

MAINE STATE LEGISLATURE

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THE
REVISED STATUTES

OF THE
STATE OF MAINE,

PASSED JANUARY 25, 1871;

TO WHICH ARE PREFIXED
THE CONSTITUTIONS

OF THE
UNITED STATES AND OF THE STATE OF MAINE:

WITH AN APPENDIX.

BY AUTHORITY OF THE LEGISLATURE.



PORTLAND:
PUBLISHED BY BAILEY & NOYES.

CHAP. 43.

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

SEC. 7. All logs or other timber carried by freshets or otherwise lodged upon any lands adjoining any of the waters within this state, shall be forfeited to the owner or occupier of such lands, after the same has so remained two years, if such lands, during that time, were improved; otherwise after six years; provided the owner or occupier of such lands, within one year after the same was found so lodged, advertises as near 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 public newspaper in the county, if any, otherwise in the state paper.

Owner may remove by tendering damages. Land owner to have damages if removed without.
R. S. c. 42, § 8.
31 Me.9.

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 occupier of the land a reasonable compensation for all damages occasioned by the lodging, remaining, or removal of said timber, and the expenses 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.

Penalty for unlawful conversion of railroad sleepers, ship knees or other lumber on ponds or streams.
Double damages.
R. S. c. 42, § 9.

SEC. 9. Whoever willfully and fraudulently takes, carries away, or otherwise converts to his own use, any railroad sleeper, any 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, shall forfeit ten dollars for each offence, to be recovered and appropriated as in section one; and shall be liable to the owner in double the amount thereof in an action of debt; and such owner shall have all the rights and be subject to all the liabilities provided for the owner of logs, masts, and spars, in the six preceding sections.

CHAPTER 43.

STANDARD WEIGHTS AND MEASURES, AND MERIDIAN LINES.

- SEC. 1. Standard of weights and measures. State sealer to cause other smaller denominations to be regulated by said standard, and keep standard balances at the state house for regulating weights and measures.
2. Description of beams, weights and measures to be kept by the treasurer of state.
3. Also by county treasurers. Same to be sealed once in ten years by state standards; penalty for neglect, and how recovered.
4. Town seal and standard of beams, weights and measures to be kept by treasurers. Same to be sealed once in ten years, penalty for neglect, and how recovered and appropriated.
5. Appointment of sealers by municipal officers of towns, penalty for neglect and how recovered and appropriated.

- SEC. 6. Penalty for sealer not accepting office and taking oath. Sealer to have custody of standards and scales and be accountable for their preservation and re-delivery.
7. Duty of town sealer, penalty for neglecting the same, and how appropriated.
8. Dearborn or Hills' steelyard, or the Fairbanks' scale may be used, provided they are sealed.
9. All measures, for articles sold by heaped measure, shall be conformable to public standard. Penalty for selling by beams, weights or measures not sealed, and how appropriated.
10. Twenty-five pounds shall be a quarter; four quarters, one hundred; twenty hundreds, one ton; and articles, sold by tale, shall be by decimal hundreds.
11. Fees of sealers of weights and measures, and by whom paid.

CHAP. 43.

MERIDIAN LINES.

- SEC. 12. County commissioners to establish meridian lines, and provide a record book, accessible to all.
13. Clerk of courts to have care thereof, accessible to all surveyors.
14. Surveyors to verify compass annually, make record thereof, and enter same in field notes, under a penalty.
15. Penalty for injuring meridian lines, or enclosures, and how recovered and disposed of.
16. Governor and council to appoint a commissioner to verify meridian lines; his duty and pay.

SEC. 1. The standard of weights and measures furnished by the United States and adopted by this state shall continue 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 also for avoirdupois weights, to be kept with the weights and measures at the state house, and used only for regulating other weights and measures.

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

SEC. 2. The treasurer of state, at the expense of the state, shall procure and preserve as public standards, until otherwise provided, in the manner mentioned in the first section, and which shall be used only as such, the following beams, weights, and measures, 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 to be made of copper or pewter, conformable as to 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

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

CHAP. 43. less than nine inches, containing four Winchester quarts; the admeasurement to be made in each instance in the inside; also one ell, 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 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 the treasurer aforesaid; and also one fifty-six pound weight, one twenty-eight pound weight, one fourteen pound weight, and one seven pound weight, made of iron.

Also by county treasurers, and to be sealed once in ten years by state treasurer. Penalty.

R. S. c. 43, § 3.

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, commencing July first, eighteen hundred and thirty-nine, he shall have them compared, proved, and sealed by the state standards; and for each neglect of his duty aforesaid, he shall forfeit two hundred dollars, to be recovered in an action of debt in the name of the state.

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.

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 once in ten years, computing from July first, eighteen hundred and forty; and for every neglect of duty as aforesaid they shall forfeit one hundred dollars, half to the use of the town, and half to the use of the person suing therefor.

Appointment of sealers by towns, and penalties.

R. S. c. 43, § 5.
1868, c. 200.

SEC. 5. The municipal officers of each town shall annually appoint a sealer of weights and measures therein, removable at pleasure, and have power to fill any vacancy that occurs; and for each month's neglect of this duty, they shall 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.

Penalty for sealer not accepting office. When sworn, to receive standard and seal.

R. S. c. 43, § 6.

SEC. 6. If any person, so appointed and notified thereof, refuses for seven days to accept the office and be sworn, he shall forfeit five dollars, to be appropriated as in section four; but 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. CHAP. 43.

SEC. 7. Every such sealer shall annually, in the month of May, post notices in different parts of his town stating the times and places, at which he will attend to the proof and sealing of weights and measures; shall deface or destroy all weights and measures that are not or cannot by him be made conformable to the standard; shall visit the houses of innholders, the warehouses and stores of merchants, and the dwelling houses of such other inhabitants, as neglect to send to him their weights and measures, and there prove and seal the same; and every sealer, neglecting any duty herein required of him, and every person neglecting or refusing to have his weights and measures proved and sealed as aforesaid, shall forfeit ten dollars, to be appropriated as in section four.

Duty of town sealer, penalty for neglect, how appropriated.
R. S. c. 43, § 7.

SEC. 8. In all cases of weighing, the vibrating steelyard invented by Benjamin Dearborn, or the vibrating steelyard invented by Benjamin Dearborn and 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, appointed according to law.

What scales may be used, if sealed.
R. S. c. 43, § 8.

SEC. 9. All measures, by which fruit and other things, usually sold by heaped measures, are sold, shall be conformable in capacity and breadth, to the public standard; and if any person otherwise sells or exposes to sale any such fruit or other thing, any goods or commodities whatever by any other beams, weights, or measures than those proved and sealed as aforesaid, he shall forfeit for each offence not less than one dollar nor more than ten dollars; one half to the use of the town, and the other to the sealer, or to him who prosecutes therefor.

Measures, for articles sold by heaped measure, shall be conformable to standard.
R. S. c. 43, § 9.

SEC. 10. Such articles as are sold or exchanged in any market or town in this 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.

Twenty-five pounds shall be a quarter, and so on.
R. S. c. 43, § 10.

SEC. 11. The fees of sealers of weights and measures for trying and proving beams, weights and measures by the town standard, shall be as follows, to be paid by the person for whom the service is rendered: for a platform or hay scale weighing six thousand pounds or more, one dollar; for one weighing one thousand pounds and under six thousand, fifty cents; for a platform scale weighing six hundred pounds and under one thousand, twenty-five cents; for one weighing less than six hundred, ten cents; for any other scale or steelyard that

Fees of sealers of weights and measures, and by whom paid.
1862, c. 147.

CHAP. 43. weighs with a poise, five cents; for each dry measure and for all other weights, measures, scales or beams, three cents each; and a reasonable compensation for all repairs, alterations and adjustments necessary to make the same conformable to the town standard.

MERIDIAN LINES.

County commissioners to establish meridian lines, and provide a record book, accessible to all.
1869, c. 58,
§§ 1, 3.

SEC. 12. The county commissioners, at the expense of their county, within two years from the eleventh day of March, one thousand eight hundred and sixty-nine, and within six months after the formation of a new county, shall erect, in their counties, on land owned by the county or for that purpose acquired by them, 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 enclose and 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.

Clerks of court to have care thereof, accessible to all surveyors.
1869, c. 58,
§§ 1, 3.

SEC. 13. Such structures shall be under the care and custody of the clerks of the court; 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.
1869, c. 58,
§§ 2, 3, 4.

SEC. 14. 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 twelve, and subscribe his name thereto for future reference; and shall also insert in his field notes, the true as well as magnetic bearings of the lines of his surveys, and the day on which they were made; under a penalty of ten dollars for each offence, to be recovered on complaint, in the county where the survey is made, one-half to the complainant and the other to the county; but no surveyor living on an island not connected with the main land by a passable bridge, shall be required to go beyond its limits to verify his compass, for the purpose of making surveys thereon.

Penalty for injuring meridian lines or enclosures, and how recovered and disposed of.
1869, c. 58, § 6.

SEC. 15. Whoever willfully displaces, alters, defaces, breaks or otherwise injures any of the pillars or points, enclosures, locks, bars, bolts or any part of said structures, shall be liable to a penalty not exceeding a hundred dollars, to be recovered by indictment, one-half to the prosecutor and the other to the county.

Governor and council to appoint a commissioner to verify meridian lines; his duty and pay.
1869, c. 58, § 5.

SEC. 16. When such meridian is so established 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 court for such county, and shall be entitled to such just compensation for his services as the governor and council may allow. CHAP. 44.

CHAPTER 44.

HAWKERS AND PEDLARS.

- SEC. 1. Penalty for peddling without a license, and forfeiture of goods; but not applicable to resident merchants selling in their own town, or to a citizen selling articles raised or manufactured in the state.
2. County commissioners may license, and whom, and amount paid therefor, but not by soldiers of this state disabled in the rebellion.
3. Blank licenses, signed by commissioners, furnished the clerk, and he to account therefor, once in three months.
4. All moneys paid to clerk, to be paid to state treasurer, once in three months, except his fees. What to be allowed to clerk by commissioners in payment.
5. License to be exhibited when required; penalty and seizure and forfeiture of goods and carriages for refusal.
6. Penalties, how recovered, and proceedings at the trial.
7. Name of pedlar and words, "Licensed by C. C.," to be painted on carriage.

SEC. 1. No person, except as hereinafter provided, shall travel from town to town, or place to place in any town, on foot, or by any kind of land or water conveyance, carrying for sale, or offering for sale, any goods, wares or merchandise, whole or by sample, under a penalty of not less than fifty nor more than two hundred dollars, and the forfeiture of all property thus unlawfully carried; but this provision shall not apply to commission merchants and commercial brokers traveling from place to place in the city or town where they reside, and selling or offering to sell goods by sample or otherwise; nor to any citizen of this state selling any fish, fruit, provisions, farming utensils or other articles lawfully raised or manufactured in this state.

Penalty and forfeiture for peddling without a license; exceptions. 1866, c. 50, §§ 1, 2.

SEC. 2. The county commissioners may license for the purposes aforesaid, any person who proves to their satisfaction that he sustains a good moral character, and has been five years a citizen of the United States; and such licenses shall expire in one year from their date, and shall not be transferable; and the person receiving such license shall pay therefor, if he is to sell or offer to sell by retail, ten dollars; if by wholesale, twenty-five dollars; but soldiers of this state, disabled in the recent war of the rebellion, shall have their licenses free.

County commissioners may license, and whom, and what paid therefor. Disabled soldiers licensed free. 1866, c. 50, §§ 2, 7.

SEC. 3. Said commissioners shall furnish the clerk of the court a sufficient number of blank licenses, signed by at least a majority of them, to meet all calls therefor; and they shall be charged to him,

Blank licenses signed by commissioners, furnished clerk, and he