

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. 38.**CHAPTER 38.**

OF RECORDING BIRTHS AND DEATHS.

- SECT. 1. Town clerks, to record births and deaths.
- SECT. 2. Parents and others, to notify such clerks.
3. Penalties for neglect.

Town clerk, to record births and deaths.
1821, 136, § 1.

SECTION. 1. Every town and plantation clerk shall record all births and deaths, which shall occur in the town or plantation, of which he is clerk, and come to his knowledge; stating the time when each such event took place, and the names of the parents, if known; for the fees allowed by law, to be paid by such town or plantation.

Parents and others, to notify such clerks.
1821, 136, § 2.

SECT. 2. It shall be the duty of parents, house holders, masters of work houses, alms houses and prisons, and vessels, to give notice to the clerk of the town, in which they respectively reside, of the births and deaths, which take place in the respective families, houses, or vessels, in which such event may occur; and also the duty of the elder person, next of kin, to give like notice of the death of his kindred.

Penalties for neglect.
1821, 136, § 2.

SECT. 3. Any person, neglecting to perform the duty required of him in this chapter, for the space of six months, shall forfeit and pay one dollar for each offence; to be recovered on complaint, to the use of such town.

CHAPTER 39.

OF PUBLIC SHOWS AND EXHIBITIONS.

- SECT. 1. Penalty for exhibiting pageantry, shows or tricks, without license.
- SECT. 3. Museums excepted.
2. Licenses, how granted.
4. Who shall prosecute.
5. Mode of recovery.

Penalty for exhibiting pageantry, shows or tricks, without license.
1824, 266, § 1.
1833, 70, § 1.

SECTION 1. If any person shall, for money or other valuable article, in any city, town or plantation, in this state, exhibit any images or pageantry, sleight of hand tricks, puppet show or circus, or any feats of balancing, wire dancing, personal agility, sleight or dexterity, without a license therefor, as hereinafter provided, he shall forfeit and pay, for every such offence, a sum not exceeding one hundred dollars, nor less than ten dollars.

Licenses, how granted.
1833, 70, § 2.
9 Pick. 415.

SECT. 2. The mayor of any city, the selectmen of any town, and the assessors of any plantation, may grant license for any of the foregoing exhibitions or performances therein, on receiving for the use thereof, such sum as they may deem proper, but not less than five dollars for every such exhibition; twenty four hours being allowed for the same.

Museums excepted.
1833, 70, § 2.
Who shall prosecute.
1833, 70, § 3.

SECT. 3. Nothing in this chapter shall be construed, to extend to any permanently established museum.

SECT. 4. It shall be the duty of the mayor of any city, of the selectmen of any town, and the assessors of any plantation, to

prosecute in the name of such corporation, all persons violating any of the provisions of this chapter.

SECT. 5. All such fines shall be recovered in an action of debt, and for the use of such city, town or plantation.

CHAP. 40.

Mode of recovery.

CHAPTER 40.

OF MISCHIEVOUS DOGS.

SECT. 1. Owners of dogs, liable for damages, done by them.
 2. Person assaulted by a dog, may kill him.
 3. Penalty, if owner do not confine a mischievous dog.

SECT. 4. If at large, after complaint, dog may be killed.
 5. Treble damages may be recovered, for mischief done after notice.

SECTION 1. When any dog shall do any damage to the person or property of another, the owner or keeper of such dog, and also the parent, guardian, master or mistress of any minor or servant, who shall own or keep such dog, shall forfeit and pay to the injured person, double the amount of the damage done; to be recovered by action of trespass.

Owners of dogs, liable for damages, done by them.
 1821, 174, § 1.
 20 Pick. 477.

SECT. 2. Any person may lawfully kill any dog, that shall suddenly assault him or any other person, when peaceably walking or riding, out of the inclosure of the owner; or any dog found out of the inclosure, or immediate care of the owner, worrying, wounding or killing, any cattle, sheep, lambs or other domestic animals.

Person assaulted by a dog, may kill him.
 1821, 174, § 2.

SECT. 3. If any person shall be so assaulted, or if any dog shall be strolling out of the inclosure or immediate care of its owner or keeper, by day or night, and the person so finding such dog, shall within forty eight hours after such assault or finding, make oath before a justice of the peace of the same county, that he really suspects such dog, to be a dangerous or mischievous dog, and shall give notice to the owner or keeper by giving him a copy of such oath, signed by such justice, the owner or keeper shall kill such dog, or confine him forthwith: and if he neglects so to do, for twenty four hours, he shall forfeit and pay five dollars to any person who shall sue for the same.

Penalty, if owner do not confine a mischievous dog.
 1821, 174, § 3.

SECT. 4. If such dog shall not be so killed or confined, but be again at large, and out of the care of the owner or keeper, any person may lawfully kill such dog.

If at large, after complaint, dog may be killed.
 1821, 174, § 4.

SECT. 5. If any dog, after notice given as aforesaid, wound any person by a sudden assault as aforesaid, or wound or kill any cattle, sheep, lambs, or other domestic animals, the owner or keeper shall be liable to pay the person injured, treble damages and costs; to be recovered before the proper court of the county.

Treble damages may be recovered, for damages done after notice.
 1821, 174, § 5.