

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.

.....
1841.

through any garden, yard, or other improved field, after having been expressly forbidden so to do by the owner or occupant thereof, he shall be punished by a fine, not exceeding five dollars, or imprisonment in the county jail, not more than ten days.

CHAP. 162.

gardens, &c. after prohibition.

SECT. 13. If any person shall, wilfully or maliciously, injure, destroy or deface any building or fixture attached thereto, not having the consent of the owner thereof, or, wilfully or maliciously, destroy, injure or secrete any goods or chattels, or valuable papers of another, he shall be punished by imprisonment in the county jail, not more than one year, or by a fine, not exceeding five hundred dollars; and shall also be liable to the party injured, in a sum equal to three times the value of the property, so destroyed or injured, in an action of trespass.

Wilful injuries to buildings, fixtures, goods, or valuable papers of another. 1825, 312.

SECT. 14. All prosecutions for offences mentioned in this chapter, after the fourth section, shall be commenced within four years from the time the offence shall have been committed.

Limitation of prosecutions. 1825, 312, § 2.

SECT. 15. Every justice of the peace, in his proper county, shall have jurisdiction of the offences described in this chapter, after the fourth section, where the property so destroyed, or the injury occasioned by the trespass, shall not be alleged to exceed the sum of ten dollars, in which case the punishment shall be by fine, not exceeding ten dollars, or imprisonment in the county jail, not more than thirty days; saving to the party convicted the right of appeal, according to law.

Jurisdiction of justices of the peace

CHAPTER 163.**OF OFFENCES AGAINST THE PUBLIC HEALTH, SAFETY AND POLICY.**

SECT. 1. Selling unwholesome provisions.
2. Adulterating food or liquors.

SECT. 3. Selling or giving away preparations for fireworks, or setting fire to them, in towns.
4. Lotteries.

SECTION 1. If any person shall sell any diseased, corrupted or unwholesome provisions, whether for meat or drink, knowing the same to be such, without making it known to the buyer, he shall be punished by imprisonment in the state prison, not more than five years, or by fine, not exceeding one thousand dollars, and imprisonment in the county jail, not more than one year.

Selling unwholesome provisions. 1821, 23.

SECT. 2. If any person shall fraudulently adulterate, for the purpose of sale, any substance intended for food, or any wine, spirits, malt liquor or other liquor intended for drink, in such manner as to render the same injurious to health, he shall be punished, as provided in the preceding section.

Adulterating food or liquors.

SECT. 3. If any person shall sell, offer for sale or give away any fireworks, called crackers, squibs, rockets or other fireworks, or shall set fire to, or throw the same in any town or city, without the license of the selectmen of such town, or the mayor or aldermen of such city, he shall be punished by a fine, not exceeding ten dollars,

Selling or giving away preparations for fireworks, or setting fire to them in towns. 1821, 26.

CHAP. 163. to be recovered on complaint before a justice of the peace, to the use of the town or city in which the offence shall be committed.

Lotteries.
1826, 327, § 1, 2,
3, 4.
5 Pick. 42.

SECT. 4. If any person shall make, or aid in making, any lottery, or shall hereafter advertise, or make public, any scheme for any lottery, or shall advertise or offer for sale any ticket or part of a ticket in any lottery, or shall sell or give away, negotiate or dispose of, or shall purchase or receive the same, or shall have in his possession any ticket or paper, purporting to be the number of any ticket, or part of a ticket of any lottery, with intent to sell or dispose of the same, on his own account, or as agent for another, he shall be punished by a fine, not less than one hundred dollars, and not exceeding one thousand dollars; one half of which fine shall be for the use of the person, who shall inform and prosecute for the same, and the other half to the use of the state.

CHAPTER 164.

OF NUISANCES.

SECT. 1. Certain nuisances described.

2. Places to be assigned for unwholesome employments.
3. Proceedings when places, so assigned, become offensive.
4. When buildings for the manufacture of gunpowder, shall be deemed nuisances.
5. Burning bricks in parts of a town, prohibited by vote, nuisances.
6. Water mills and dams on streams, and fences and buildings fronting on public ways, in certain cases, not nuisances.
7. Punishment for nuisances, on conviction. Abatement thereof.

SECT. 8. Action for damages, whether nuisance be public or private.

9. Process for abatement of a nuisance.
10. Warrant to be stayed, if defendant give security to discontinue the nuisance.
11. Expenses of abatement to be defrayed from the materials, if sufficient; otherwise, as in cases of execution.
12. Equity jurisdiction of supreme judicial court. Injunction may issue from any court, where a suit for nuisance is pending.

Certain nuisances described.
1821, 24, § 5.

SECTION 1. The erecting, continuing or using any building or other place for the exercise of any trade, employment or manufacture, which, by occasioning noxious exhalations, offensive smells, or other annoyances, become[s] injurious and dangerous to the health, comfort, or property of individuals, or the public, the causing or suffering any offal, filth, or noisome substance to be collected, or to remain in any place to the prejudice of others, the obstructing or impeding, without legal authority, the passage of any navigable river, harbor, or collection of water, or the corrupting, or rendering unwholesome or impure, the water of any river, stream or pond, or unlawfully diverting the same from its natural course or state, to the injury or prejudice of others, and the obstructing or encumbering by fences, buildings or otherwise, the public highways, private ways, streets, alleys, commons, common landing places, or burying grounds, shall be deemed nuisances, within the limitations and exceptions hereafter mentioned.