market or place of manufacture, may drive all timber with which his own is so intermixed, toward such market or place, when no special and different provision is made by law for driving it; and is entitled to a reasonable compensation from the owner, to be recovered after demand therefor on said owner or agent, if known, in an action on the case; he has a prior lien thereon until thirty days after it arrives at its place of destination, to enable him to attach it; and if the owner cannot be ascertained, the property may be libeled according to law, and enough of it disposed of to defray the expenses thereof; the amount to be determined by the court hearing the libel.

SEC. 7. Logs or other timber carried by freshets, or otherwise lodged, upon lands adjoining any waters, are forfeited to the owner or occupant thereof, after they have so remained for two years, if such lands, during that time were improved; otherwise after six years; *provided*, that such

owner or occupant, within one year after the same were found so lodged, advertises, as nearly as practicable, the number of pieces of timber, the time when lodged, together with the marks thereon, and the place where found, three weeks successively in some newspaper in the county, if any, otherwise in the state paper.

SEC. 8. The owner of said timber may enter on said land and remove it at any time before forfeiture, having previously tendered to the owner or occupant thereof, a reasonable compensation for all damages occasioned by the lodging, remaining, or removal of said timber, and the expense of advertising it; but if the timber is removed by the owner, or otherwise, without such tender, the owner of the land may recover, in an action of trespass, the damages aforesaid.

SEC. 9. Whoever wilfully and fraudulently takes, carries away, or otherwise converts to his own use, any railroad sleeper, knee or other ship timber, or cedar for shingles or other purposes, the property of another, whether known or not, without his consent, lying in any river, stream, pond, bay or inlet, or on or near the shore thereof; or cuts out, alters, or destroys any mark thereon, forfeits ten dollars for each offense, to be recovered and appropriated as in section one; and is liable to the owner in double the amount thereof in an action of debt; and such owner has all the rights and is subject to all the liabilities provided for the owner of logs, masts and spars, in the six preceding sections.

Note. Maliciously driving nails into logs intended for manufacture, penalty, c. 126, § 8.

Letting loose rafts or logs, c. 126, § 9.

Owner may remove timber, on tender of damages; otherwise, damages for owner.
R.S., c. 42, § 8.
31 Me., 24.
57 Me., 276.
62 Me., 44.
76 Me., 386.
Penalty for unlawful conversion of railroad sleepers, ship knees or other lumber on ponds or streams.
R.S., c. 42, § 9.
57 Me., 9.

—double damages.

CHAPTER 43.

STANDARD WEIGHTS AND MEASURES, AND MERIDIAN LINES.

STANDARD WEIGHTS AND MEASURES.

SEC. 1. The standard of weights and measures furnished by the United States and adopted by this State continues the standard of weights and measures for the State; and the state sealer of weights and measures shall cause all such weights and measures of a smaller denomination than those furnished by the United States, as are necessary to make a complete set, to be compared and regulated by the standards aforesaid; and keep, at the expense of the State, a suitable standard balance for gold, and for avoirdupois weights, to be kept with the weights and measures at the state house, and used only for regulating other weights and measures.

SEC. 2. Until otherwise provided, the treasurer of state, shall, at the State's expense, in the manner provided in the preceding section, procure and preserve as public standards, to be used only as such, the following measures, beams, and weights, to wit: one bushel, one half bushel, one peck, one half peck, one ale quart, one wine gallon, one wine half gallon, one wine quart, one wine pint, one wine half pint, and one wine gill; said measures shall be made of copper or pewter, conformable in contents to said standard measures; and the diameter of the bushel shall not be less than eighteen inches and a half, containing thirty-two Winchester quarts; of the half bushel, not less than thirteen inches and three quarters, containing sixteen Winchester quarts; of the peck, not less than ten inches and three quarters, containing eight Winchester quarts; and of the half peck, not less than nine inches, containing four Winchester quarts; the admeasurement to be made in each instance in the inside; also one ell, and one yard; one set of brass weights, to four pounds, computed at sixteen ounces to the pound, with fit scales and steel beam; also a good beam

Standard of weights and measures.
R.S., c. 43, § 1.

—official tests.

Standard beams, weights and measures to be kept by the treasurer of state.
R.S., c. 43, § 2.

and scales, and a nest of troy weights, from one hundred and twenty-eight ounces, down to the least denomination, with the weight of each weight, and the length of each measure, marked or stamped thereon, and sealed with a seal, to be procured and kept by said treasurer; also one fifty-six pound weight, one twenty-eight pound weight, one fourteen pound weight, and one seven pound weight, of iron.

Also by
county treas-
urers, to be
sealed once
in ten years
by state
standards.
R.S., c. 43, § 3.

—penalty.

Town seal,
and standard
of beams,
weights and
measures to
be kept by
treasurers,
and sealed
once in ten
years.
R.S., c. 43, § 4.

—penalty.

Appointment
of sealers
by town offi-
cers and
penalties.
R.S., c. 43, § 5.
68 Me., 470.
—of weighers,
by cities.

Penalty for
sealer or
weigher not
accepting
office.
—to receive
and receipt
for standards
and seal.
R.S., c. 43, § 6.
68 Me., 470.

Sealers shall
give notice of
times and
places for
sealing
weights and
measures.
1899, c. 58, § 1.

Sealers shall
visit persons
who neglect
to comply.
1899, c. 58, § 2.

Shall visit
once a year,
all having
scales and
test same.
1899, c. 58, § 3.

All scales,
weights and
measures
may be test-
ed any time.
1899, c. 58, § 4.

SEC. 3. The treasurer of each county, at the expense thereof, shall have one complete set of beams, and of brass, copper, pewter, and iron weights, and of the measures before mentioned, except the bushel measure, proved and sealed by the state standards, and conformable thereto in breadth and contents; and preserve them for the use of such county only as standards; and once in every ten years, from July one, eighteen hundred and thirty-nine, he shall have them compared, proved, and sealed by the state standards; for each neglect of said duty, he forfeits two hundred dollars to the State, to be recovered in an action of debt.

SEC. 4. The treasurers of towns, at the expense thereof, shall constantly keep a town seal, and, as town standards, a complete set of beams, weights, and copper and pewter measures, conformable to the state standards, except that the bushel measure, and the half bushel, peck and half peck measures may be of wood instead of copper or pewter, but of the same dimensions, and except also a nest of troy weights other than those from the lowest denomination to eight ounces; they shall cause all beams, weights and measures, belonging to their towns, to be proved and sealed by the state or county standards one in ten years, from July one, eighteen hundred and forty; and for every neglect of said duty they forfeit one hundred dollars, half to the town, and half to the prosecutor.

SEC. 5. The municipal officers of each town shall annually appoint a sealer of weights and measures therein, removable at pleasure, and may fill vacancies; for each month's neglect of this duty, they severally forfeit ten dollars, to be appropriated as in the preceding section. Any city may purchase and keep for use scales for weighing hay and other articles, appoint weighers, and fix their fees, to be paid by the purchaser.

SEC. 6. Whoever, so appointed and notified thereof, refuses for seven days to accept the office and be sworn, forfeits five dollars, half to the town, and half to the prosecutor; when sworn, he shall receive the standards and seal from the treasurer, giving a receipt therefor, describing them and their condition, and therein engaging to re-deliver them at the expiration of his office in like good order; and he shall be accountable for their due preservation while in his possession.

SEC. 7. The sealers of weights and measures in the several cities and towns shall annually give public notice by advertisement, or by posting in one or more public places in their respective cities and towns notices to all inhabitants or persons having usual places of business therein and who use weights, measures or balances for the purpose of selling any goods, wares, merchandise or other commodities or for public weighing to bring in their weights, measures and balances to be adjusted and sealed. Such sealers shall attend in one or more convenient places and shall adjust, seal and record all weights, measures and balances so brought in.

SEC. 8. After giving said notice the said sealers shall go to the houses, stores and shops of persons who neglect to comply therewith, and having entered the same with the assent of the occupants thereof, shall adjust and seal their weights, measures and balances.

SEC. 9. Said sealers shall go once a year and oftener if necessary, to every hay and coal scale, to every platform balance within their respective cities and towns that cannot be easily or conveniently removed, and shall test the accuracy of and adjust and seal the same.

SEC. 10. All persons using any scales, weights or measures for the purpose of buying or selling any commodity, may, when they desire it, have the same tested and sealed by the sealers of weights and measures at the office of any of said sealers.

SEC. 11. In case a sealer of weights and measures cannot seal any weights, measures and balances in the manner before provided, he may mark them with a stencil, or by other suitable means so as to show that they have been inspected; but he shall in no case seal or mark as correct any weights, measures or balances which do not conform to the standards. If such weights, measures or balances can be readily adjusted by such means as he has at hand, he may adjust and seal them; but if they cannot be readily adjusted, he shall affix to such weights, measures or balances a notice, forbidding their use until he is satisfied that they have been so adjusted as to conform to the standards; and whoever removes said notice without consent of the officer affixing the same, shall for each offense forfeit a sum not exceeding fifty dollars, one-half to the use of the city or town and one-half to the use of the complainant.

SEC. 12. A sealer when visiting the place of business of any person for the purpose of testing any weights, measures or balances, may use for that purpose such weights, measures or balances as he can conveniently carry with him, and each city and town shall furnish its sealer with one or more duplicate sets of weights, measures and balances, which shall at all times be kept to conform to the standards furnished by the state, and all weights, measures and balances so sealed shall be deemed to be legally sealed the same as if tested and sealed with the standard weights, measures and balances.

SEC. 13. A sealer of weights and measures may seize without a warrant such weights, measures or balances as may be necessary to be used as evidence in cases of violation of the law relating to the sealing of weights and measures, such weights, measures or balances to be returned to the owners, or forfeited as the court may direct.

SEC. 14. When a complaint is made to a sealer of weights and measures by any person that he has reasonable cause to believe or when such sealer himself has reasonable cause to believe that a weight, measure or balance used in the sale of any commodity within his city or town is incorrect, the said sealer shall go to the place where such weight, measure or balance is and shall test the same, and mark it according to the result of the test applied thereto; and if the same is incorrect and cannot be adjusted, the said sealer shall attach a notice thereto, certifying that fact, and forbidding the use thereof until it has been made to conform to the authorized standard. Any person using a weight, measure or balance after a sealer has demanded permission to test the same, and has been refused such permission shall be liable to a penalty of not less than ten, nor more than one hundred dollars.

SEC. 15. All weights, measures and balances that cannot be made to conform to the standard shall be stamped "condemned" or "CD" by the sealer, and no person shall thereafter use the same under the penalties provided in the case of the use of false weights and measures.

SEC. 16. In all cases of weighing, the vibrating steelyard invented by Benjamin Dearborn, or said steelyard improved by Samuel Hills, or the Fairbanks Scale, may be used; but before being offered for sale, or used, each beam and the poises thereof shall be sealed by a public sealer of weights and measures.

[This section is thought to be obsolete in its present form, and the commissioner suggests the following substitute:

Before any weights, measures, scales, steelyards, beams or balances are offered for sale or used, they shall be sealed by a public sealer of weights and measures.]

SEC. 17. All measures, by which fruit and other things, usually sold by heaped measure, are sold, shall be conformable in capacity and breadth, to the public standard. Such articles as are sold or exchanged in any market or town in the state by gross or avoirdupois weight, shall be sold or exchanged as follows: twenty-five avoirdupois pounds constitute one quarter; four quarters, one hundred; and twenty hundreds, one ton; and all other articles, usually sold by tale, shall be sold by decimal hundred.

If sealer cannot seal any weights, etc., he may mark to show inspection.
1899, c. 58, § 5.

—use of weights, etc., that cannot be adjusted by sealers, forbidden.

Sealer shall be furnished with appliances for testing weights, etc., by towns and cities.
1899, c. 58, § 6.

False weights and measures may be seized.
1899, c. 58, § 7.

Proceedings, when complaint is made, that incorrect weights, etc., are being used.
1899, c. 58, § 8.

—penalty for using a weight, etc., after sealer has been refused permission to test.

How incorrect weights, etc., shall be stamped.
1899, c. 58, § 9.

What scales may be used, if sealed.
R.S., c. 43, § 8.
68 Me., 470.
See c. 38, § 30.

Measures for articles sold by heaped measure, to conform to standard.
R.S., c. 43, § 9.
—twenty-five pounds shall be a quarter, and so on.
R.S., c. 43, § 10.

Penalty for using any false weights, etc.
1899, c. 58, § 10.

SEC. 18. Whoever knowingly uses a false weight, measure, scale, balance or beam, or after a weight, measure, scale, balance or beam has been adjusted and sealed, alters it so that it does not conform to the public standard and fraudulently makes use of it, shall forfeit for each offense fifty dollars, one-half to the use of the city or town and one-half to the use of the complainant; and every sealer who has reasonable cause to believe that a weight, measure, scale, balance or beam has been altered since it was last adjusted and sealed shall enter the premises in which it is kept or used and shall examine the same.

Penalty for using weights, etc., which have not been sealed.
1899, c. 58, § 11.
See c. 38, § 46.

SEC. 19. Whoever sells by any other weights, measures, scales, beams or balances than those which have been sealed as before provided, shall forfeit a sum not exceeding twenty dollars for each offense, and when by the custom of trade such weights, measures, scales, beams or balances are provided by the buyer, he shall, if he purchases by any other, be subject to a like penalty to be recovered by an action of tort to the use of the complainant.

Sealer may be paid salary and fees paid in to treasury.
1899, c. 58, § 13.

SEC. 20. The city council of a city may by ordinance, and a town may by by-law, provide that the sealer of weights and measures for their city or town shall be paid by a salary, and that he shall account for and pay into the treasury of the city or town the fees received by him by virtue of his office; and where such salary is paid no fees shall be charged for services rendered under section seven.

MERIDIAN LINES.

County commissioners to erect and maintain meridian line.
R.S., c. 43, § 12.

SEC. 21. The county commissioners, at the expense of their several counties, may, if they see fit, erect and forever maintain therein, at such place or places as the public convenience requires, a true meridian line, to be perpetuated by stone pillars with brass or copper points firmly fixed on the tops thereof, indicating the true range of such meridian, and shall protect the same, and provide a book of records to be kept by the clerk of the courts, or by a person appointed by them nearer to such structure, and accessible to all persons wishing to refer thereto.

—record to be kept by clerk of courts.

Under care of clerks of court, accessible to surveyors.
R.S., c. 43, § 13.

SEC. 22. Such structures shall be under the care and custody of such clerks; and any surveyor or civil engineer residing in said county or engaged in surveying therein, shall have free access thereto for the purpose of testing the variation of the compass.

Surveyors to verify compass annually, make record thereof, and enter same in field notes, under a penalty.
R.S., c. 43, § 14.

SEC. 23. Every land surveyor shall, at least annually, adjust and verify his compass by the meridian line so established in the county where his surveys are to be made, and shall enter the variation thereof from the true meridian line in the book mentioned in section twenty-one, and subscribe his name thereto for future reference; and shall also insert in his field notes, the true as well as the magnetic bearings of the lines of his surveys, and the day on which they were made; under a penalty of ten dollars for each neglect, to be recovered on complaint, in the county where the survey is made, half to the complainant and half to the county; but no surveyor living on an island not connected with the main land by a passable bridge, is required to go beyond its limit to verify his compass, for the purpose of making surveys thereon.

—surveyors living on islands, exempted.

Penalty for injuring meridian lines or enclosures, how recovered, etc.
R.S., c. 43, § 15.
Governor and council to appoint a commissioner to verify meridian lines and make report.
R.S., c. 43, § 16.

SEC. 24. Whoever wilfully displaces, alters, defaces, breaks or otherwise injures any of the pillars or points, enclosures, locks, bars, bolts, or any part of said structures, forfeits not exceeding a hundred dollars, to be recovered by indictment, half to the prosecutor and half to the county.

SEC. 25. When such meridian is established, repaired or rebuilt in any county, the governor and council shall appoint a competent commissioner to inspect and verify it by astronomical observations, who shall make a report of his doings, with an accurate description of such structure, its latitude and longitude and the declination of the needle at the time, and deposit a record thereof with the clerk of the courts, and shall receive such just compensation therefor as the governor and council allow.

—his pay.

SEC. 26. The commissioners of Penobscot county may maintain the true meridian line on state land in the town of Orono under the provisions of the five preceding sections.

Meridian line
on state land
in Orono.
R.S., c. 43, § 17.

Note. Sealers of weights and measures shall annually seal all measures used for sale of milk, c. 33, § 46; duties of, as to charcoal baskets, c. 41, § 7; fees of, c. 115, § 24.

Weights used by state banks to be proved and sealed by treasurer of state, not by town sealer, c. 47, § 33.

CHAPTER 44.

HAWKERS AND PEDLERS. ITINERANT VENDORS.

HAWKERS AND PEDLERS.

SEC. 1. No person shall go about from town to town, or from place to place in the same town, exposing for sale or selling, any goods or chattels other than fruit grown in the United States, fruit trees, provisions, live animals, brooms, pianos, organs, wagons, sleighs, agricultural implements, fuel, newspapers, agricultural products of the United States, the product of his own labor or the labor of his family, any map made by him and copyrighted in his name, any patent of his own invention, or in which he has become interested by being a member of any firm, or stockholder in any corporation which has purchased the patent, until he shall have procured a license so to do as hereinafter provided; but the provisions of this and the eleven following sections are not applicable to commercial agents, selling goods by sample to dealers only.

SEC. 2. The secretary of state shall grant a license, to go about exposing for sale and selling, any goods, wares or merchandise, to any person who files in his office a certificate signed by the mayor of a city, or by the majority of the selectmen of a town, stating to their best knowledge and belief that the applicant therein named is of good moral character; but such license shall be granted to no other person. The mayor or selectmen before granting such certificate, shall require the applicant to make oath, that he is the person named therein, and the mayor or said selectmen may administer said oath.

SEC. 3. The secretary shall cause to be inserted in every such license the names of such cities and towns as the applicant selects, with the sums to be paid to the respective treasurers thereof, as provided in the following section, and shall receive from the applicant one dollar for each city and town so inserted. Every person so licensed may sell as aforesaid, in any city or town mentioned in his license, any goods, wares or merchandise upon first paying the required sum to the treasurer of such city or town, who shall certify on the face of said license the sum so paid.

SEC. 4. Every person licensed under the two preceding sections, shall pay to the treasurer of each city or town mentioned in his license, the sums following: for every town containing not more than one thousand inhabitants, according to the United States census next preceding the date of his license, three dollars; for towns containing more than one thousand and less than two thousand inhabitants, six dollars; and for every thousand inhabitants in excess of two thousand, two dollars, *provided*, that the sum so to be paid to any such treasurer shall in no case exceed twenty dollars, but any resident of a town having a place of business therein, owning and paying taxes to the amount of twenty-five dollars on his stock in trade, can peddle said goods in his own town without paying any license fee whatever.

SEC. 5. The secretary, upon conditions required in section two, may grant special state licenses, upon the payment by the applicant of fifty dol-

Peddling
without
license for-
bidden.

—exceptions.
1901, c. 277, § 1.
91 Me., 276.
92 Me., 436.
94 Me., 192.

—commercial
agents ex-
empt.
1901, c. 277, § 14.

Secretary of
state shall
grant license,
and to whom.
1901, c. 277, § 2.
92 Me., 442.
94 Me., 192.
—applicant
must make
oath that he
is the person
named in
certificate.

Terms of
license.
1901, c. 277, § 3.

Fees paid to
cities and
towns.
1901, c. 277, § 4.

State licenses.
1901, c. 277, § 5.

—fee.

—county
licenses.

—fee.

Disabled sol-
diers and
sailors and
the blind
exempt.
1901, c. 277, § 6.
92 Me., 433.

Record shall
be kept of
licenses.
1901, c. 277, § 7.

Fee, how dis-
posed of.
1901, c. 277, § 8.

Licenses to be
exhibited
when demand-
ed by an
officer.
1901, c. 277, § 9.

Penalty for
peddling
without
license.
1901, c. 277, § 10.

Licenses,
when dated.
1901, c. 277, § 11.

Enforcement.
1901, c. 277, § 12.

—fines, how
disposed of.

lars for each license, and the person so licensed may expose for sale and sell, in any city or town in this state, any goods, wares or merchandise. He may also grant as aforesaid, upon the payment by the applicant of one dollar for each county mentioned therein, special county licenses, and the person so licensed, upon paying to the treasurer of each county mentioned in said license, the sum of five dollars, may expose for sale and sell, within such counties, any tin, brittania, glass, earthen, iron or wooden wares, manufactured in the United States. The respective county treasurers, upon receipt of the aforesaid sum, shall certify on the face of said license the amount so received.

SEC. 6. Any soldier or sailor disabled in the military or naval service of the United States, or by sickness or disability contracted therein or since his discharge from service, and any person who is blind shall be exempt from paying the license fees required by the three preceding sections.

SEC. 7. The secretary of state and the treasurers of counties, cities and towns, shall severally keep records of all licenses upon which the sums herein provided have been paid to them, with the number of each, the names and residences of the persons licensed, and the sums received thereon, and all such records shall be opened for public inspection.

SEC. 8. All sums so paid to the secretary shall be for the use of the state, and all sums paid to the treasurer of a county, city or town, shall be for the use of such county, city or town, *provided, however*, that the fee of one dollar paid for each license, shall be for the personal use of said secretary.

SEC. 9. Every person licensed to peddle, as hereinbefore provided, when his license is demanded of him by a mayor, alderman, selectman, sheriff, or his deputy, constable or police officer, shall forthwith exhibit it, and if he neglects or refuses so to do, shall be subject to the same penalty as if he had no license. A synopsis of sections one to twelve inclusive of this chapter shall be printed on every license.

SEC. 10. Whoever goes from town to town, or from place to place in the same town, carrying for sale or exposing for sale, any goods, wares or merchandise, contrary to the foregoing provisions, shall be punished by a fine not exceeding two hundred dollars for each offense.

SEC. 11. All licenses granted under the foregoing provisions shall bear date the day on which they are issued, and shall continue in force one year.

SEC. 12. Sheriffs and their deputies, constables and police officers shall arrest and prosecute every person within their jurisdiction whom they have reason to believe to be guilty of violation of any of the provisions of the preceding sections; and one-half of any fine recovered under section ten of this chapter shall inure to the prosecutor, the balance to the town or city in which the offense was committed.

ITINERANT VENDORS.

Itinerant
vendors not to
sell without
licenses.
1893, c. 259, § 1.

Penalty for
advertising
sale, before
proper
licenses shall
be issued.
1893, c. 259, § 2.

Vendors shall
take out state
and local
licenses.
1893, c. 259, § 3.

SEC. 13. Every itinerant vendor who shall sell or expose for sale, at public or private sale, any goods, wares and merchandise without state and local licenses therefor, issued as hereinafter provided, shall be punished for each offense by fine not exceeding fifty dollars or by imprisonment not exceeding sixty days, or by both such fine and imprisonment.

SEC. 14. All persons, both principals and agents, who shall by circular, handbill, newspaper, or in any other manner, advertise any such sales as those referred to in the section last preceding, before proper licenses shall be issued to the vendor, shall be punished by fine not exceeding fifty dollars or imprisonment not exceeding sixty days, or by both such fine and imprisonment.

SEC. 15. Every itinerant vendor, whether principal or agent, before commencing business, shall take out a state license and local licenses in the manner hereinafter set forth, but nothing herein contained shall affect

the right of any municipal officers to make such regulations relative to itinerant vendors as may be permissible under the general law or under (any municipal charter) charters.

SEC. 16. Every itinerant vendor desiring to do business in this state shall deposit with the secretary of state the sum of five hundred dollars as a special deposit, and after such deposit, upon application in proper form and the payment of a further sum of twenty-five dollars as a state license fee, the secretary of state shall issue to him an itinerant vendor's license, authorizing him to do business in the state in conformity with the provisions of this chapter for the term of one year from the date thereof. Every license shall set forth a copy of the application upon which it is granted. Such license shall not be transferable nor give authority to more than one person to sell goods as an itinerant vendor, either by agent or clerk or in any other way than in his own proper person, but any licensee may have the assistance of one or more persons in conducting his business, who may aid that principal but shall not act for or without him. No person shall be entitled to hold, or directly or indirectly receive the benefit of more than one state license at any one time, and any license obtained, held or used in violation of law is void.

SEC. 17. All applications for state licenses shall be sworn to, shall disclose the names and residences of the owners or parties in whose interests said business is conducted, and shall be kept on file by the secretary of state, and a record shall be kept by him of all licenses issued upon such applications. All files and records both of the secretary of state and of the several towns relative to such licenses, shall be in convenient form, and open for public inspection.

SEC. 18. Every itinerant vendor intending to sell goods in any town shall file his state license and an application for a local license with the collector of taxes for such town, and before selling, offering or exposing for sale any goods in such town shall pay to the collector for the use of such town, as a further local license fee for such sale in such town, a sum to be computed as provided in the next following section. A receipt for said local license fee when paid shall be indorsed by said collector on the back of such state license, which shall remain on file with such collector so long as such sale shall continue or such goods be kept, exposed or offered for sale in such town. Every application for a local license shall be signed by the holder of the accompanying state license and shall specify the kind and line of goods then in stock in such town, the name of the town from which said goods were last shipped, and the name of the town in which said goods were last exposed or offered for sale. Such local license fee shall be computed and collected in each town respectively, in which said goods shall be successively offered or exposed for sale.

SEC. 19. The collector of taxes for any town upon receiving an application in due form as provided in the last preceding section, accompanied by such applicant's state license shall forthwith give notice thereof to the assessors of said town. Said assessors, or a majority of them, shall as soon as practicable examine the stock of goods described in such application, and shall compute and certify to said collector the amount of said applicant's local license fee for such intended sale in said town which shall be a percentage on the full value of said stock of goods equal to the rate per cent of the last preceding taxation in said town. The payment of said local license fee to said collector shall authorize such applicant who has complied with all other requirements of law to sell within the limits of said town, such goods, wares and merchandise as are described in his application, and for that purpose to carry in stock in said town, goods only of the kind or line specified in his application, and not to exceed in amount at any one time the valuation on which his local license fee for such town was computed, and to continue in force so long as such licensee shall in good faith continuously keep, offer and expose for sale the same kind or line of goods specified in his application, except that such license and

—rights of municipal officers unaffected.

Vendors shall deposit \$500 with secretary of state, before procuring license. 1893, c. 259, § 4. 1895, c. 97, § 1.

—upon payment of \$25, license to be issued.

—shall not be transferable.

—licensee may have assistants.

Applications shall be sworn to, and shall disclose name and residence of owners. 1893, c. 259, § 5. 1895, c. 97, § 2.

Licenses shall be filed with collector, and local license fee paid. 1893, c. 259, § 6. 1895, c. 97, § 3.

—what application for local license shall specify.

Assessors shall have notice, examine stock and certify to collector, amount of local license fee. 1893, c. 259, § 7. 1895, c. 97, § 4.

—fee, how computed.

—license restricted to goods described in application. 90 Me., 253.

—vendor shall pay additional license fee, when stock is increased.

—penalty.

—supplemental license may be granted.

Penalty for neglect to file application for local license.
1893, c. 259, § 8.
1895, c. 97, § 5.

Town has lien on goods, for license fees.
1893, c. 259, § 9.
1895, c. 97, § 6.

—collector may maintain an action of debt, for fee.

—collector, police officers, and constables, charged with the duty of enforcement.

Vendor, before advertising bankrupt sale, etc., shall state to secretary of state all facts relating to and for such sale.
1893, c. 259, § 10.

Penalty for making false statement.
1893, c. 259, § 11.

When state licenses shall expire.
1893, c. 259, § 12.

Upon expiration or surrender of license, secretary of state shall cancel same.
1893, c. 259, § 13.

authority shall in any event terminate and expire on the first day of April next following the date of application. Any itinerant vendor, who after applying or paying for a local license shall increase his stock kept, offered or exposed for sale in the town for which such local license fee was paid above the valuation on which such local license fee was computed, without first making seasonable written application to the collector of such town for a supplemental license for such excess of stock shall be fined not less than twenty, nor more than fifty dollars, and for each day such excess of stock is kept, offered or exposed for sale without payment of local license fee therefor shall be fined not less than twenty, nor more than fifty dollars, and forfeit his state license. Supplemental licenses shall be applied for, and the fees therefor shall be computed, certified and collected in the manner provided for local license fees.

SEC. 20. Whoever as proprietor or clerk, having in his care, custody or keeping, any goods for the sale of which a local license is required, neglects or refuses to file the application for local license required by law, or whoever makes a false or fraudulent representation or statement in any application for a local license, shall be fined not less than twenty, nor more than fifty dollars for each day such goods are kept, offered or exposed for sale. The penalties provided herein are not to be construed as substitutes for payment of local license fees.

SEC. 21. Every town in which is kept, exposed or offered for sale an itinerant vendor's stock of goods has a lien on such goods for the amount due such town for local license fee on such stock, to be enforced by suit and attachment within ten days from the time such goods were first publicly offered or exposed for sale in such town. When any person liable therefor neglects or refuses to pay the local license fee provided in section nineteen, the tax collector of the town to which such license fee is due may maintain an action of debt by writ of attachment or trustee process therefor in the name of such town or in his own name, but for the benefit of such town. Tax collectors, police officers and constables shall prosecute for violations of the provisions hereof relating to itinerant vendors, in their respective towns, and shall report such violations promptly to the assessors for the purpose of computing and certifying such local license.

SEC. 22. No itinerant vendor shall advertise, represent or hold forth any sale as an insurance, bankrupt, insolvent, assignee's, trustee's, testator's, executor's, administrator's, receiver's, wholesale or manufacturers', or closing out sale or as a sale of any goods damaged by smoke, fire, water or otherwise, or in any similar form, unless he shall before so doing, state under oath to the secretary of state, either in the original application for a state license or in a supplementary application subsequently filed, and copy on the license all the facts relating to the reasons and character of such special sale so advertised or represented, including a statement of the names of the persons from whom the goods, wares and merchandise were obtained, the date of delivery to the person applying for the license, and the place from which said goods, wares and merchandise were last taken, and all details necessary to exactly locate and fully identify all goods, wares and merchandise to be so sold.

SEC. 23. Any false statement in an application, either original or supplementary, for a license, and any failure on the part of any licensee to comply with all the requirements of the last preceding section shall subject said itinerant vendor to the same penalty as if he had no license.

SEC. 24. All state licenses issued under section sixteen shall expire by limitation one year from the date thereof, and may be, if so desired, surrendered at any time prior thereto for cancellation.

SEC. 25. Upon the expiration and return or surrender of each state license, the secretary of state shall cancel the same, endorse the date of delivery and cancellation thereon, and place the same on file. He shall then hold the special deposit of each licensee hereinbefore mentioned for the period of sixty days, and after satisfying any and all claims made upon

the same under section twenty-six, shall return said deposit or such portion of the same, if any, as may remain in his hands, to the licensee depositing it.

—shall hold special deposit for 60 days.

SEC. 26. Each deposit made with the secretary of state shall be subject, so long as it remains in his hands, to attachment and execution in behalf of creditors whose claims arise in connection with business done in the state, and the secretary of state may be held to answer as trustee, under the trustee process, in any civil action in debt or case brought against any licensee, and the secretary of state shall pay over, under order of court, or upon execution, such sum of money as he may be chargeable with upon his answer or otherwise. Said deposit shall also be subject to the payment of any and all fines and penalties incurred by the licensee through violation of sections thirteen to twenty-three inclusive, and the clerk or recorder of the court in which, or the trial justice by whom, such fine or penalty is imposed shall thereupon notify the secretary of state of the name of the licensee, against whom such fine or penalty is adjudged and of the amount of such fine or penalty, and the secretary of state if he has in his hands a sufficient sum deposited by such licensee shall pay the sum so specified to said clerk, recorder or trial justice, and if the secretary of state shall not have a sufficient sum so deposited he shall make payment as aforesaid, of so much as he has in his hands. All claims upon deposit shall be satisfied after judgment, fine or penalty in the order in which notice of the claim is received by the secretary of state, until all such claims are satisfied or the deposit exhausted, but no notice filed after the expiration of the sixty days' limit aforesaid shall be valid. No deposits shall be paid over by the secretary of state to the licensees so long as there are any outstanding claims or notices of claims against them, respectively, unless he is satisfied that such claims will not be prosecuted to final judgment or that no fine or penalty will be imposed.

Deposits shall be subject to attachment and execution. 1893, c. 259, § 14.

—trustee process.

—to payment of fines and penalties incurred by licensee.

—all claims shall be satisfied in the order in which notice of claim is received by secretary of state. —deposits shall not be paid to licensees, so long as there are claims against them.

SEC. 27. The words "itinerant vendors" for the purposes of this chapter shall be construed to mean and include all persons, both principals and agents, who engage in a temporary or transient business in this state, either in one locality or in traveling from place to place selling goods, wares and merchandise, and who, for the purposes of carrying on such business, hire, lease or occupy any building or structure for the exhibition and sale of such goods, wares and merchandise, (or who sell goods, wares and merchandise, at retail from a car, steamer or vessel). No itinerant vendor shall be relieved or exempted from the provisions and requirements hereof by reason of associating himself temporarily with any local dealer, trader or merchant, or by conducting such temporary or transient business in connection with or as a part of the business of, or in the name of any local dealer, trader or merchant.

Construction of words, "itinerant vendors." 1893, c. 259, § 15. 1895, c. 97, § 7.

1897, c. 210.

—vendor shall not be exempt by associating himself with local trader.

SEC. 28. The provisions of the fifteen last preceding sections shall not apply to sales made to dealers by commercial travelers or selling agents in the usual course of business, nor to bona fide sales of goods, wares and merchandise by sample for future delivery, nor to hawkers on the streets or peddlers from vehicles, *but shall apply to retail sales of goods, wares and merchandise made from a car, steamer or vessel.*

Persons exempt. 1893, c. 259, § 16. 1897, c. 210.

SEC. 29. Municipal and police courts and trial justices shall have jurisdiction concurrent with the supreme judicial and superior courts of all complaints and prosecutions under this chapter.

Courts having jurisdiction of prosecutions. 1893, c. 259, § 9. 1895, c. 97, § 6. 1901, c. 277, § 13.

Note. The commissioner is of the opinion that P. L. 1885 c. 387 entitled "An act for the Protection of Legitimate Trade" has been superseded by P. L. 1893 c. 259, and amendments thereto; the former statute has accordingly been omitted in this report.

CHAPTER 45.

INTEREST.

Legal rate.
R.S., c. 45, § 1.

Rate of in-
terest on
loans made
on personal
property,
limited.
1899, c. 67, § 1.

—loans made
in violation,
shall bear
interest only
at legal rate.

Mortgages
shall be dis-
charged and
pledge re-
stored, upon
payment of
amount due.
1899, c. 67, § 2.

Mortgage on
household
furniture not
valid, unless
it states
amount of
loan, etc.
1899, c. 67, § 3.

Penalty for
refusing to
discharge
mortgage or
restore
pledge.
1899, c. 67, § 4.

Application
of §§ 2-5
limited.
1899, c. 67, § 5.

SEC. 1. In the absence of an agreement in writing, the legal rate of interest is six per cent a year. (a)

SEC. 2. All loans contracted after March eleven, eighteen hundred and ninety-nine, for less than two hundred dollars, *that are* secured by mortgage or pledge of personal property, shall be dischargeable by the debtor upon payment or tender of the principal sum actually borrowed, and interest at the rate specified therein, which shall not exceed three per cent a month for a period not exceeding three months, and thereafter not exceeding the rate of fifteen per cent a year, no renewal thereof to bear a greater rate than fifteen per cent a year; a sum not exceeding three dollars for the actual expenses of making the loan and in securing the same may be charged and collected. And all loans made in violation hereof shall bear interest at the legal rate of interest only; *provided that nothing in this and the three following sections shall be construed to affect or to repeal section three of chapter thirty-five of the revised statutes, or section one of this chapter.*

[The clause in italics is substantially repeated in sec. 6.]

SEC. 3. When a loan for less than two hundred dollars is secured by mortgage or pledge of personal property the creditor shall discharge such mortgage and restore such pledge upon payment or tender to him of the amount due him under the preceding section, and such payment or tender may be made by the debtor or by any person having an interest in the property pledged or mortgaged.

SEC. 4. No mortgage of household furniture made to secure a loan under the provisions of section two shall be valid unless it states with substantial accuracy the amount of the loan, the time for which the loan is made, the rate of interest to be paid and the actual expense of making and securing the loan.

SEC. 5. Whoever refuses or neglects after a request, to discharge a mortgage or to restore the property held as a pledge as provided in section three, shall be liable in an action of tort by the debtor or by any person having an interest in the property pledged or mortgaged for all damages resulting to him for any violation of said section three.

SEC. 6. The four preceding sections shall not be construed to apply to licensed pawnbrokers nor to *repeal or* affect section thirty-one of chapter forty-seven in relation to banking or section one of this chapter.

(a) 66 Me., 219, 283; 68 Me., 526; 73 Me., 471.