

# MAINE STATE LEGISLATURE

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FOURTH REVISION.

THE  
REVISED STATUTES

OF THE

STATE OF MAINE,

PASSED AUGUST 29, 1883, AND TAKING EFFECT JANUARY 1, 1884.

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BY THE AUTHORITY OF THE LEGISLATURE.



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CHAP. 13. medical institution in the United States, or a license from the Maine Medical Association, shall recover compensation for medical or surgical services, unless previous to such service, he had obtained a certificate of good moral character from the municipal officers of the town where he then resided.

cannot collect bills without certificate of character.  
R.S., c. 13, § 3.  
3 Me., 23.  
18 Me., 271.  
25 Me., 107.  
28 Me., 100.  
45 Me., 409.  
51 Me., 598.  
59 Me., 182.  
74 Me., 38.

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## CHAPTER 14.

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## POWERS AND DUTIES OF MUNICIPAL OFFICERS.

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, at that of the town to which he belongs.

Precautions against infected persons.  
 R.S., c. 14, § 1.  
 19 Me., 223.  
 28 Me., 257.  
 45 Me., 409.  
 52 Me., 119.  
 66 Me., 60, 72.  
 67 Me., 371.

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

Precautions against persons arriving from infected places.  
 R.S., c. 14, § 2.

SEC. 3. Said officers may prohibit any such person, from going to any part of their town where they think that 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 which 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 from the state; and if during the prevalence of such distemper in the place where he resides, he returns to any town in the state, without the license of its municipal officers, he forfeits not exceeding four hundred dollars.

Restrictions on such persons; may be removed if refractory.  
 R.S., c. 14, § 3.

—penalty if they return.

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

SEC. 4. The municipal officers of any town near or adjoining the state line, may, by writing under their hands, appoint suitable persons to attend at any places by which travellers 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 travelling until licensed thereto by a justice of the peace in the county, or by 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, forfeits not exceeding one hundred dollars.

## REMOVAL OF INFECTED PERSONS AND GOODS.

Process for  
removal or  
separate  
accommoda-  
tion of infect-  
ed persons.  
R.S., c. 14, § 5.  
66 Me., 72,  
314.

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 convenient houses, lodgings, nurses, attendants, and other necessaries for the accommodation, safety and relief of the sick.

Process for  
securing  
infected  
articles.  
R.S., c. 14, § 6.

SEC. 6. When on 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 therein, are infected with any malignant contagious distemper, he shall, by a warrant directed to a proper officer, require him to impress so many men as said justice thinks necessary, to secure such infected articles, and to post said men as a guard over the place where the articles are lodged, who shall prevent any persons from removing or approaching such articles, until due inquiry is made into the circumstances.

Justice may  
by warrant  
require offi-  
cers to  
remove them  
to suitable  
places.  
R.S., c. 14, § 7.

SEC. 7. He may by the same warrant, if it appears to him necessary, require said officer, under the direction of the municipal officers, to impress and take convenient houses or stores for the safe keeping of such infected articles, and cause them to be removed thereto, or otherwise detained, until the municipal officers think that they are free from infection.

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

SEC. 8. Said officer, 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 any such officer, under a penalty not exceeding ten dollars, shall assist in such execution.

Expenses,  
how paid.  
R.S., c. 14, § 9.

SEC. 9. The charges for 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.

Compensa-  
tion for men  
or property  
impressed.  
R.S., c. 14, § 10.  
65 Me., 404.

SEC. 10. When the officer impresses or takes 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

SEC. 11. When a malignant infectious distemper prevails in any town wherein the supreme judicial court, the superior 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 such courts judge best, as near their usual place of meeting as they think that safety permits.

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danger from infection.

R.S., c. 14, § 11.

## REMOVAL OF INFECTED PRISONERS.

SEC. 12. When any person in a jail, house of correction, or work-house, is attacked with a 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.

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

SEC. 13. If he was committed by an order of court or 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.

Order for removal, how returned.

—such removal, not an escape. R.S., c. 14, § 13.

## HEALTH COMMITTEE OR OFFICER.

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, at the expense of their town, shall remove all filth found in any place therein, which, in their judgment, endangers the life or health of any inhabitant; and may require the owner or occupant, when they think necessary, to remove or discontinue any drain or other source of filth.

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

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.

Otherwise, selectmen to perform 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 said committee or officer, at his own expense, remove or discontinue it; and if he neglects or unreasonably delays to do so, he forfeits 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. See c. 17, § 20. 57 Me., 438, 440. 65 Me., 436.

## INFECTED VESSELS. QUARANTINE.

SEC. 17. If a master, seaman, or passenger of a vessel, in which there is, has lately been, or is suspected to have been, any infection, 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, seamen, or passengers of vessels may be examined on oath in reference to infectious distempers. R.S., c. 14, § 17.

SEC. 18. When a vessel arrives at a port, having on board any per-

Vessels with infected per-

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sons shall anchor at a distance from towns. R.S., c. 14, § 18. 45 Me., 503.

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

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

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

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

Selectmen to furnish signals. R.S., c. 14, § 23.

—restrictions on persons visiting vessels at quarantine.

Health committee. —quarantine. R.S., c. 14, § 24. See §§ 14, 15, 34.

Expenses, how paid. R.S., c. 14, § 25.

Hospitals may be established.

son infected with a malignant disease, the master, commander, or pilot 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 said port; and no person or thing on board shall be brought on shore, until the municipal officers give their written permit.

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

SEC. 20. The municipal officers of a seaport town may cause vessels arriving there to perform quarantine at such place and under such regulations as they judge expedient, when they think that 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.

SEC. 21. When such officers 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 masters of all vessels which they board. A pilot who neglects to do so, or who contrary thereto pilots any vessels up to said seaport town, forfeits not exceeding one hundred dollars.

SEC. 22. If 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.

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, during the term thereof, cause one of them to be continually kept at the head of the mainmast of his vessel; and no person shall 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 discharged by said officers.

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

SEC. 25. 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.

## TOWN HOSPITALS.

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, which shall 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.

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

SEC. 28. When a hospital is so established or licensed, the physicians, the persons inoculated or sick therein, the nurses, attendants, and all 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.

SEC. 29. When small-pox or 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; such hospitals and places are 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 permit it without imminent danger; in which case, the house or place where the sick are, shall be deemed a hospital for every purpose aforesaid; and all persons residing in, or in any way concerned with it, are subject to hospital regulations.

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 shall give public notice of infected places to travellers, by displaying red flags at proper distances, and by all other means most effectual, in their judgment, for the common safety.

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 forfeits not less than ten, nor more than one hundred dollars, for each offence.

#### GENERAL PROVISIONS.

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

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

#### 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 of the health committee or officer.

SEC. 35. The mayor and aldermen of any city, and the selectmen of any town or plantation, shall annually, on the first day of March,

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—restrictions as to location.  
R.S., c.14, § 26.

Inoculation with small-pox restricted.  
R.S., c.14, § 27.

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

Hospital to be provided, on breaking out of infectious diseases; regulations.  
R.S., c.14, § 29.  
66 Me., 72,  
314, 315.

Precautions to prevent the spread of such diseases.  
R.S., c.14, § 30.  
28 Me., 257.  
64 Me., 121.

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

Householders and physicians to give notice of diseases under their care.  
R.S., c.14, § 32.  
Forfeitures, how appropriated.  
R.S., c.14, § 33.

Board of health; their powers and duties.  
R.S., c.14, § 34.  
See §§ 14, 15, 24.

Free vaccination provided annually

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in each town.  
1873, c. 149.

or oftener if they deem it prudent, provide for the free vaccination with the cow-pox, of all the inhabitants over two years of age, within their respective localities, to be done under the care of skilled practising physicians, and under such circumstances and restrictions as said authorities adopt therefor.

Town  
by-laws.  
R.S., c. 14, § 36.

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

CONTAGIOUS DISEASES AMONG CATTLE.

Cattle infected  
by contageous  
diseases to be  
isolated by town  
officers.  
R.S., c. 14, § 37.  
—their main-  
tenance.  
—when own-  
ers must  
isolate their  
cattle.

SEC. 37. The municipal officers of towns, shall cause all cattle therein infected with lung-murrain or pleuro-pneumonia, or any other contagious disease, 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 shall be paid by the town, and four fifths by 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.

—damage or  
loss how paid.

Animals to be  
examined.  
R.S., c. 14, § 38.

SEC. 38. Within twenty-four hours after the municipal officers have notice of the existence of such disease, or have reason to believe that it exists, they shall cause the suspected animals to be examined by a veterinary surgeon or physician by them selected, and if they are adjudged diseased, said officers may order them to be killed and buried forthwith at the expense of such town.

—and killed,  
if necessary.

Cattle killed,  
to be  
appraised.  
R.S., c. 14, § 39.

SEC. 39. When so killed they shall cause them to be appraised by three competent and disinterested men, under oath, at their value at the time of the appraisal, and the same shall be paid as provided in section thirty-seven.

Further pow-  
ers of town  
officers.  
R.S., c. 14, § 40.

SEC. 40. They may prohibit the departure of cattle from any inclosure, and exclude cattle therefrom.

Passage of  
animals, how  
regulated.  
R.S., c. 14, § 41.

SEC. 41. They may in writing 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, 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 such disease in their towns, and the immediate vicinity thereof.

Regulations,  
recorded and  
published.  
R.S., c. 14, § 42.

SEC. 42. Such regulations shall be recorded in the records of their towns, and shall be published in said towns in such manner as said regulations provide.

Sale of infect-  
ed animals  
prohibited.  
R.S., c. 14, § 43.

SEC. 43. Whoever 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 fined not exceeding five hundred dollars or be imprisoned not exceeding one year.

—penalty.

Disobedience  
of town offi-  
cers' orders,  
punished.

SEC. 44. Whoever disobeys the orders of said municipal officers, made in conformity with sections forty and forty-one, or drives or trans-

ports any neat cattle contrary to the regulations so made, 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 officers, and for failure to do so, shall be punished as provided in section forty-three.

SEC. 46. Any town whose officers neglect or refuse to carry into effect the provisions of sections thirty-seven to forty-three inclusive, forfeits not exceeding five hundred dollars for each day's neglect.

SEC. 47. Appraisals made under 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 section thirty-seven in such sums and at such times as they may order. If such owner is dissatisfied with the appraisal, he may, in an action on 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. The State shall reimburse the town four fifths of any sum so recovered.

SEC. 49. Whenever such disease exists in a 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 with power to make all necessary regulations, and to issue summary orders, 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 such commissioners shall be fined as provided in section forty-three.

SEC. 51. All such regulations made and published by said commissioners, shall, while in force, supersede the regulations made by the municipal officers.

SEC. 52. All losses, damages and reasonable expenses sustained in consequence of the execution of the orders of said commissioners, shall be appraised as provided in section thirty-nine, and paid as provided in section thirty-seven.

SEC. 53. Such commissioners shall keep a record of their doings,

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R.S., c. 14, § 44.

Knowledge or suspicion of disease, to be reported.

R.S., c. 14, § 45.

—penalty.

Neglect of town officers to comply, how punished.

R.S., c. 14, § 46.

Appraisals how made.

—to whom certified.

R.S., c. 14, § 47.

Further powers of municipal officers.

R.S., c. 14, § 48.

—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 board of agriculture.

R.S., c. 14, § 49.

—or to commissioners.

Commission may be appointed.

—its powers.

R.S., c. 14, § 50.

See c. 58, § 6.

—neglect or refusal to obey, how punished.

Commissioners' regulations supersede.

R.S., c. 14, § 51.

Losses and damages, how ascertained and paid.

R.S., c. 14, § 52.

Commissioners to keep

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record, and make return to legislature. R.S., c. 14, § 53. 1880, c. 239, § 29. 1883, c. 197.

Commission terminated by executive. R.S., c. 14, § 54. Sec's 37 to 54 apply to diseased horses. 1879, c. 147.

and make report thereof to the legislature, on or before the tenth day of January, biennially, 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. They shall receive reasonable compensation for services rendered in the discharge of their duties, to be audited and allowed by the governor and council.

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

SEC. 55. Sections thirty-seven to fifty-four, inclusive, apply to horses infected with glanders, or any other contagious disease.

## 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 are inalienable and indivisible, except by unanimous consent. A description to be recorded.
7. Land appropriated by any person for burying-ground, exempt from attachment, and inalienable.
8. Cemetery lots exempt from attachment and sale on execution, or by executors or administrators of insolvent estates.
9. When town officers may enlarge any public cemetery. Limitation.
10. Notice of hearing, how given and served.
11. Damages for land taken, how assessed. Return to be filed with town clerk. Town to vote thereon at annual meeting.
12. Land owner aggrieved, remedy for.
13. How a private cemetery may become public. Proviso.
14. Towns and cemetery companies may acquire title to land for private burying-grounds; to be inalienable, indivisible, and exempt from debts.
15. How towns may invest funds held in trust for repairs of same.
16. Trustee's acceptance of conveyance to be recorded in registry.

Towns may buy land. R.S., c. 15, § 1.

Persons may incorporate. R.S., c. 15, § 2. —organization.

Grounds to be fenced within one year. R.S., c. 15, § 3.

Towns and parishes to

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

SEC. 2. Persons of lawful age 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 may proceed in the manner and with the powers provided in section three of said chapter.

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 expended 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