

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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.

.....
1841.

CHAP. 22.

Plantations to have the same powers, as towns.

Vaccination may be at the expense of towns and plantations. 1821, 126, § 2.

SECT. 38. The provisions of this chapter in relation to towns, are also extended to organized plantations, and the assessors of such plantation[s], within the same, shall do the duties, and have the same powers, as the selectmen of the towns, and be subject to the same restrictions and penalties; and the same penalties shall attach to persons, who may disobey their authority.

SECT. 39. Every town and organized plantation may, at their annual meeting, or at any meeting, duly warned for the purpose, provide for the inoculation of the inhabitants of such town or plantation, with the cow pox, under the direction and control of the health committee, health officer, or board of health; and [to] raise all necessary sums to defray the expense of such inoculation, or such part thereof, as they may think proper.

CHAPTER 22.

OF THE PRACTICE OF PHYSIC AND SURGERY.

SECT. 1. Certificate of good moral character from selectmen necessary, for recovery of compensation.

SECT. 2. Exceptions to the foregoing restriction.

Certificate of good moral character from selectmen necessary, to recovery of compensation. 1838, 353, § 2. 6 Mass. 134. 1 Pick. 33. 16 Pick. 353. 1 Metc. 154.

Exceptions to the foregoing restriction. 1831, 489, § 1. 1838, 353, § 2.

SECTION 1. No person, excepting as provided in the following section, shall be entitled to recover at law any compensation for medical or surgical services, by him alleged to have been performed, unless previously to such services, he have obtained from the selectmen of the town where he resided, or shall reside at the time of the performance of such services, a certificate, that it has been satisfactorily proved to them, that such person is of good moral character.

SECT. 2. The restriction in the foregoing section shall not apply to any physician or surgeon, who had commenced practice previously to the sixteenth day of February, in the year eighteen hundred and thirty one; nor to any physician or surgeon, who has received, or may hereafter receive a medical degree at some public institution, within the United States, where such degrees are usually conferred, or may have been licensed by the censors of the Maine Medical Society.

CHAPTER 23.

OF BURYING GROUNDS.

- SECT. 1. Towns may purchase land for burying grounds.
- 2. Proceedings to incorporate proprietors of burying grounds.
- 3. Mode of organization, as a corporation.
- 4. Grounds to be fenced, within one year.

- SECT. 5. Towns and parishes to fence ancient burying grounds.
- 6. Penalty, if selectmen or other officers neglect their duty.
- 7. Grounds to be fenced, and unalienable and indivisible, except by unanimous consent. Description to be recorded.

SECTION 1. All towns and plantations may raise, and cause to be assessed, money necessary for purchasing land for a burying ground, and suitably fencing it for such purpose.

SECT. 2. Persons, twenty one years of age and upwards, desirous of incorporating themselves as a body politic, for the purpose of purchasing land for a burying ground, may apply to a justice of the peace of the same county, who shall issue his warrant to one of the applicants, directing him to notify them, personally, to appear at the time and place designated in such warrant; which notice shall be given seven days at least before the day appointed.

SECT. 3. The persons, so assembled, may choose a clerk and such other officers, as they may think proper, and shall thereupon be, and are declared to be, a corporation, and shall be known by such name as they shall then assume, and may adopt all necessary legal regulations, which may be deemed proper.

SECT. 4. Every such corporation shall, within one year after its organization, make a substantial fence around the burying ground, and keep the same constantly in repair, on penalty of a sum not exceeding one hundred dollars, to be recovered on indictment; which sum shall be laid out under the direction of the selectmen in keeping the fences in repair.

SECT. 5. Each town, parish or religious society, to which any ancient or public burying yard belongs, shall keep a substantial fence around it, in good repair, and by neglecting so to do, shall forfeit a sum not exceeding one hundred dollars, to be recovered and appropriated and applied in the same manner, as is prescribed in the preceding section.

SECT. 6. If the selectmen of any town, or the treasurer or committee of any parish or religious society, shall neglect so to apply the said fines when recovered under their respective authority, they shall severally forfeit and pay the full amount of such fine, to be recovered by action of debt, by any person who shall sue for the same.

SECT. 7. When any persons have appropriated, or may appropriate a piece of land for a burying ground, containing not more than one half an acre, the same shall be exempt from attachment and execution, and unalienable and indivisible by the owners; and shall be kept fenced and occupied as a burying ground, unless all the owners consent to an alienation or division thereof, and such proprietors shall cause a written description thereof, under their hands, attested by two disinterested witnesses, to be recorded in the registry of deeds in the county or district where such land lies.

Towns may purchase lands for burying grounds. 1834, 130.

Proceedings to incorporate proprietors of burying grounds. 1829, 420, § 1.

Mode of organization, as a corporation. 1829, 420, § 1.

Grounds to be fenced within one year. 1829, 420, § 2.

Towns and parishes to fence ancient burying grounds. 1828, 405, § 1.

Penalty, if selectmen or other officers neglect their duty. 1828, 405, § 2.

Grounds to be fenced, and unalienable and indivisible, except by unanimous consent. Description to be recorded. 1839, 392.