

MAINE STATE LEGISLATURE

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L A W S

OF THE

S T A T E O F M A I N E ;

TO WHICH ARE PREFIXED

THE

C O N S T I T U T I O N O F T H E U . S T A T E S

AND OF SAID STATE,

IN TWO VOLUMES,

W I T H A N A P P E N D I X .

.....
VOL. II.
.....

Published according to a resolve of the State, passed
March 8, 1821.

BRUNSWICK.

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.....
1821.

ERRATA:

**The following leaf is
inserted because one or more pages
in this chapter have errors
noticed and corrected here.**

VOLUME THE SECOND.

<i>Page.</i>		<i>Page.</i>	
463	Line 7 of page, dele the word <i>whole</i>	663	S. 2 L. 6 of S. dele <i>of</i>
464	Sec. 8 L. 12 of Sec. for <i>towns</i> read <i>town</i>	666	5 2 after the word <i>Governor</i> insert, and <i>Council</i>
484	27 6 at the end of the line insert the word <i>that</i>	666	5 last for <i>his</i> read <i>the</i>
492	43 11 after the word <i>owing</i> insert to	667	L. 3 of the page, dele <i>who</i>
496	47 25 for <i>duty</i> read <i>body</i>	668	S. 10 L. 1 of S. for <i>where</i> read <i>when</i>
500	54 3 at the end of the line dele <i>the</i>	669	L. 3 of p. for <i>effect</i> read <i>affect</i>
506	7 6 after the word or dele to	670	S. 5 L. 7 of S. for <i>the</i> read <i>such</i>
515	L. 28 of p. for <i>highway</i> read <i>highways</i>	671	L. 2 of p. for <i>in</i> read <i>on</i>
517	S. 16 L. 11 of S. after the word <i>be</i> insert <i>the</i>	672	S. 9 L. 3 of S. for <i>make</i> read <i>mark</i>
518	18 9 for <i>of</i> read <i>or</i>	672	11 2 for <i>and</i> read <i>or</i>
520	23 11 before the word <i>proprietors</i> insert <i>the</i>	674	11 8 before the word <i>each</i> insert <i>for</i>
523	L. 6 of p. after the word <i>person</i> insert <i>of</i>	674	2 7 before the word <i>drying</i> insert <i>the</i>
523	last for <i>cannot</i> read <i>can</i>	676	L. 5 of p. for <i>not</i> read <i>none</i>
526	9 for <i>laws</i> read <i>law</i>	677	4 for <i>quality</i> read <i>quantity</i>
533	16 for <i>assessments</i> read <i>assessment</i>	681	Sec. 4 last line of Sec. after the word <i>owner</i> insert <i>or owners</i>
534	13 for <i>appears</i> read <i>appear</i>	682	Sec. 5 L. 2 of Sec. dele <i>away</i>
535	4 at the end of the line insert <i>of</i>	684	2 3 for <i>galo</i> read <i>golo</i>
535	3 from bottom of p. for <i>causes</i> read <i>cause</i>	686	4 2 for <i>on</i> read <i>or</i>
537	S. 12 L. 2 of S. for <i>in</i> read <i>of</i>	687	3 6 before the word <i>stamped</i> insert <i>not</i>
539	L. 11 of p. between the words <i>the</i> and <i>day</i> should be a '—'	688	L. 24 of p. before the word <i>arms</i> at the beginning of the line insert <i>the</i>
539	15 for <i>where</i> read <i>wherein</i>	694	L. 15 of p. after the word <i>shall</i> insert <i>also</i>
543	S. 18 L. 13 of S. dele <i>the</i> before the word <i>said</i>	694	16 after the word <i>of</i> insert <i>the</i>
545	21 7 for <i>and</i> read <i>or</i>	695	12 for <i>usage</i> read <i>usages</i>
546	1 6 for <i>this</i> read <i>thus</i>	716	8 for <i>fixed</i> read <i>affixed</i>
547	2 7 for <i>this</i> read <i>thus</i>	723	6 from bottom of p. dele <i>in</i>
547	2 11 for <i>in capacity</i> read <i>incapacity</i>	734	Sec. 51 L. 4 of Sec. before the word <i>auditing</i> insert <i>the</i>
553	L. 2 of p. at the end of the line insert <i>such</i>	742	L. 4 of p. after the word <i>orders</i> insert <i>to be</i>
556	S. 1 L. 18 of p. for <i>master</i> read <i>masters</i>	744	L. 3 from bottom of p. before the word <i>refuse</i> insert <i>shall</i>
557	L. 16 of p. for <i>in</i> read <i>of</i>	745	Sec. 1 L. 6 of Sec. before the word <i>good</i> insert <i>six</i>
560	S. 7 L. 4 of S. for <i>Court of Sessions</i> read <i>Courts of Sessions</i>	746	2 15 before the word <i>advice</i> dele <i>the</i>
566	1 7 for <i>every</i> read <i>any</i>	751	5 11 for <i>owners</i> read <i>owner</i>
570	9 5 after the word <i>them</i> insert <i>as</i>	751	5 15 for <i>taking</i> read <i>taken</i>
572	12 5 after the word <i>fine</i> insert <i>of</i>	751	5 25 for <i>owners</i> read <i>owner</i>
573	1 3 for <i>and</i> read <i>or</i>	753	8 23 for <i>spurs</i> read <i>spar</i>
576	L. 18 of p. for <i>pounds</i> read <i>ounces</i>	754	10 3 after the word <i>or</i> insert <i>any</i>
576	last line of the page dele <i>and</i>	758	L. 2 of p. for <i>sales</i> read <i>sale</i>
591	S. 5 L. 2 of S. before the word <i>action</i> insert <i>an</i>	759	24 for <i>minor</i> read <i>minors</i>
592	3 3 for <i>time</i> read <i>times</i>	761	19 for <i>another</i> read <i>any other</i>
601	L. 11 of p. at the end of the line insert <i>drawn</i>	761	last dele <i>other</i>
	After p. 604 read p. '605' instead of '506'	762	22 before the word <i>fish</i> insert <i>any</i>
604	S. 12 L. 2 of S. after the word <i>passing</i> insert <i>on</i>	766	6 after the word <i>notice</i> insert <i>is</i>
606	for Sec. 14 read Sec. 16	766	Sec. 5 L. 6 of Sec. for <i>damages</i> read <i>damage</i>
608	S. 22 L. 5 of S. for <i>monies</i> read <i>money</i>	769	4 14 dele <i>to the</i>
610	3 18 dele <i>any</i>	772	first word of the p. for <i>damage</i> read <i>damages</i>
614	4 4 for <i>funnel</i> read <i>fund</i>	774	Sec. 2 L. 7 of Sec. for <i>and</i> read <i>or</i>
617	L. 5 of the page dele <i>a</i>	774	2 14 for <i>any</i> read <i>every</i>
617	S. 1 L. 6 of S. for <i>purpose</i> read <i>purposes</i>	775	1 3 for <i>paasing</i> read <i>passing</i>
621	1 9 for <i>such</i> read <i>said</i>	777	L. 17 of p. for <i>these</i> read <i>their</i>
622	3 16 for <i>or</i> read <i>on</i>	780	14 for <i>ninth</i> read <i>twenty ninth</i>
624	2 12 after the word <i>returns</i> insert <i>as</i>	780	35 for <i>sixteenth</i> read <i>seventeenth</i>
626	3 6 before the word <i>Cashier</i> insert <i>the</i>	788	25 for <i>eight</i> read <i>eighth</i>
631	4 3 before the end of the S. for <i>course</i> read <i>course</i>	790	28 after the word <i>Act</i> insert <i>providing</i>
634	16 5 of S. for <i>inspected</i> read <i>uninspected</i>	791	13 after the word <i>for</i> dele <i>the</i>
635	17 last for <i>and</i> read <i>or</i>	791	14 after the word <i>idle</i> dele <i>and</i>
638	L. 9 of p. for <i>and</i> read <i>or</i>	793	5 for <i>galo</i> read <i>golo</i>
642	7 dele <i>who</i>	793	27 after the word <i>Act</i> dele <i>for</i>
643	S. 4 L. 6 of S. dele <i>are</i> after <i>and</i>	797	4 at the end of the line for <i>eight</i> read <i>eighth</i>
650	4 14 before the word <i>also</i> insert <i>as</i>	808	34 for <i>from</i> read <i>upon</i>
656	12 3 for <i>on</i> read <i>or</i>		
658	in the title, after the word <i>Act</i> insert <i>for</i>		

kinge pock under the direction and controul of said superintendants, or a board of health, where such board is established; and to raise all necessary sums to defray the expense of such inoculation, or such part thereof as they may deem proper, in the same way and manner that other town charges are by law defrayed.

[Approved February 14, 1821.]

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CHAPTER CXXVII.

An Act to prevent the spreading of the Small Pox, and other Contagious Sickness.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in Legislature assembled, That for the better preventing the spreading of infection, when it shall happen that any person or persons coming from abroad, or belonging to any town or place within this State, shall be visited, or shall lately before have been visited with the plague, small pox, pestilential or malignant fever, or other contagious sickness, the infection whereof may probably be communicated to others; the Selectmen of the town where such person or persons may arrive or be, are hereby empowered to take care and make effectual provision in the best way they can for the preservation of the inhabitants, by removing such sick or infected person or persons, and placing him or them in a separate house or houses, and by providing nurses, attendance and other assistance and necessaries for them; which nurses, attendance, and other assistance and necessaries, shall be at the charge of the parties themselves, their parents or master, (if able) or otherwise at the charge of the town or place whereto they belong; and in case such person or persons are not inhabitants of any town or place within this State, then at the charge of the State.

Selectmen to make provision for sick persons arriving from infected places and removing them to safe places.

SEC. 2. *Be it further enacted,* That any person or persons coming from any place out of this State, where the small pox or other malignant distemper is prevailing, into any town within this State, shall, when thereto required by the Selectmen of such town, within the space of two hours from the time they shall be first informed of their duty by law in this particular, give notice to one or more of the Selectmen,

Persons arriving from infected places to give notice, when duly required, of their coming, place from, &c.

or the Clerk of such town, of their coming there, and of the place from whence they came, upon pain of forfeiting, in case of neglect, the sum of one hundred dollars; and such person or persons, if not disabled by sickness, shall, within the space of two hours after warning given to him or them by the Selectmen of such town for that purpose, depart from this State in such manner, and by such road, as the said Selectmen shall direct, and in case of refusal, it shall be lawful for any Justice of the Peace in the county where such town may lie, by warrant directed to a Constable or other proper officer, or other person whom the Justice shall judge proper to cause such person or persons to be removed into the State from whence he or they may have come. And any person removed by warrant as aforesaid, who, during the prevalence of such distemper, shall presume to return into any town in this State, without liberty first obtained from such Justice, shall forfeit and pay the sum of four hundred dollars; and any inhabitant of this State who shall entertain in his house any person warned to depart as aforesaid, for the space of two hours after notice given him of such warning by one or more of the Selectmen aforesaid; shall forfeit and pay the sum of two hundred dollars.

SEC. 3. *Be it further enacted,* That it shall and may be lawful for the Selectmen of any town near to, or bordering upon either of the neighbouring States, to appoint, by writing under their hands, some meet person or persons to attend at ferries or other places by or over which passengers may pass from such infected places; which person or persons so appointed, shall have power to examine such passengers as they may suspect to bring infection with them, and if need be, to hinder and restrain them from travelling, until licensed thereto by a Justice of the Peace within such county, or by the Selectmen of the town in which such person or persons may come; and any passenger who, coming from such infected place, shall (without license as aforesaid) presume to travel within this State, unless it be to return by the most direct way to the State from whence he came, after he shall be cautioned to depart by the person or persons appointed as aforesaid, shall forfeit and pay the sum of one hundred dollars; the several forfeitures aforesaid to be re-

on penalty, &c.

Such persons to depart the State, if able, &c. and on refusal a Justice may remove them.

Penalty for returning without liberty from such Justice.

Penalty on any inhabitant for entertaining such persons, warned to depart.

Selectmen to appoint persons to guard ferries, &c. to prevent infected persons from coming in.

Penalty for any person from infected places, without leave, travelling in this State, unless &c.

Penalties hor:

to be recovered.

covered by action of debt, in any Court of Record proper to try the same; one moiety to and for the use of the town where the offence shall be committed, the other moiety to the use of the person who may sue for the same.

Two Justices may by warrant remove such sick persons, and impress lodgings, necessaries, and attendance.

SEC. 4. *Be it further enacted*, That if need be, any two Justices of the Peace may make out a warrant directed to the Sheriff of the county, or his deputy, or Constables of the town or place where any such sick person or persons may be, requiring them, or any of them, in the name of the State, with the advice and direction of the Selectmen of the same, to remove such infected person or persons, or to impress and take up convenient houses, lodging, nurses, attendance and other necessaries, for the accommodation, safety and relief of the sick. And such Sheriff, his deputy and Constable, are hereby authorized and required to execute such warrant accordingly.

Sheriff or constable to execute such warrant.

Power of selectmen and Justice with regard to infected baggage, &c.

SEC. 5. *Be it further enacted*, That whenever there shall be brought into any town within this State, either from any other town therein, or from parts without the State, any baggage, clothing or goods of any kind whatsoever, and it shall be made to appear by the Selectmen of the town to which such baggage, clothing or other goods shall be brought, or by the major part of such Selectmen, to the satisfaction of any Justice of the Peace, that there is just cause to suspect baggage, clothing or other goods to be infected with the plague, small pox, pestilential fever, or other malignant contagious distemper; it shall be lawful for such Justice of the Peace, and he is hereby required, in such case, by warrant under his hand and seal directed to the Sheriff or his deputy, or any Constable of the town in which such baggage, clothing or other goods shall be, requiring him to impress so many men as said Justice shall judge necessary to secure such baggage, clothing or other goods, and said men to post as a guard and watch over the house or other place or places where such baggage, clothing or other goods shall be lodged; which guard and watch are hereby required to take effectual care to prevent such baggage, clothing or other goods being removed or intermeddled with, by any persons whatsoever, until due inquiry be made into the circumstances thereof; requiring likewise the said Sheriff, his dep-

to have in guarded,

uty or the Constable aforesaid, if it shall appear necessary, with the advice and direction of said Selectmen, to impress and take up convenient houses or stores, for the receiving, and stored, lodging and safe keeping of such baggage, clothing or other goods, until the same shall be sufficiently cleansed from infection: and in case it shall appear highly probable to the said Justice, that such baggage, clothing or other goods are infected as aforesaid he is hereby empowered and directed to issue his warrant in manner as aforesaid, requiring said Sheriff, his deputy, or any Constable, or other person therein specially named, to remove said baggage, clothing or other goods, to some convenient place where there shall be the least danger of the infection spreading; there to remain until the same shall be sufficiently aired and freed from infection, in the opinion of said Selectmen: and the said Sheriff, deputy Sheriff or Constable, in the execution of said warrants, are empowered and directed, if need be, to break up any house, warehouse, shop or other place particularly mentioned in said warrant, where such baggage, clothing or other goods shall be; and in case of opposition to require such aid as shall be necessary to effect the execution of said warrants, and repel such opposition; and all persons are hereby required at the commandment of either of said officers, having either of the warrants aforesaid, under penalty of ten dollars to be recovered before any Justice of the Peace in the county where such opposition may happen, to assist such officer in the execution of the same warrant against any opposition as aforesaid; and the charges of securing such baggage clothing or other goods, and of airing and transporting the same, shall be borne and paid by the owners thereof at such rates and prices as shall be set and appointed by the Selectmen of the town where such baggage, clothing or other goods shall be; to be recovered by action of debt, by any person or persons who may have been employed in the business aforesaid, in any Court of Record proper to try the same.

or removed.

Sheriff may break open houses, &c. and command aid in execution of their warrant.

Disobedience, penalty for:

expenses, how to be paid, &c.

SEC. 6. *Be it further enacted*, That if any master, seaman or passenger belonging to any vessel, on board which any infection is, or may have lately been or suspected to have been, or which may have come from any port where

Penalty for masters of vessels from infected ports, &c. refusing to answer

questions on oath, by selectmen, &c.

any infectious mortal distemper prevails, shall refuse to make an answer on oath to such questions as may be asked him or them, relating to such infection, by the Selectmen of the town to which such vessel may come, (which oath the said Selectmen are hereby empowered to administer) such master, seaman or passenger so refusing, shall forfeit the sum of two hundred dollars; and in case he be not able to pay said sum, he shall suffer six months imprisonment; said penalty to be adjudged on prosecution by indictment or information in any Court proper to try the same, one moiety of said fine to the use of the town where the offence may be committed, and the other moiety to the use of the Selectmen thereof, whose particular duty it is hereby made to prosecute therefor.

Courts, may adjourn from places of holding, when mortally infectious distempers prevail there.

SEC. 7. *Be it further enacted*, That whenever the small pox or other mortally infectious distemper shall prevail in any of the towns wherein the Supreme Judicial Court of this State, Circuit Courts of Common Pleas, or Court of Sessions are to be holden, at the times prescribed by law, or by their own adjournment, for their sitting in such town; the Justices of the said Courts respectively, are hereby empowered to adjourn and hold said Courts in any town within the same county by proclamation to be made in the shire town, or as near the same as safety will in their opinion permit.

Each town at their annual meeting may choose a health committee or a health officer.

SEC. 8. *Be it further enacted*, That each town in this State, may at their meeting held in March or April annually; or at any other meeting legally warned for the purpose; when they shall judge it to be necessary, choose and appoint a health committee, to consist of not less than five, nor more than nine suitable persons, or one person to be a health officer; whose duty it shall be to remove all filth of any kind whatever which shall be found in any of the streets, lanes, wharves, docks, or in any other place whatever within the limits of the town to which such committee or health officer belongs, whenever such filth shall in their judgment endanger the lives or the health of the inhabitants thereof, and also to require the owner or occupier to remove or discontinue any drain from which any such filth may proceed. All the expenses whereof to be paid by the person or persons who placed such filth there, if known; or if not, by the town

Power and duty of such officer.

by which the said committee or health officer was appointed. And whenever any filth or drain as aforesaid shall be found on private property, said committee or health officer shall notify and order the owner or occupier thereof, after twenty four hours' notice, to remove the same or discontinue such drain at their own expense; and in case said owner or occupier shall neglect to remove such filth from his or her property or to remove or discontinue such drain after the expiration of the time aforesaid, he or they so offending shall forfeit and pay a fine of one hundred dollars, to be sued for and recovered, with costs of suit, by said committee or health officer, before any Court proper to try the same, for the use of the poor of the town in which such offence is committed: and said owner or occupier as aforesaid shall be liable and obliged to repay to said town all cost and charges which the said committee or health officer may have incurred in removing the filth from his or her property; and in case of refusal to pay the same, he or they may be sued in the same way as is provided in this Act for the recovery of fines as aforesaid.

SEC. 9. *Be it further enacted,* That whenever any vessel shall arrive at any port within this State, having on board any person visited with the plague, small pox, malignant fever, or any other pestilential disease, the master, commander or pilot thereof, shall not bring such vessel up near the town of the port where she first arrives, until liberty be first granted, in writing by the Selectmen thereof; but they may bring such vessel to an anchor in such place below the town, as will be most for the safety of the inhabitants thereof, and the preservation of the vessel and the people on board, there to wait for orders from the Selectmen of such town before any passenger or person belonging to, or any thing on board the same be brought on shore: and any master or commander of such vessel who shall be found guilty of a breach of the law contained in this section, shall forfeit and pay a fine of two hundred dollars for every such offence, upon conviction thereof before any Court proper to try the same. And any pilot who may go on board any such vessel and pilot the same up to the town, without liberty first had and obtained from the Selectmen thereof as aforesaid, shall upon conviction

Vessels arriving in this State having any infected person on board, not to approach town, without leave, &c.

but to anchor below,

and there wait for orders.

Penalty for violating this provision.

Fines, how recovered and applied.

tion in manner as aforesaid, forfeit and pay a fine of fifty dollars for every such offence: all which fines contained in this section may be sued for and recovered, with costs of suit in manner as aforesaid, by the Selectmen of the town where the offence is committed, to and for the use of the same town.

In certain cases vessels must perform quarantine.

SEC. 10. *Be it further enacted*, That whenever it shall appear to the Selectmen of any sea port town within this State, that the safety of the inhabitants thereof requires, that any vessel or vessels which shall arrive in any harbour or river within this State, from any port or place, should perform quarantine, the Selectmen of any town where such vessel shall so arrive, are hereby required and empowered to cause such vessel or vessels to perform quarantine, at such place as they shall appoint, and under such restrictions and regulations as they may judge expedient; and any owner, master or supercargo, officer, seaman or consignee of such vessel or vessels; or any other person who shall neglect or refuse to obey the orders, directions, rules, regulations and restrictions of the said Selectmen, respecting the said quarantine, and shall be convicted thereof, upon indictment or information, before the Supreme Judicial Court or Circuit Court of Common Pleas, held in the county where the offence may be committed; shall forfeit and pay a sum not exceeding five hundred dollars, or be imprisoned for a term of time not exceeding six months; or both at the discretion of the Court having cognisance of such offence.

Penalty on master for violating orders as to quarantine, or making false and fraudulent declarations, &c.

SEC. 11. *Be it further enacted*, That when any master or commander of any vessel shall come up to any sea port town aforesaid, with his said vessel, after notice given to him by any person or persons whomsoever, that a quarantine has been directed by the said Selectmen for all vessels coming from the port or place from which such master or commander shall have arrived; or shall falsely or fraudulently attempt to elude the directions of the said Selectmen by false and unfounded declarations of the port or place from whence he came; or shall land, or suffer to be landed from his vessel, any person or persons, or apparel, bedding, goods or merchandise whatsoever without the permission of the said Selectmen, every such master or commander shall, upon conviction

thereof, in manner and form pointed out in the tenth section of this Act, forfeit and pay a sum not exceeding five hundred dollars, or suffer imprisonment for a term not exceeding six months, or both at the discretion of the Court having cognisance of such offence.

SEC. 12. *Be it further enacted,* That whenever the said Selectmen shall think it necessary to order all vessels which shall or may arrive at any of the sea port towns aforesaid, from any particular port or ports, to perform quarantine, and shall give notice of such order to the pilots of the said sea port towns; it shall be the duty of such pilots to make known the said order to the captains or masters of all vessels which they shall board. And if any pilot after notice given to him as aforesaid, shall neglect to make known the said order, or shall pilot any such vessel up to any town aforesaid, he shall, upon conviction thereof in manner and form pointed out in the tenth section of this Act, forfeit and pay a fine not exceeding one hundred dollars.

When Selectmen order all vessels from particular ports to perform quarantine,

pilots to make such order known, &c.

Penalty for neglect.

SEC. 13. *Be it further enacted,* That the Selectmen of each of the sea port towns aforesaid, shall provide, at the expense of such towns, a suitable number of red flags, of three yards at least in length; and the master of every vessel ordered to perform quarantine, for the purpose of purification, shall hoist one of said flags on the head of the mainmast, there to be kept during the whole time, so long as said vessel or vessels are performing quarantine; and no person during that time shall go on board, except those employed by the said Selectmen; and every person who shall transgress by going on board any such vessel, shall be considered as contaminated with infection, and held to undergo purification in the same manner, and under the same regulations and restrictions as those persons who are performing quarantine on board such vessel or vessels, and shall there remain until discharged by order of said Selectmen, who, by any person or persons employed by them, may forcibly detain such person or persons transgressing as aforesaid, for the purpose of purifying as aforesaid.

Selectmen to provide red flags.

Vessels on quarantine to hoist such flag.

No person to go on board, except, &c.

SEC. 14. *Be it further enacted,* That in every sea port town aforesaid, where there is a health committee or a health officer, legally chosen and appointed in manner as directed

When selectmen judge it necessary, &c. health com-

mittee, or health officer may perform all the duties, &c.

by this Act, and the Selectmen of such town shall judge it necessary, and shall certify it under their hands, or the major part of them; such health committee or health officer are hereby authorized to perform all the duties, and exercise all the authority which Selectmen are authorized and required to execute, in requiring any person or persons, vessel or vessels as aforesaid, to perform quarantine in manner as pointed out in this Act.

Forfeitures, how appropriated.

SEC. 15. *Be it further enacted*, That all the forfeitures arising from the tenth, eleventh and twelfth sections of this Act, shall accrue to the use of the town where the offence shall be committed; and all expenses arising from any vessel, person or persons, or effects on board the same, performing quarantine as aforesaid shall be paid by the owner or owners of such vessel, or effects on board the same; and in case of refusal to pay such expenses, the same may be recovered by an action of debt in the name of the Selectmen, health committee or health officer as the case may be, in any Court proper to try the same.

Expenses how to be paid.

No person to inoculate for small pox, but at a licensed hospital.

SEC. 16. *Be it further enacted*, That no person shall inoculate any other person or inoculate himself or herself, or suffer himself or herself to be inoculated with the small pox, unless, at some hospital licensed by the Selectmen of the town. *Provided*, No such hospital shall be erected or licensed within one hundred rods of any dwelling house situated in an adjoining town without the consent of the Selectmen of such adjacent town, on pain that every person so offending shall for each offence forfeit a sum not exceeding one hundred dollars, to be recovered on indictment or presentment of the Grand Jury at the Supreme Judicial Court, or Circuit Court of Common Pleas within the county, to the use of the town in which such offence shall have been committed.

None such to be within 100 rods of any dwelling-house, without consent, &c.

Penalty and mode of recovery.

Regulations as to such hospital.

SEC. 17. *Be it further enacted*, That whenever any hospital shall be so erected, established or licensed, the physician, the persons innoculated, or sick there, the nurses, attendants, and all persons who shall approach or come within the limits of the same, and all such property as shall be used or brought there, shall be subject to all such orders and regulations as shall be made by the Selectmen or a commit-

tee appointed for that purpose to prevent spreading the infection.

SEC. 18. *Be it further enacted,* That when the small pox shall unexpectedly break out in any town, the Selectmen of the same, shall have power, and it shall be their duty, immediately to provide such hospital or place of reception for the sick and infected as they shall judge best for their accommodation and the safety of the inhabitants, and may give license for inoculating there, all such persons as shall be supposed to have taken infection; and such hospitals and places of reception shall be subject to the orders and regulations of the Selectmen in the same manner as is herein before provided respecting licensed hospitals, and the said Selectmen shall cause such sick and infected persons to be removed to such hospitals or places of reception, unless the condition of the sick person should not admit of removal without danger of life, in which case the house or place where the sick shall remain, shall be considered as an hospital to every purpose before mentioned, and all persons residing in, or in any way concerned with the same, shall be subject to the orders and regulations of the Selectmen of the town as before expressed and provided.

When small pox unexpectedly breaks out in any town, power and duty of selectmen.

SEC. 19. *Be it further enacted,* That in all cases above-mentioned, it shall be the duty of the Selectmen to use all possible care to prevent the spreading of infection, and to give public notice to travellers of infected places by displaying red flags at proper distances, and by all other means which in their judgment shall be most effectual for the common safety; and in case any physician or other person within any of the hospitals or places of reception above described, or who shall attend, approach, or be concerned with the same, shall violate or contravene any of the restrictions, orders or regulations of the same, made according to this Act, either in respect of himself or his or any other person's property, the person so offending shall for each offence forfeit and pay a sum not exceeding one hundred dollars, nor less than ten dollars, to be recovered by the Selectmen, committee or health officer who may sue for the same, one half to the use of the person or persons who prosecute for the same, and the other half to the use of the town where the offence shall have been committed

Selectmen to give notice to travellers, of infected places.

Penalty for violating regulations.

Every householder to give notice to selectmen, if the small pox be in his family, &c.

Penalty for neglect.

SEC. 20. *Be it further enacted,* That whenever any householder shall know that any person within his or her family is taken sick of the small pox, such householder shall immediately give notice thereof to the Selectmen of the town of which such householder shall be an inhabitant or resident, on pain that every householder who shall refuse or neglect to give such notice, shall forfeit and pay for such offence, a sum not exceeding thirty dollars nor less than ten dollars, to be recovered in the same manner as is provided for recovering the forfeitures mentioned in the sixteenth section of this Act, and to be appropriated and paid in the same manner.

[Approved March 10, 1821.]

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CHAPTER CXXVIII.

An Act respecting Pounds and impounding Beasts going at large, or damage feasant.

Each town to keep sufficient pounds.

Penalty for neglect.

Pound keepers and field drivers to be chosen annually. Field drivers to be sworn: their duty.

SEC. 1. *BE it enacted by the Senate and House of Representatives, in Legislature assembled,* That each town shall keep and maintain a sufficient pound or pounds, in such place or places therein as the town shall direct; wherein horses, asses, mules, swine, goats, sheep and neat cattle may be impounded and kept, for the causes hereinafter mentioned; and every town that shall neglect, for the space of six months, to provide and maintain such a pound shall forfeit and pay the sum of fifty dollars, for the use of the county; to be recovered by presentment of the Grand Jury in any Court in the county; and there shall be chosen in each town, at the annual meeting for the choice of town officers, a suitable person to keep each pound, and three or more suitable persons for field drivers within such town, who shall severally be sworn to the faithful discharge of their duty; and it shall be the duty of the field drivers, thus chosen and sworn, to take and impound any such beasts found going at large, contrary to the provisions of this Act, or damage feasant; and the pound keeper shall restrain all beasts impounded within the pound, and furnish them with suitable and sufficient food and drink at the expense of the person impounding them.