

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.

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

Augusta:

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

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1841.

CHAP. 59.

Forfeiture for exporting or selling damaged clams. 1839, 379, § 2.
Seizure of clams, fraudulently shipped. 1839, 379, § 3.

SECT. 3. If any person shall sell or export, within or from this state, any tainted or damaged clams, he shall forfeit and pay for each barrel, so sold, five dollars, and for each half barrel, two dollars and fifty cents.

SECT. 4. If shelled clams, packed in barrels or half barrels, shall be put on board any vessel or carriage, with intent to sell or export the same, unless they have been inspected and branded, according to the provisions of this chapter, such clams may be seized, by virtue of a warrant issued by a justice of the peace to any proper officer, on complaint made to him by any person; and the officer shall carry the same to the inspector nearest to the place of seizure, who shall be authorized to open, inspect, repack and brand, as aforesaid, and detain the same till all expenses of seizure, inspection and other charges shall be paid.

Forfeiture for inspector's misconduct. 1839, 379, § 4.

SECT. 5. If any inspector shall brand any cask, the contents of which he has not inspected, packed, salted and coopered, according to the provisions of this chapter, or shall permit any other person to use his brand, contrary to the provisions of this chapter, he shall forfeit and pay, for each cask so branded, five dollars.

Penalties, how appropriated. 1839, 379, § 5.

SECT. 6. All the foregoing penalties, when recovered, shall be to the use of the town, where the offence was committed, and to the person who shall sue for the same, in equal proportions.

CHAPTER 60.

OF FIRE WOOD, BARK AND COAL.

- SECT. 1. Dimensions of a cord of wood.
- 2. Penalty for selling before survey.
- 3. How wood shall be corded, when brought by water.
- 4. Penalty for removing from wharf, &c. before measured.
- 5. Ticket of the admeasurement and name of driver, to be exhibited on demand of any sworn measurer.
- 6. Not applicable to a person transporting fire wood, purchased for himself.

- SECT. 7. Forfeiture for fraudulent stowage.
- 8. How charcoal may be sold and measured.
- 9. Size of coal baskets. To be sealed.
- 10. Penalty for using other baskets.
- 11. Seizure of such baskets.
- 12. Measurer to give a ticket, under penalty.
- 13. Penalties, how appropriated.
- 14. How recovered.

Dimensions of a cord of wood. 1821, 160, § 1. 14 Maine, 404.

SECTION 1. All cord wood, exposed to sale, shall be four feet long, including half the scarf; and, being well and closely laid together, a cord of wood or bark shall measure eight feet in length, four feet in width, and four feet in height.

Penalty for selling before survey. 1821, 160, § 3.

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

CHAP. 60.

SECT. 3. All cord wood, brought by water into any town for sale, shall be corded on the wharf or land, on which it shall be landed, in ranges, making up in height, what shall be wanting in length; at which time it shall be so measured, and a ticket given to the purchaser, who shall pay the stated fees.

How wood shall be corded, when brought by water. 1821, 160, § 4.

SECT. 4. If any wharfinger, or carter, shall carry away any fire wood from a wharf, or landing place, before the same shall have been so measured, he shall forfeit and pay one dollar for every load, so carried away.

Penalty for removing from wharf, &c. before measured. 1821, 160, § 5.

SECT. 5. Every wharfinger, carter or driver, who shall carry any fire wood from a wharf or landing, shall be furnished by the owner, or seller of it, with a ticket, stating the quantity, and name of the driver; and if any firewood shall be carried away without such ticket, or if any driver shall refuse to produce and show such ticket, on demand, to any sworn measurer, or give his consent to have the same measured, if the ticket shall certify a greater quantity of wood than the load contains; in the opinion of the measurer, such wood shall be forfeited and seized, and may be libeled by said measurer, and disposed of in the manner the law directs.

Ticket of the admeasurement and name of driver, to be exhibited on demand of any sworn measurer. 1821, 160, § 6.

SECT. 6. Nothing in the preceding section shall be construed to extend to any person, transporting or causing to be transported, from any wharf or landing to his dwelling or other building, any cord wood, which he may have purchased on such wharf or landing, or have landed thereon, upon his own account.

Not applicable to a person transporting firewood, purchased for himself. 1821, 160, § 6.

SECT. 7. When any wood, bark or charcoal, may be sold by the cord, foot or load, which may be stowed or loaded in such a manner as to prevent the surveyors from examining the middle of the load, and it shall appear on delivery, that the wood, bark or coal, has been stowed, with a fraudulent intent of obtaining payment for a greater quantity, than there was, in fact, in said load, the person so selling such load or quantity of either of said kinds, or the owner thereof, shall pay a fine of ten dollars for the use of the county, with costs of prosecution.

Forfeiture for fraudulent stowage. 1825, 293, § 1.

SECT. 8. Any charcoal, brought into any town for sale, may be measured and sold by the cord or foot, estimating the cord at ninety six bushels, whenever the purchaser and seller may agree to the same; and the measurers before named shall be measurers of charcoal also.

How charcoal may be sold and measured. 1825, 293, § 2.

SECT. 9. All baskets for measuring charcoal, brought into any town for sale, shall be sealed by the sealer of the town, where the person using the same usually resides, and shall contain two bushels, and be of the following dimensions, viz: nineteen inches in breadth, in every part thereof, 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.

Size of coal baskets. To be sealed. 1821, 160, § 7.

SECT. 10. Every person, who shall measure charcoal, for sale, in any basket of less dimensions, or not sealed, shall forfeit and pay for each offence, five dollars.

Penalty for using other baskets. 1821, 160, § 7.

SECT. 11. The selectmen and assessors, before named, may appoint some suitable person, to seize and secure all the baskets used for measuring coal, not according to the provisions of this chapter.

Seizure of such baskets. 1821, 160, § 8.

CHAP. 60.

Measurer to give a ticket, under penalty. 1836, 239.

Penalties, how appropriated. 1821, 160, § 3, 5, 6.

How recovered. 1821, 160, § 9.

SECT. 12. If any measurer of wood, bark or charcoal, shall neglect or refuse to give a certificate of the contents of any load, to the owner or purchaser, he shall forfeit and pay for each offence five dollars.

SECT. 13. The penalties mentioned in this chapter shall accrue, one half to the town where the offence was committed, and one half to the prosecutor.

SECT. 14. Any pecuniary forfeiture mentioned in this chapter, may be recovered by action, or by complaint or indictment.

CHAPTER 61.

OF FISHERIES.

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| <p>SECT. 1. Persons from without the state, not to take fish with nets, &c.</p> <p>2. No nets to be placed, crosswise of any river, &c.</p> <p>3. Forfeitures therefor.</p> <p>4, 5, 6. Penalty for destroying shell fish, unless under certain circumstances.</p> <p>7. Of lobsters.</p> <p>8. Vessels liable to seizure for breach of certain provisions.</p> <p>9. Local and special laws, not affected by this chapter.</p> <p>10. Jurisdiction of the county commissioners relative to fishways.</p> | <p>SECT. 11. If owners neglect to open such ways, the commissioners to do so, at expense of owners.</p> <p>12. Remedy by the county to recover such expense.</p> <p>13. Commissioners to define limits in writing, and enter on the town records.</p> <p>14. Penalty for taking certain fish within such limits, from May 1, to July 15.</p> <p>15. All weirs to be stripped by the 15th July. Penalty for neglect.</p> <p>16. Appeal from decision of the commissioners</p> <p>17. Joint jurisdiction of commissioners in Hancock and Penobscot.</p> |
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Persons from without the state, not to take fish with nets, &c. 1821, 178, § 6.

No nets to be placed crosswise of any river, &c. 1821, 178, § 4. 4 Pick. 165.

Forfeitures therefor. 1821, 178, § 8. 1823, 241, § 2.

Penalty for destroying shell fish, unless under certain circumstances. 1821, 197, § 2, 3.

SECTION 1. No person, living without this state, shall set or place any net, weir, seine or other machine in any of the rivers, streams, creeks, harbors, inlets or coves, in this state, for the purpose of taking salmon, shad, herrings or alewives.

SECT. 2. No person shall set or place any net crosswise of any river, stream, creek, harbor, inlet or cove, for the purpose of taking any of the said fish; but all such nets shall be set lengthwise of such waters.

SECT. 3. Whoever shall violate the provisions of either of the preceding sections, shall forfeit for each offence, a fine not exceeding fifty dollars, to the use of any person, who may sue therefor; and every net or other machine, set or placed, as prohibited in the said sections, shall also be forfeited to whomsoever may prosecute for the same, as forfeited goods, as provided in the one hundred and thirty second chapter.

SECT. 4. If any person shall take, or otherwise wilfully destroy, any oysters or other shell fish, or obstruct their growth in their beds, in any of the waters of this state, except as provided in the two following sections, he shall forfeit to the person suing therefor, not less than one dollar, nor more than two dollars, for each bushel thereof including the shells so taken or destroyed.

**The following page(s) from
“An Act to Amend the Revised Statutes”
include amendments to this chapter.**

the third and fourteenth sections"; so that the said fifteenth section, as amended, will be as follows:

First meeting of town and parish trustees, how called. 1824, 254, § 7.

SECT. 15. The first meeting of the trustees, constituted by the third and fourteenth sections, in any year, may be called by a personal notice, given by any one of said trustees, to all the other trustees, of the time and place of meeting, seven days at least, prior to said meeting.

R. S. ch. 32.

SECTION 6. The thirty second chapter shall be amended, by inserting at the end of section, five, the following words:

Insane poor to be removed to, and supported in the insane hospital. Proviso.

If any such poor and indigent person be insane, the said overseers shall, either wholly, or in part, with the assistance of the friends of such person, cause him to be removed to, and provide for his support in, the insane hospital of this state: provided, that he can, under the regulations of the hospital for the time being, be admitted therein, and that, in the opinion of the superintendent of the hospital, or of such physician as he shall depute to make an examination into the case, the insanity of such person be such, that he will derive benefit from a residence therein. And the said superintendent shall appoint a suitable physician, as near as may be to the place of residence of such insane person, to make such examination, the expense whereof shall be paid by the town, to which such person is chargeable for support.

R. S. ch. 60.

SECTION 7. The sixtieth chapter shall be amended, in the first section, by adding, at the close thereof, the following words, "or otherwise containing one hundred and twenty eight cubic feet; and the measurer shall make due allowances for refuse or defective wood, or bad stowage;" so that the section, as amended, shall be as follows:

Measurer to make allowance for refuse or defective wood.

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

R. S. ch. 77.

SECTION 8. The revised statutes shall be further amended by inserting between chapter, seventy six, and chapter, seventy eight, a new chapter, to be numbered seventy seven, and entitled, "of banks," in the following words:

CHAPTER 77.

OF BANKS.

All banks, except savings banks subject to the provisions of this chapter. 1831, 519, § 1.

SECTION 1. Every bank, which now is, or shall hereafter be incorporated under the authority of this state, except savings banks, shall be governed by the following rules, and subjected to all the duties, limitations, restrictions, liabilities and provisions, contained in this chapter.

Notice of acceptance of charter to be given to secretary of state. 1836, 231, § 5. Corporate name, privileges and liabilities.

SECT. 2. Any bank, hereafter incorporated, shall, within ten days after acceptance of its charter, give notice in writing of such acceptance to the secretary of state.

SECT. 3. Every bank, incorporated as aforesaid, shall be known by the corporate name of "the president, directors and company of the — bank —," (the blank to be filled with such name as its charter may authorize), and shall, except when special provision is