

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:
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CHAPTER 14.**CONTAGIOUS DISEASES.****POWERS AND DUTIES OF MUNICIPAL OFFICERS.**

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POWERS AND DUTIES OF MUNICIPAL OFFICERS.

Precautions
 against infect-
 ed persons.
 R. S. c. 14 § 1.
 19 Me. 221.
 28 Me. 255.
 45 Me. 408.
 52 Me. 118.

SEC. 1. When any person is, or has recently been infected with any disease or sickness dangerous to the public health, the municipal officers of the town where he is, shall provide for the safety of the inhabitants, as they think best, by removing him to a separate house, if it can be done without great danger to his health, and by providing nurses and other assistants and necessaries; at his charge or that of his parent or master, if able, otherwise, that of the town to which he belongs.

Precautions
 against per-
 sons arriving
 from infected
 places.
 R. S. c. 14 § 2.

SEC. 2. When any infectious or malignant distemper is known to exist in any place out of the state, the municipal officers of any town in the state, by giving public notice therein, as they find convenient, may require any person coming from such place to inform one of them or the town clerk of their arrival and from what place; and if he does not, within two hours after his arrival, or after actual notice of such requirement, give such information, he shall forfeit one hundred dollars to the use of the town.

Restrictions on
 such persons;
 may be remov-

SEC. 3. Said officers may prohibit a person, required to give such information, from going to any part of their town where they

think his presence would be unsafe for the inhabitants; and if he does not comply, they may order him, unless disabled by sickness, forthwith to leave the state in the manner and by the road they direct; and if he neglects or refuses so to do, any justice of the peace in the county, on complaint of either of said officers, may issue his warrant to any proper officer or other person named therein, and cause him to be removed out of the state; and if during the prevalence of such distemper in the place where he resides, he returns to any town in this state, without the license of the municipal officers thereof, he shall forfeit not exceeding four hundred dollars.

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ed if refrac-
tory.

Penalty if they
return.
R. S. c. 14, § 3.

SEC. 4. The municipal officers of any town near to or adjoining the line of the state, may appoint, by writing under their hands, suitable persons to attend at any places by which travelers may pass into such town from infected places in other states or provinces; who may examine such passengers, as they suspect of bringing with them any infection dangerous to the public health, and if need be, may restrain them from traveling until licensed thereto by a justice of the peace in the county, or one of said officers; and any such passenger who without such license travels in this state, except to return by the most direct way to the state or province whence he came, after he has been cautioned to depart by the persons so appointed, shall forfeit not exceeding one hundred dollars.

Precautions
authorized in
border towns.
R. S. c. 14, § 4.

REMOVAL OF INFECTED PERSONS AND GOODS.

SEC. 5. Any two justices of the peace may issue a warrant, directed to a proper officer, requiring him to remove any person infected with contagious sickness, under the direction of the municipal officers of the town where he is; or to impress and take up convenient houses, lodgings, nurses, attendants, and other necessaries for the accommodation, safety and relief of the sick.

Process for re-
moval or sepa-
rate accommo-
dation of in-
fected persons.
R. S. c. 14, § 5.

SEC. 6. When on the application of the municipal officers of a town, it appears to any justice of the peace that there is just cause to suspect that any baggage, clothing or goods of any kind within such town, are infected with any malignant contagious distemper, by a warrant directed to a proper officer, he shall require him to impress so many men, as the justice thinks necessary, to secure such infected articles, and to post said men as a guard over the house or place where the articles are lodged, who shall prevent any persons removing or coming near such articles, until due inquiry is made into the circumstances thereof.

Process for se-
curing infected
articles.
R. S. c. 14, § 6.

SEC. 7. He may by the same warrant, if it appears to him necessary, require said officers under the direction of the municipal officers to impress and take up convenient houses or stores for the safe keeping of such infected articles, and cause them to be removed thereto,

Justice may by
warrant re-
quire officers to
cause them to
be removed to
suitable

CHAP. 14. or otherwise detained, until the municipal officers think they are free from infection.

places.
R. S. c. 14, § 7.
Powers of officers in executing such process.
R. S. c. 14, § 8.

SEC. 8. Said officers, if need be, may break open any house, shop, or other place mentioned in the warrant where infected articles are, and require such aid as is necessary to execute it; and all persons at the command of either of said officers, under a penalty of not exceeding ten dollars, shall assist in such execution.

Expenses, how paid.
R. S. c. 14, § 9.

SEC. 9. The charges of securing such infected articles and of transporting and purifying them shall be paid by the owners thereof, at the price determined by the municipal officers.

Compensation for men or property impressed.
R. S. c. 14, § 10.

SEC. 10. When the officer impresses or takes up any houses, stores, lodging, or other necessaries, or impresses any man, as herein provided, the parties interested shall have a just compensation therefor, to be paid by the town in which such persons or property were impressed.

Adjournment of courts because of danger from infection.
R. S. c. 14, § 11.

SEC. 11. When a malignant infectious distemper prevails in any town wherein the supreme judicial court or court of county commissioners is to be held, said courts may be adjourned and held in any town in said county, by proclamation made in such public manner as the courts judge best, as near their usual place of meeting as they think safety permits.

REMOVAL OF INFECTED PRISONERS.

Removal of infected prisoners from places of confinement.
R. S. c. 14, § 12.

SEC. 12. When any person in a jail, house of correction, or workhouse, is attacked with any disease, which the municipal officers of his town, by medical advice, consider dangerous to the safety and health of other prisoners, or of the inhabitants of the town, they shall, by their order in writing, direct his removal to some place of safety, there to be securely kept and provided for until their further order; and if he recovers from such disease, he shall be returned to his place of confinement.

Order for removal, how returned.
Such removal not an escape.
R. S. c. 14, § 13.

SEC. 13. If he was committed by order of a court or under a judicial process, the order for his removal, or a copy thereof attested by the municipal officers, shall be returned by them with the doings thereon into the office of the clerk of the court from which such order or process was issued. No such removal shall be deemed an escape.

HEALTH COMMITTEE OR OFFICER.

Health committee, how chosen; their duties.
R. S. c. 14, § 14.
See §§ 24, 34.

SEC. 14. A town at its annual meeting, may choose a health committee of not less than three nor more than nine, or one person to be a health officer; who shall remove, at the expense of their town, all filth found in any place therein, which, in their judgment, endangers the lives or health of any inhabitant; and require the owner or occupant, when they think necessary, to remove or discontinue any drain or other source of filth.

SEC. 15. If any town, at its annual meeting, omits to choose such committee or officer, the municipal officers shall be a health committee, and have all their powers and perform all their duties.

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If no committee chosen, selectmen to perform the duties
R. S. c. 14, § 15.

SEC. 16. When any source of filth, or other cause of sickness, is found on private property, the owner or occupant thereof shall, within twenty-four hours after notice from the said committee or officer, at his own expense, remove or discontinue it; and if he neglects or unreasonably delays to do so, he shall forfeit not exceeding one hundred dollars; and said committee or officer shall cause said nuisance to be removed or discontinued; and all expenses thereof shall be repaid to the town by such owner or occupant, or by the person who caused or permitted it.

May order removal of private nuisances; proceedings thereon.
R. S. c. 14, § 16.
Sec c. 17, § 20.

INFECTED VESSELS. QUARANTINE.

SEC. 17. If a master, seaman, or passenger of a vessel, in which there is any infection, or has lately been, or is suspected to have been, or which has come from a port where any infectious distemper prevails, dangerous to the public health, refuses to answer, on oath, such questions, as are asked him relating to such infection or distemper, by the municipal officers of the town to which such vessel comes, which oath either of said officers may administer, he shall forfeit not exceeding two hundred dollars, or be imprisoned not more than six months.

Masters, &c., of vessels may be examined on oath in certain cases.
R. S. c. 14, § 17.

SEC. 18. When a vessel arrives at a port in this state, having on board any person infected with a malignant disease, the master, commander, or pilot thereof shall anchor it at some convenient place below the town of such port, at a distance safe for the inhabitants thereof and the persons on board other vessels in the port; and no person or thing on board shall be brought on shore, until the municipal officers give their written permit therefor.

Vessels with infected persons to anchor at a distance from towns.
R. S. c. 14, § 18.
45 Me. 496.

SEC. 19. For the willful violation of the provisions of the preceding section, such master or commander shall forfeit not exceeding two hundred, and the pilot not exceeding fifty dollars for each offence.

Penalty for violation of this provision.
R. S. c. 14, § 19.

SEC. 20. The municipal officers of a seaport town may cause any vessel arriving there to perform quarantine at such place and under such regulations as they may judge expedient, when they think the safety of the inhabitants requires it; and whoever neglects or refuses to obey such orders and regulations, shall forfeit not exceeding five hundred dollars, or be imprisoned not exceeding six months.

Selectmen may establish quarantine regulations. Penalty for breach thereof.
R. S. c. 14, § 20.

SEC. 21. When such officers of a seaport town think it necessary to order all vessels, arriving there from any particular port or ports, to perform quarantine, they shall give notice thereof to the pilots of their port; who shall make it known to the master of all vessels which they board. If any pilot neglects to do so, or contrary thereto pilots any vessel up to said seaport town, he shall forfeit not exceeding one hundred dollars.

Duty of pilots to give notice thereof.
R. S. c. 14, § 21.

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Punishment for violation or evasion of quarantine, after notice.
R. S. c. 14, § 22.

SEC. 22. When the master or commander of a vessel takes it up to any seaport town after notice that a quarantine has been so directed for all vessels coming from the port or place whence his vessel sailed, or by false declarations, or otherwise, fraudulently attempts to elude such directions; or lands or suffers to be landed from his vessel any person or thing, without permission of the municipal officers, he shall be punished as provided in section twenty.

Selectmen to furnish signals.

SEC. 23. The municipal officers of every seaport town requiring vessels to perform quarantine shall provide, at the expense of such town, a suitable number of red flags at least three yards in length; and the master of every vessel ordered to perform quarantine shall cause one of them to be continually kept, during the term thereof, at the head of the mainmast of his vessel; and no person shall go on board such vessel during said term unless by permission of said officers; if he does, he shall be thereafter held liable to the same regulations and restrictions as those belonging to said vessel; and shall there be detained by force, if necessary, until duly discharged by said officers.

Restrictions of persons visiting vessels at quarantine.
R. S. c. 14, § 23.

SEC. 24. In every seaport town where there is a health committee or officer, he may perform all the duties and exercise all the authority of the municipal officers in requiring vessels to perform quarantine.

Health committee may exercise authority of selectmen, relating to quarantine.
R. S. c. 14, § 24.
See §§ 14, 15, 34.

SEC. 25. All expenses incurred on account of any person, vessel, or goods, under quarantine regulations, shall be paid by him, or the owner of the vessel, or goods, as the case may be.

Quarantine expenses how paid.
R. S. c. 14, § 25.

TOWN HOSPITALS.

Hospitals may be established. Restrictions as to location.
R. S. c. 14, § 26.

SEC. 26. A town may establish therein one or more hospitals for the reception of persons having the small pox or other disease dangerous to the public health; or its municipal officers may license any building therein as a hospital, to be under the control of said officers; but no such hospital shall be within one hundred rods of an inhabited dwelling house in an adjoining town without the consent of its municipal officers.

Restrictions on inoculation with the small pox.
R. S. c. 14, § 27.

SEC. 27. If any person inoculates himself or any other person, or suffers himself to be inoculated with the small pox, unless at some lawful hospital, he shall forfeit not exceeding one hundred dollars for each offence.

Physicians and others liable to hospital regulations.
R. S. c. 14, § 28.

SEC. 28. When a hospital is so established or licensed, the physicians, the persons inoculated or sick therein, the nurses, attendants, and all persons who come within its limits, and all furniture or other articles used or brought there, shall be subject to the regulations made by the municipal officers.

Hospitals to be provided on breaking out of infectious

SEC. 29. When the small pox or any other disease dangerous to the public health breaks out in a town, the municipal officers shall immediately provide such hospital or place of reception for the sick and

infected, as they judge best for the accommodation and safety of the inhabitants; and such hospitals and places shall be subject to their regulations the same as established hospitals; and they shall cause such sick and infected to be removed thereto, unless their condition will not admit of it without imminent danger; in that case, the house or place where the sick is, shall be deemed a hospital for every purpose aforesaid; and all persons residing in or in any way concerned with it shall be subject to hospital regulations.

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diseases; regulations.
R. S. c. 14, § 29.

SEC. 30. When any disease dangerous to the public health exists in a town, the municipal officers shall use all possible care to prevent its spread and to give public notice of infected places to travelers, by displaying red flags at proper distances, and by all other means most effectual, in their judgment, for the common safety.

Precautions to prevent the spread of such diseases.
R. S. c. 14, § 30.
28 Me. 255.

SEC. 31. If any physician or other person in such hospitals or places of reception, attending, approaching, or concerned therewith, violates any lawful regulation in relation thereto, with respect to himself or his or another's property, he shall forfeit not less than ten, nor more than one hundred dollars, for each offence.

Penalty for violation of hospital regulations by persons subject thereto.
R. S. c. 14, § 31.

GENERAL PROVISIONS.

SEC. 32. When a householder or physician knows that a person under his care is taken sick of any such disease, he shall immediately give notice thereof to the municipal officers of the town where such person is; and if he neglects it he shall forfeit not less than ten, nor more than thirty dollars.

Householders and physicians to give notice of infectious diseases under their care.
R. S. c. 14, § 32.

SEC. 33. All forfeitures mentioned in the preceding sections, except otherwise provided, shall inure to the use of the town where the offence is committed.

Forfeiture, how recovered and appropriated.
R. S. c. 14, § 33.

BOARD OF HEALTH.

SEC. 34. A town may choose a board of health of not less than three nor more than nine persons, who shall have all the powers, and be subject to all the duties, restrictions, liabilities, and penalties of the municipal officers, and health committee or officer.

Towns may choose a board of health; their powers and duties.
R. S. c. 14, § 34.
See §§ 14, 15, 24.

SEC. 35. A town may provide for the inoculation of its inhabitants with the cow pox, under the direction and control of the health committee, health officer, or board of health; and raise all necessary sums to defray the expense thereof, or such part as they may think proper.

Vaccination may be at the expense of towns and plantations.
R. S. c. 14, § 35.

SEC. 36. Towns may establish by-laws for the preservation of health, and for protection against infectious diseases.

By-laws may be established.
R. S. c. 14, § 26.

CONTAGIOUS DISEASES AMONG CATTLE.

SEC. 37. The municipal officers of towns, in case of the existence of the disease called lung murrain or pleuro pneumonia, or any other

Cattle infected by contagious diseases to be

- CHAP. 14.** contagious disease, shall cause the cattle in their towns infected, or which have been exposed to infection, to be secured or collected in some suitable place or places therein, and kept isolated; and when taken from the possession of their owners, one-fifth of the expense thereof is to be paid by the town, and four-fifths at the expense of the state, such isolation to continue so long as the existence of such disease or other circumstances render it necessary; or they may direct the owners thereof to isolate such cattle upon their own premises, and any damage or loss sustained thereby shall be paid as aforesaid.
- SEC. 38.** The municipal officers, shall within twenty-four hours after they have notice of the existence of such disease, or have reason to believe that it exists, cause the suspected animals to be examined by a veterinary surgeon or physician, by them selected, and if they are adjudged diseased, they may order them to be forthwith killed and buried at the expense of such town.
- SEC. 39.** When so killed they shall cause them to be appraised by three competent and disinterested men, under oath, at the value thereof at the time of the appraisal, and the amount thereof shall be paid as provided in section thirty-seven.
- SEC. 40.** They may prohibit the departure of cattle from any enclosure, and exclude cattle therefrom.
- SEC. 41.** They may make regulations in writing to regulate or prohibit the passage from, to or through their towns, or from place to place therein, of any neat cattle, and may arrest and detain, at the cost of the owners thereof, all cattle found passing in violation of such regulations, and may take all other necessary measures for the enforcement of such prohibition, and for preventing the spread of any such disease among the cattle in their towns, and the immediate vicinity thereof.
- SEC. 42.** Such regulations shall be recorded in the records of their towns, and shall be published in such towns in such manner as such regulations provide.
- SEC. 43.** Any person who sells or disposes of any animal infected or known to have been exposed to infection within one year after such exposure, without the knowledge or consent of the municipal officers, shall be punished by fine not exceeding five hundred dollars or by imprisonment not exceeding one year.
- SEC. 44.** Any person disobeying the orders of said municipal officers, made in conformity with the fortieth section, or driving or transporting any neat cattle contrary to the regulations made, so recorded and published, shall be punished as provided in section forty-three.
- SEC. 45.** Whoever knows or has reason to suspect the existence of any fatal contagious disease among the cattle in his possession or under his care, shall forthwith give notice thereof to the municipal
- isolated by town officers. 1862, c. 132, § 1.
- Maintenance when paid. 1862, c. 132, § 2.
- Owners may be directed to isolate their cattle.
- Damage or loss how paid.
- Animals to be examined. 1862, c. 132, § 2.
- To be killed if necessary.
- Cattle killed to be appraised. 1862, c. 132, § 3.
- Further powers to town officers. 1862, c. 132, § 4.
- Passage of animals, how regulated. 1862, c. 132, § 5.
- Regulations to be recorded and published. 1862, c. 132, § 6.
- Sale of infected animals prohibited. 1862, c. 132, § 7.
- Penalty.
- Disobedience of orders of municipal officers. 1862, c. 132, § 8.
- How punished.
- Knowledge or suspicion of disease to be reported. 1862, c. 132, § 9.

officers, and for failure to do so, shall be punished as provided in section forty-three. CHAP. 14.

SEC. 46. Any town whose officers shall neglect or refuse to carry into effect the provisions of section thirty-seven, thirty-eight, thirty-nine, forty, forty-one, forty-two and forty-three, shall forfeit a sum not exceeding five hundred dollars for each day's neglect.

SEC. 47. All appraisals made under the provisions of section thirty-nine shall be in writing and signed by the appraisers, and shall be certified by the municipal officers to the governor and council, and to the treasurers of their towns.

SEC. 48. The municipal officers of towns may, when they deem it necessary to carry into effect the purposes of this chapter, take and hold possession for a term not exceeding one year, of any land within their towns without buildings other than barns thereon, for inclosing and isolating any cattle, and they shall cause the damages sustained by the owners in consequence thereof, to be appraised by the assessors thereof, and they shall further cause a description of such land, setting forth the boundaries thereof, and the area as nearly as may be estimated, together with said appraisal, to be entered in the records of the town. The amount of said appraisal shall be paid as provided in the thirty-seventh section in such sums and at such times as they may order. If such owner is dissatisfied with the appraisal, he may, in an action of the case, recover from the town a fair compensation for the damages sustained by him; but no costs shall be taxed, unless the damages recovered in such action, exclusive of interest, exceed the appraisal of the assessors. And the state shall reimburse any town four-fifths of any sum so recovered.

SEC. 49. Whenever such disease exists in any town, the municipal officers shall forthwith give notice thereof to the governor and secretary of the board of agriculture; but if commissioners have been appointed as hereinafter provided, such notice shall be given to them.

SEC. 50. The governor may, when he deems it expedient, appoint commissioners who shall have full power to make all necessary regulations, and to issue summary orders relative thereto, for the treatment and extirpation of any contagious disease among cattle, and may direct the municipal officers to enforce and carry them into effect; and any such officer or other person refusing or neglecting to enforce, carry out and comply with any regulations of the commissioners shall be punished by fine as provided in section forty-three.

SEC. 51. When said commissioners shall make and publish any regulations, they shall supercede the regulations made by the municipal officers, during the time those made by the commissioners are in force.

SEC. 52. All losses and damages and reasonable expenses sustained in consequence of the execution of the orders of said commis-

Failure how punished.

Neglect or refusal of town officers to comply.

1862, c. 132, § 10.

Penalty for appraisals how made.

To whom certified.

1862, c. 132, § 11.

Further powers of municipal officers. 1862, c. 132, § 12.

Damage to owners to be appraised.

Description of land and appraisal to be recorded.

Amount of appraisal, how paid.

Owners dissatisfied may maintain action.

Amount to be reimbursed.

Notice to governor and secretary of board of agriculture. 1862, c. 132 § 13.

To commissioners in certain cases.

Commission may be appointed.

Powers of. 1862, c. 132, § 14.

Neglect or refusal to obey, how punished.

Regulations made by commissioners to supercede all others.

1862, c. 132, § 15.

Losses and damages, how ascertained.

CHAP. 15. sioners, shall be appraised as provided in the thirty-ninth section, and paid as provided in the thirty-seventh section.

How paid.
1862, c. 132, § 16
Commissioners to keep record and make return thereof to the legislature.
Record to be printed.
1862, c. 132, § 17.

Commission terminated by governor and council.
1862, c. 132, § 18.

SEC. 53. The commissioners shall keep record of their doings, and make report thereof to the next annual session of the legislature, on or before the tenth day of January, unless sooner required by the governor; and such record, or an abstract thereof shall be printed in the annual volume of transactions of the state board of agriculture.

SEC. 54. The governor, with the advice and consent of the council, may terminate the commission when, in his judgment, the public safety may permit.

CHAPTER 15.

BURYING GROUNDS.

- SEC. 1. Towns may purchase lands for burying grounds.
2. Proceedings to incorporate proprietors of burying grounds. Mode of organization, as a corporation.
3. Grounds to be fenced within one year.
4. Towns and parishes to fence ancient burying grounds.
5. Penalty, if selectmen or other officers neglect their duty.
6. Grounds to be fenced, and unalienable and indivisible, except by unanimous consent. Description to be recorded.
7. Land appropriated by individual for burying ground, exempt from attachment, and unalienable.

Towns may purchase lands for burying grounds.

See c. 18, § 49.

R. S. c. 15, § 1.

Proceedings to incorporate.

Mode of organization.

R. S. c. 15 § 2.

Grounds to be fenced within one year.

R. S. c. 15, § 3.

Towns and parishes to fence ancient burying grounds.

R. S. c. 15, § 4.

SEC. 1. All towns may raise and assess money necessary for purchasing and suitably fencing land for a burying ground.

SEC. 2. Persons twenty-one years of age or more may incorporate themselves for the purpose of purchasing land for a burying ground, as provided in sections one and two of chapter fifty-five; and proceed in the manner and have the powers provided in section three thereof.

SEC. 3. Such corporation, within one year after its organization, shall make a substantial fence around the burying ground, and keep it constantly in repair, under a penalty not exceeding one hundred dollars; which shall be laid out under the direction of the municipal officers in keeping the fence in repair.

SEC. 4. 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 not exceeding one hundred dollars, to be applied as prescribed in the preceding section.