

# 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.

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1841.

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.

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| SECT. 1. Inspector, to continue in office. | SECT. 12. Penalty for inspector's delay.                                 |
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| 5. Duties.                                 | 16. For counterfeiting brands.   |
| 6. Rules for marking nail casks.           | 17. For illegally receiving for exportation.                             |
| 7. Certificate.                            | 18. Appropriation of penalties.  |
| 8. Wrought nails, how sold.                | 19. Deputies' returns to the inspector.                                  |
| 9. Description of the casks.               | 20. Annual returns of the inspector.                                     |
| 10. No nails to be exported, uninspected.  |  |
| 11. Penalty for violation.                 |  |

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.

## CHAP. 55.

Deputies.  
1821, 157, § 2.

SECT. 4. He may appoint one or more deputies in any town, where they may be necessary, and each deputy, so appointed, shall give bond to the state; and be duly sworn, in the same manner as the inspector.

Duties.  
1821, 157, § 1.

SECT. 5. It shall be the duty of the inspector and each of his deputies, to examine every cask of wrought nails, which he shall be requested to inspect, by opening the same, turning out the nails contained therein, weighing them, and ascertaining the number of them, necessary to make a pound, their quality, both as to the iron and workmanship; and [he] shall mark or brand, on the head of such cask, the number thereof, the whole weight of the cask and nails, the weight of the cask only, or the tare; the number of nails necessary to make a pound, and also the quality thereof, viz: *first sort, second sort, and third sort, or refuse*; and shall then stamp his name at large and the title of his office.

Rules for marking nail casks.  
1821, 157, § 3.

SECT. 6. He shall not be obliged to mark or brand the head of any cask containing nails, thirty five of which shall weigh more than one pound, with the exact number of nails, to a pound; but, beginning at thirty five, he shall observe five as the progressive number, in the number of nails, necessary to weigh a pound, in any cask, which he shall inspect; always choosing and marking such progressive number, to which the number of nails, in a pound, nearest approaches.

Certificate.  
1821, 157, § 4.

SECT. 7. Each inspector shall give a certificate, expressing the number of the cask, the whole weight, weight of tare, and number of nails in a pound, with the quality of the nails.

Wrought nails, how sold.  
1821, 157, § 4.

SECT. 8. 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. All nail casks shall be made of sound timber.

Description of the casks.  
1821, 157, § 5.

SECT. 9. The inspector shall see, that all casks be well made, 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 he shall supply, at the expense of the person applying for inspection.

No nails to be exported, uninspected.  
1821, 157, § 6.

SECT. 10. No person shall export from this state by land, or water, any cask or package, or quantity of nails, not inspected and branded, as aforesaid, on pain of forfeiting the value thereof; and any master of a vessel, who shall receive such, on board for exportation, shall be liable to the like penalty.

Penalty for violation.  
1821, 157, § 7.

SECT. 11. Any package or cask of wrought nails, made in this, or any other of the United States, which shall be brought into this state for sale, and put on board any vessel, or carriage, for conveyance from this state, or offered for sale, without first being inspected and branded, as before mentioned, shall be forfeited, and may be seized, libeled and condemned, as the law in such cases prescribes.

Penalty for inspector's delay.  
1821, 157, § 8.

SECT. 12. If any inspector, on request, shall unnecessarily or unreasonably delay to make inspection of any casks of nails, he shall forfeit for each offence, the sum of four dollars.

Penalty for counterfeiting brands.  
1821, 157, § 9.

SECT. 13. If any person shall counterfeit any inspector's brand, or, with such brand, mark any cask of nails, or put into any cask,

duly branded, nails, which have not been duly inspected, with intent to export them, as aforesaid, he shall forfeit twenty dollars for each cask. CHAP. 55.

SECT. 14. Cut nails and brads shall be packed in strong and seasoned casks, 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, who shall also be owner of such nails, shall brand the initial of his christian name, and his surname at large, on the side of the cask; also the town where the manufacturer resides, and the true weight of the tare of said cask, under the name of the town. How cut nails and brads shall be packed. 1821, 157, § 10.

SECT. 15. If any cask, package or quantity of cut nails or brads, not inspected, as required, and branded, shall be offered for sale, or put on board any vessel or carriage, to be transported from the state, it shall be forfeited, and may be seized and disposed of, in the manner mentioned in the eleventh section; and the owner shall forfeit and pay one dollar for each pound of tare, more than is marked on the cask, and for every pound of scraps or waste, mixed with the nails or brads. Penalty for un-inspected nails, or brads, offered for sale, or shipped. 1821, 157, § 11.

SECT. 16. If any person shall counterfeit any brand, used for marking, or destroy marks made by another person's brand, on any cask of cut nails or brads, and make a new mark by such counterfeit brand, or shift any cut nails or brads from one branded cask to another, he shall forfeit twenty dollars. For counterfeiting brands. 1821, 157, § 12.

SECT. 17. If any master or owner of any vessel, or other person, shall receive on board such vessel or carriage, any quantity of cut nails or brads intended for transportation from the state, not being legally branded and marked, he shall forfeit a sum equal to their value. For illegally receiving for exportation. 1821, 157, § 13.

SECT. 18. All penalties mentioned in this chapter, when recovered, shall belong, one half to the town, where the offence was committed, and the other half to him who shall sue, and recover the same. Appropriation of penalties. 1821, 157, § 14.

SECT. 19. Every deputy inspector shall, once in three months, and oftener if required, make returns to the inspector, of the number of casks of nails, by him inspected, with the quantity of nails of each kind. Deputies' returns to the inspector. 1821, 157, § 14.

SECT. 20. The inspector shall annually, on or before the first day of January, and oftener if required, make return, to the secretary of state, of the number of casks, and weight of wrought and cut nails, specifying the different quantities of each; by him and his deputies inspected, during the preceding year. Annual returns of the inspector. 1821, 157, § 14.