

# MAINE STATE LEGISLATURE

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THE  
**REVISED STATUTES**

OF THE  
STATE OF MAINE,

PASSED OCTOBER 22, 1840;

TO WHICH ARE PREFIXED

**THE CONSTITUTIONS**

OF THE

*United States and of the State of Maine,*

AND TO WHICH ARE SUBJOINED THE OTHER

PUBLIC LAWS OF 1840 AND 1841,

WITH AN

**APPENDIX.**

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PRINTED AND PUBLISHED IN COMPLIANCE WITH A RESOLVE OF OCTOBER 22, 1840.

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**Augusta:**

PUBLISHED BY WILLIAM R. SMITH & Co., PRINTERS TO THE STATE.

.....  
1841.

**CHAP. 53.** ages shall be recovered against the inspector for taking and detaining the same, till after such affidavit shall be offered to the detaining officer.

Effect of inspection, had in another state. 1824, 276, § 1

**SECT. 14.** All butter and lard, which may have been inspected in any other of the United States may be exported from any port in this state, to any foreign port, without being subject to inspection in this state, any thing contained in this chapter notwithstanding.

Penalty for unlawful exportation. 1821, 149, § 6.

**SECT. 15.** If any person; or master of any vessel, shall export, or ship for exportation, any butter or lard, contrary to the provisions of this chapter, he shall forfeit and pay five dollars, for every cask exported, or thus shipped.

Seizures by warrant, on board of vessel. 1821, 149, § 6.

**SECT. 16.** Any justice of the peace may seize any butter or lard on board a vessel, as aforesaid, for exportation, contrary to the provisions of this chapter, by his warrant to an officer, and secure the same for trial, as forfeited, according to law; and every person, required to aid such officer in executing the warrant, and refusing his aid, shall forfeit five dollars.

Penalty for delay, by inspector. 1821, 149, § 7, 8.

**SECT. 17.** If any inspector shall unreasonably refuse or delay, for the space of three hours, to inspect any butter or lard, or to brand it, when requested, he shall forfeit and pay the sum of five dollars, for each and every offence.

For counterfeiting brand. 1821, 149, § 9.

**SECT. 18.** If any person shall counterfeit, or fraudulently use, any brand belonging to, or proper to be used by, any inspector, he shall forfeit and pay ten dollars for each offence.

For shifting contents of marked casks. 1821, 149, § 10.

**SECT. 19.** If any person shall empty any cask, keg or firkin of butter or lard, inspected and branded according to this chapter; and put into it any other butter or lard, for exportation, without cutting out the said brands or marks, he shall forfeit ten dollars, for each such cask, keg or firkin.

Appropriation of penalties. 1821, 149, § 11.

**SECT. 20.** All fines, herein mentioned, may be recovered, with costs, by any person, who may sue for the same.

Annual returns. 1821, 149, § 12.

**SECT. 21.** The inspector, annually, in the month of January, shall make a return of the number of the casks of different qualities of the above articles, branded by him and his deputies, and the weight of the respective kinds, to the office of the secretary of state: The above returns to be made up to the first day of May, annually: and his deputies shall make their returns to the inspector, at such previous time as he may require.

## CHAPTER 54.

### OF THE INSPECTION OF FISH.

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| <p><b>SECT. 1.</b> Inspectors of fish, to be appointed by the governor.</p> <p>2. To be sworn and give bonds.</p> <p>3. Selectmen to examine bonds yearly.</p> <p>4. Remedy on the bond, to parties aggrieved.</p> | <p><b>SECT. 5.</b> Of inspection in towns, where no inspector dwells.</p> <p>6. What pickled fish are merchantable, and how to be packed.</p> <p>7. Contents of casks, and proportions of salt.</p> |
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- SECT. 8. Of the different qualities, and modes of branding.
9. How smoked herrings shall be assorted.
10. And branded accordingly.
11. Of magdalen herrings.
12. Owner to furnish his own brand.
13. Each kind packed separately.
14. Requisites of casks, for pickled fish.
15. Boxes, for alewives and herrings.
16. Of scaled herrings, packed.
17. Alewives and herrings, when merchantable.
18. Of small fish usually packed whole, in dry salt.
19. Forfeiture for selling, or exporting, fish uninspected, &c.
- SECT. 20. On shipping, master or owner to furnish the collector with the inspector's certificate.
21. Master's or owner's affidavit.
22. Penalty for receiving fish, uninspected, &c. with intent to export.
23. The same liable to seizure. Process.
24. Subsequent inspection.
25. Forfeiture, for shifting contents of casks, &c.
26. For fraudulently branding.
27. Annual returns.
28. Forfeiture, for neglect thereof.
29. Recovery of penalties.
30. Fees, how paid.
31. Inspectors, continued in office.

SECTION 1. The governor with advice of the council, shall, from time to time, as occasion may require, appoint, in each town and plantation, where pickled fish or smoked alewives and herrings are cured, or packed for exportation, one or more persons, skilled in the quality of the same, to be inspectors of such fish; who shall hold their offices, during the pleasure of the governor and council, not exceeding four years, unless re-appointed.

Inspectors of fish, to be appointed by the governor.  
1821, 150, § 1.

SECT. 2. Every such inspector, before entering upon the duties of his office, shall be duly sworn; and shall give bond with sufficient sureties to the treasurer of the town or plantation, for which he is appointed, to the satisfaction of the selectmen of the town, or assessors of the plantation, in the penal sum of not less than five hundred, nor more than one thousand dollars, for the faithful performance of his official duties.

To be sworn and give bonds.  
1821, 150, § 1.

SECT. 3. Such selectmen or assessors, as the case may be, shall, at least once a year, examine the bonds given by the said inspectors; and if the bond of any inspector be not, in their opinion, sufficient, they shall forthwith notify him of the same; and if he shall, for thirty days after such notice, neglect to give a bond satisfactory to them, they shall give information of such neglect to the governor, whose duty it shall be, thereupon, to remove such inspector from office.

Selectmen to examine bonds yearly.  
1821, 150, § 1.

SECT. 4. Any person, injured by the neglect or misdoings of any inspector, on tendering, to such treasurer, a reasonable indemnity against the costs, shall be entitled to bring an action on such inspector's bond, in the name of the treasurer, for his own use, and to have a copy of the bond therefor; and, if judgment shall be rendered thereon for the plaintiff, execution shall issue for such sum, in damages, as shall be 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.

Remedy on the bond, to parties aggrieved.  
1821, 150, § 1.

SECT. 5. If, at any time, it be necessary, that fish should be inspected in any town or plantation, where no inspector resides, any such officer, in the county, may inspect and brand the same, in the same manner, and under the same obligations, as if in his own town,

Of inspection in towns, where no inspector dwells.  
1822, 201, § 1.

## CHAP. 54.

What pickled fish are merchantable, and how to be packed.

1834, 114, § 1.  
1839, 364, § 1.

Contents of casks, and proportions of salt.

1834, 114, § 1.  
1839, 364, § 1.

Of the different qualities, and modes of branding.

1821, 150, § 14.  
1834, 114, § 1.  
1839, 364, § 1.

How smoked herrings shall be assorted.

1834, 114, § 2.

And branded accordingly.

1834, 114, § 2.

Of magdalen herrings.

1834, 114, § 2.

Owner to furnish his own brand.

1834, 114, § 1.

Each kind packed separately.

1834, 114, § 1.

Requisites of casks for pickled fish.

1821, 150, § 2.

SECT. 6. Every inspector, who shall inspect any kind of fish, pickled for barreling, shall see that they are, in the first instance, well struck with salt or pickle, and preserved sweet, free from rust, taint or damage; and such of said fish, as are of good quality and in good order, shall be packed in tierces, barrels, half barrels, quarter barrels, and tenths of barrels, or kids.

SECT. 7. Each tierce shall contain three hundred pounds; each barrel, two hundred pounds; each half barrel, one hundred pounds; each quarter barrel, fifty pounds; and each tenth or kid, twenty pounds: and the same shall be packed, with clean and good coarse salt, at the rate of thirty five pounds for every two hundred pounds of fish: each cask, thus packed and headed up, shall then be filled up with clear strong pickle.

SECT. 8. Each cask, thus prepared, and the contents free from taint, rust or damage, shall be branded by the inspector, with the name of the kind of fish, contained in it; and those of the best quality, and caught in the right season, with the mark, *No. 1*; the best, and thickest, of those that remain, shall be marked, *No. 2*; and the residue, *No. 3*: none being allowed, under either mark, except such, as are sweet and wholesome. The inspector shall also brand, in plain letters, on the head of every such cask of packed fish, the weight; the initials of his christian name, and his surname at large; the name of the town, for which he is appointed; the letters *ME.*; the name of the owner; and an abridgment of the month, when packed, and the year in figures.

SECT. 9. All smoked herrings shall be sorted by the inspector, and denominated according to their quality, as follows, viz: *No. 1* shall consist of all the largest and best cured fish, of not less than eight inches in length; *No. 2* of the smaller, but well cured fish, not less than seven inches long: and in both cases all those shall be taken out as refuse, which are belly broken, tainted, scorched or burnt, slack salted, or not sufficiently smoked.

SECT. 10. Every box of herrings, so inspected, shall be branded on the top, by the inspector, with the initials of his christian name, his surname by length, the name of the owner and of the town for which the inspector was appointed, with the letters *ME.*; and also with the quality of *No. 1* or *No. 2*.

SECT. 11. If the herring, so inspected, shall be of the species, commonly called magdalen herring, the inspector shall brand the box with that name or an abridgment thereof, so that the species may be distinguished.

SECT. 12. The owner of all smoked and pickled fish, when so required by the inspector, shall furnish a brand, containing the initials of his christian name, and the whole of his surname, for the purpose of being stamped upon the casks and boxes, containing such fish.

SECT. 13. Each cask or box shall be filled with fish, of one and the same kind.

SECT. 14. All tierces, barrels, or smaller casks, made or used for the purpose of packing, or containing pickled fish, shall be made of sound, well seasoned, white oak, white ash, spruce, pine or chestnut staves of rift timber, with headings of either of such kinds of

wood, sound and well planed and seasoned, and the heads, if of pine, free from sap: the same to be well hooped with at least three strong hoops, on each bilge, and three also, on each chime; the barrel staves to be twenty eight inches, in length, and the heads to be seventeen inches, between the chimes, and made in a workmanlike manner, to hold pickle; and branded on the side, near the bung, with the name of the maker or owner thereof. The tierces shall contain not less than forty five, nor more than forty six gallons, each; the barrels, from twenty nine to thirty gallons each; and the aliquot parts of a barrel to be in the same proportion.

SECT. 15. All boxes; for packing smoked alewives and herrings, shall be made of good sound boards, sawed and well seasoned, the top, bottom and sides, of not less than half inch boards, and the ends of not less than three quarters of inch boards; securely nailed with not less than eight six penny nails, and sixteen four penny nails, to each box; and the top to be planed; and they shall be seventeen inches, in length, eleven inches, in breadth, and six inches, in depth, in the clear, excepting as provided in the following section.

Boxes for alewives or herrings.  
1821, 150, § 3.

SECT. 16. On request of any such owner, any such inspector may inspect herrings, scaled, and cured in a superior manner, and packed in boxes eighteen inches long, nine inches wide, and seven inches deep in the clear; which boxes shall be made and branded on the cover, in the same manner, as other boxes for herrings are now made and branded; excepting that instead of *No. 1* and *No. 2*, the word *scaled* shall be branded thereon: and the inspection and exportation of said herrings shall be subject to the same laws and regulations, as are prescribed for other herrings.

Of scaled herrings, packed.  
1831, 433, § 1.

SECT. 17. Alewives or herrings, marked and packed, shall not be considered merchantable, unless salted and smoked sufficiently to cure and preserve the same, and afterwards closely packed in boxes, in clear and dry weather.

Alewives and herrings, when merchantable.  
1821, 150, § 3.

SECT. 18. All small fish usually packed whole, with dry salt, shall be put in good casks of the size and materials, mentioned in the sixth and seventh sections, packed closely therein and well salted; the casks to be filled full, with the fish and the salt; putting no more salt with the fish, than is necessary for their preservation: and the inspector shall brand all such casks, with the name and quality of the inspected fish, as described in the eighth section.

Of small fish usually packed, whole, in dry salt.  
1821, 150, § 6.

SECT. 19. If any person shall sell, in this state, or export therefrom, any fish in casks or boxes, not inspected, packed and branded, agreeably to the provisions of this chapter; or any tainted or damaged fish, knowing them to be such, he shall forfeit ten dollars for every hundred weight, thus sold or exported; provided, that none of the penalties, declared by this chapter, shall be incurred on account of any good and wholesome fish, packed in kegs of less than ten gallons; nor of any pickled, dry or smoked fish, imported into this state, from any other state or country, having been there duly inspected and branded, agreeably to the laws of such place.

Forfeiture for selling, or exporting, fish un-inspected, &c.  
1821, 150, § 10, 12.  
1834, 114, § 1.  
1839, 364, § 2.

SECT. 20. No pickled fish, in casks, and no smoked alewives or herrings, in boxes, shall be shipped from this state, unless the master or owner of the vessel shall produce to the officer, author-

On shipping, master, or owner, to furnish the collector

**CHAP. 54.** ized to clear out the same, a certificate from the inspector; that the same have been inspected, packed and branded, according to the directions of this chapter; and the certificate shall express the number of tierces, or smaller casks, and the number of boxes, thus shipped, the kind and quality of fish they contain, with the name of the master and owner, and the name of the vessel, into which such fish are received for exportation.

with the inspector's certificate. 1821, 150, § 8.

Master's or owner's affidavit. 1821, 150, § 8.

**SECT. 21.** Every such master or owner shall take and subscribe the following oath, before the officer authorized as aforesaid:

"I, A. B., do swear, according to the best of my knowledge and belief, that the certificate, hereunto annexed, contains the whole quantity of pickled fish, packed in barrels or other casks, and of smoked alewives and herrings, on board the —, — master; and that no pickled fish, nor smoked alewives, nor herrings are shipped on board said vessel, for the ship's company, nor on freight nor cargo, but what are inspected and branded, according to the laws of this state, or exempted by the provisions thereof. So help me God."

Penalty for putting on board or receiving fish, uninspected, &c. with intent to export. 1821, 150, § 11. 1833, 57. 1834, 100.

**SECT. 22.** If any master of a vessel or other person, shall put, or receive, on board of any vessel or carriage of conveyance, in order to transport the same from this state, any pickled fish, or cured or salted whole fish, packed or not packed, which shall not have been inspected and branded, agreeably to the provisions of this chapter, excepting smoked alewives or herrings, not packed, and other fish described in the proviso of section nineteen, he shall forfeit at the rate of not less than five dollars, nor more than ten dollars, for each and every hundred pounds of such uninspected fish.

The same liable to seizure. Process. 1821, 150, § 9.

**SECT. 23.** When any such prohibited fish shall be on board of any such vessel or carriage, as described in the preceding section, any justice of the peace in the county, where such vessel or carriage may be, may issue his warrant to the proper officer, and authorize him to seize and secure said fish and convey the same to any inspector of fish, residing within a convenient distance, for inspection; and every person required by such officer to give necessary aid in the service of such warrant, who shall neglect or refuse so to do, shall forfeit, for such neglect or refusal, five dollars to the use of the person prosecuting, to be recovered in an action of debt.

Subsequent inspection. 1821, 150, § 9.

**SECT. 24.** Such inspector shall thereupon open, inspect, pack and brand such fish, in the manner prescribed in this chapter; and may detain the same, till all lawful and reasonable charges of seizure, inspection and packing shall be paid.

Forfeiture for shifting contents of casks, &c. 1821, 150, § 12. 1834, 114, § 1.

**SECT. 25.** If any person shall take from any cask or box any pickled, cured or smoked fish, inspected and branded, as provided in this chapter, and substitute other fish therefor; or intermix other fish with a fraudulent intent, he shall forfeit fifteen dollars for each box or cask, wherein the fish are so changed or intermixed.

For fraudulently branding. 1821, 150, § 13.

**SECT. 26.** If any inspector shall brand any cask, the contents of which he has not inspected, packed, salted and coopered, or any boxes of smoked alewives or herrings, which he shall not have inspected, packed and nailed, according to the requirements of this chapter, or if he shall permit other persons to use his brands in evasion thereof, he shall forfeit for every cask or box, so branded, twenty dollars.

SECT. 27. The several inspectors of pickled and smoked fish in this state shall, on or before the first Wednesday of January, annually, make a return, under oath, into the office of the secretary of state, of all fish by them inspected for the year preceding; designating, therein, the number of boxes, or barrels or other casks, and also the various sorts, together with the place of inspection.

CHAP. 54.  
Annual returns.  
1833, 75.  
1839, 364, § 3.

SECT. 28. Any such inspector, who shall neglect to make his return, as aforesaid, shall forfeit a sum, not less than thirty, nor more than one hundred dollars, for every offence, to be recovered in an action of debt; one half to the state, and the other half to the person who may sue for the same.

Forfeiture for neglect thereof.  
1833, 75.

SECT. 29. All penalties and forfeitures, accruing by virtue of this chapter, not otherwise herein appropriated, shall be recovered in an action of debt; one half to the use of the person, who shall sue therefor, and the other half to the use of the town or plantation, where the offence shall have been committed.

Recovery of penalties.  
1821, 150, § 15.

SECT. 30. The inspector's fees shall, in the first instance, be paid by the owner of the fish; but such owner shall be entitled to recover the amount thereof, from the party purchasing or receiving the same, under the marks and brands aforesaid, in addition to the price thereof.

Fees, how paid.  
1821, 150, § 16.

SECT. 31. All inspectors now in office shall remain therein, under the tenure of their respective appointments, notwithstanding any thing in this chapter expressed.

Inspectors continued in office.

## CHAPTER 55.

### OF MANUFACTURE OF NAILS.

- SECT. 1. Inspector, to continue in office.
2. Vacancy to be filled by the governor.
3. Inspector's bond and oath.
4. Deputies.
5. Duties.
6. Rules for marking nail casks.
7. Certificate.
8. Wrought nails, how sold.
9. Description of the casks.
10. No nails to be exported, uninspected.
11. Penalty for violation.

- SECT. 12. Penalty for inspector's delay.
13. Penalty for counterfeiting brands.
14. How cut nails and brads shall be packed.
15. Penalty for uninspected nails or brads, offered for sale or shipped.
16. For counterfeiting brands.
17. For illegally receiving for exportation.
18. Appropriation of penalties.
19. Deputies' returns to the inspector.
20. Annual returns of the inspector.

SECTION 1. The inspector of nails, now in office, shall continue therein, according to the tenor of his appointment.

Inspector to continue in office.

SECT. 2. When a vacancy in the office shall occur, the governor with advice of the council, shall appoint a suitable person to supply the vacancy.

1821, 157, § 1.  
Vacancy to be filled by the governor.

SECT. 3. Every inspector, so appointed, shall give bond to the state, with sufficient sureties, in such sum as the governor and council direct, for the faithful discharge of the duties of his office; and he shall also, before entering on such duties, be duly sworn.

1821, 157, § 1.  
Inspector's bond and oath.  
1821, 157, § 2.