

# 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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order, shall be held guiltless and justified in law; but if any of said magistrates, officers, or persons thus acting with them, are killed or wounded, all persons so unlawfully or riotously assembled, and all other persons who refused, when required, to aid such magistrates and officers, shall be answerable therefor.

CHAP. 123.  
—liability of rioters.

PUNISHMENT AND REMEDY FOR INJURIES BY MOBS.

SEC. 14. If any persons, thus unlawfully and riotously assembled, pull down, or begin to pull down, or destroy any dwelling-house, building, ship or vessel; or perpetrate any premeditated injury, not a felony, on any person, each shall be punished by imprisonment for not more than five years, or by fine not exceeding five hundred dollars; and shall also be answerable to any person injured, in an action of trespass, to the full amount of damages by him sustained.

Punishment, for pulling down houses, or premeditated personal injuries.  
R.S., c. 123, § 7.  
63 Me., 48.  
65 Me., 429.

SEC. 15. When the injury to any property described in the preceding section amounts to fifty dollars or more, the town where such property is situated shall indemnify the owner thereof for three fourths of the value of such injury, to be recovered in an action on the case, if he uses all reasonable diligence to prevent such injuries, and to procure the conviction of the offenders; and the town paying such sum may recover it in an action on the case against the persons doing the injury.

Liability of towns for injury by mobs.  
R.S., c. 123, § 8.  
63 Me., 48.  
65 Me., 429, 438.

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Governor may call out the militia to suppress insurrection.  
R.S., c. 123, § 9.

SEC. 17. When the governor and council deem it necessary to protect the coast of the state from invasion, they may procure, equip, officer and man, such armed vessels as they think expedient, to cruise along the coast of the state, for the purpose of protecting the inhabitants thereof; and fix the relative rank and compensation of the officers, and the number and compensation of seamen employed.

Governor and council may employ armed vessels to protect the coast of the state.  
R. S., c. 123, § 10.

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## ADULTERY, INCEST, POLYGAMY, GROSS LEWDNESS, AND FORNICATION.

SEC. 1. Whoever commits adultery shall be punished by imprisonment for not more than five years, or by fine not exceeding one thousand dollars; and when only one of the parties is married, or when they have been legally divorced from the bonds of matrimony, and afterwards cohabit, each shall be deemed guilty of adultery. (a)

Adultery.  
1879, c. 85.

—cohabitation after a divorce is adultery.

SEC. 2. When persons within the degrees of consanguinity or affinity in which marriages are declared incestuous and void, intermarry or commit fornication or adultery with each other, they shall be punished by imprisonment for not less than one, nor more than ten years.

Incest.  
R.S., c. 124, § 2.

SEC. 3. Whoever commits the crime against nature, with mankind or with a beast, shall be punished by imprisonment for not less than one, nor more than ten years.

Crime against nature.  
R.S., c. 124, § 3.

SEC. 4. If any person, except one legally divorced, or one whose husband or wife has been continually absent for seven years and not known to him or her to be living within that time, having a husband or wife living, marries another married or single person; or if any unmarried person knowingly marries the husband or wife of another, when such husband or wife is thereby guilty of polygamy, he or she shall be deemed guilty of polygamy and punished by imprisonment for not more than five years, or by fine not exceeding five hundred dollars; and the indictment for such offence may be found and tried in the county where the offender resides, or where he or she is apprehended.

Polygamy, its punishment and where tried.  
R.S., c. 124, § 4.  
6 Me., 149.  
53 Me., 440.

SEC. 5. If any man and woman, one or both being at the time married to another person, lewdly and lasciviously cohabit; or, married or unmarried, are guilty of open, gross lewdness and lascivious behavior, they shall each be punished by imprisonment for not more than five years, or by fine not exceeding three hundred dollars; and whoever wantonly and indecently exposes his person shall be punished by imprisonment for not more than thirty days, and by fine not exceeding ten dollars.

Lascivious cohabitation and lewdness.  
1873, c. 104.  
7 Me., 58.

—indecent exposure, penalty for.

SEC. 6. If an unmarried man commits fornication with an unmarried woman, they shall be punished by imprisonment for not more than sixty days, and by fine not exceeding one hundred dollars.

Fornication.  
R.S., c. 124, § 6.

## CONCEALMENT OF BIRTHS AND PROCURING ABORTIONS.

SEC. 7. If a woman is willingly delivered in secret of the issue of

Concealment

(a) 8 Me., 76; 11 Me., 394; 19 Me., 156; 35 Me., 206; 36 Me., 263; 43 Me., 261; 44 Me., 478; 65 Me., 30.

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by the mother of the death of illegitimate issue, how indicted, &c. R. S., c. 124, § 7. 57 Me., 31.

her body, which would be a bastard if born alive, and conceals the death thereof, so that it is not known whether it was born dead, or alive and was murdered, she shall be punished by imprisonment for not more than three years, or by fine not exceeding one hundred dollars; and she may be charged with such offence, and also with the murder of such child, in the same indictment, and convicted and punished for either, according to the verdict.

Punishment, for procuring or attempting to procure abortion. R. S., c. 124, § 8. 32 Me., 374. 33 Me., 54.

SEC. 8. Whoever administers to any woman pregnant with child, whether such child is quick or not, any medicine, drug, or other substance, or uses any instrument or other means, unless the same was done as necessary for the preservation of the mother's life, shall be punished, if done with intent to destroy such child and thereby it was destroyed before birth, by imprisonment for not more than five years, or by fine not exceeding one thousand dollars; but if done with intent to procure the miscarriage of such woman, by imprisonment for less than one year, and by fine not exceeding one thousand dollars.

## HOUSES OF ILL-FAME.

Keeping houses of ill-fame. R. S., c. 124, § 9. 40 Me., 561.

SEC. 9. Whoever keeps a house of ill-fame, resorted to for prostitution or lewdness, shall be punished by imprisonment for less than one year, and by fine not exceeding five hundred dollars; and if after conviction he is again convicted, he shall be punished by imprisonment for not less than one, nor more than three years. The municipal officers and constables of towns and cities, and assessors of plantations, are required promptly to enforce the laws against such houses, and to make complaint against any person within their respective municipalities, where there is probable cause to believe such person guilty of a violation of this section. A person, convicted of keeping such a house, before a municipal or police court or trial justice, may be sentenced to the house of correction or jail not exceeding one month. And such person shall not be allowed to keep boarders or lodgers without a license from the overseers of the poor of the town, who shall prosecute for such offence, all whom they have good reason to suspect to be guilty.

Enticing unmarried females for purposes of prostitution. R. S., c. 124, § 10. 54 Me., 26.

SEC. 10. Whoever fraudulently and deceitfully entices or takes away an unmarried female from her father's house, or wherever else she may be found, for the purpose of prostitution at a house of ill-fame, assignation or elsewhere, and whoever aids therein, or secretes such female for such purposes; or whoever inveigles or entices any female, before reputed virtuous, to a house of ill-fame, or knowingly conceals or aids in concealing any such female, so enticed, for the purpose of prostitution or lewdness, shall be punished by imprisonment for not less than one nor more than ten years.

Warrants to search for females supposed to be so enticed. R. S., c. 124, § 11.

SEC. 11. When an overseer of the poor, police officer, constable, parent, master, or guardian, has reason to believe that a female has been inveigled or enticed to a house of ill-fame as aforesaid, he may complain on oath to a competent magistrate who may issue his search warrant as in other cases, to enter such house by day or night, search for such female, and bring her and the person in whose keeping she is found,

before him, and may order her to be delivered to the complainant or to be discharged, as law and justice require. CHAP. 124.

SEC. 12. When the tenant of a dwelling-house is convicted of keeping it as a house of ill-fame, the lease or contract by which he occupies it may, at the option of the landlord, be deemed void, and the landlord shall have the same remedy to recover possession as against a tenant holding over after his term expires. Lease of tenant of ill-fame is void, at the option of the landlord.  
R. S., c. 124, § 12.

#### OBSCENE BOOKS AND PICTURES.

SEC. 13. Whoever imports, prints, publishes, sells, exhibits or distributes any book, pamphlet, ballad or printed paper, containing obscene language, prints, pictures, or descriptions, manifestly tending to corrupt the morals of youth; or procures, receives, or has any of them in his possession with intent to sell, exhibit, or circulate them, shall be punished by imprisonment for less than one year, or by fine not exceeding five hundred dollars. Punishment for making or circulating obscene books and pictures.  
R. S., c. 124, § 13.  
See c. 11, § 116.

SEC. 14. A warrant to search for such articles may be issued by any trial justice like other search warrants, and when any of them are found by the officer serving it, they shall be brought before the justice, and kept by him or the officer, to be used as evidence in any case that may arise concerning them or any person connected therewith; and on conviction of such offender, said articles shall be destroyed by order of the court trying the case. Warrants to search for the same.  
R. S., c. 124, § 14.

#### BLASPHEMY AND PROFANITY.

SEC. 15. Whoever blasphemes the holy name of God by denying, cursing, or contumeliously reproaching God, His creation, government, final judgment of the world, Jesus Christ, the Holy Ghost, or the Holy Scriptures as contained in the canonical books of the Old or New Testament, or by exposing them to contempt and ridicule, shall be punished by imprisonment for not more than two years, or by fine not exceeding two hundred dollars. Blasphemy.  
R. S., c. 124, § 15.

SEC. 16. Whoever, being of years of discretion, profanely curses or swears, shall, on complaint made within twenty days thereafter, be punished by fine not exceeding two dollars; and if, after conviction, he is again guilty, by fine not exceeding five dollars. Profanity.  
R. S., c. 124, § 16.

#### DISTURBANCE OF RELIGIOUS MEETINGS AND OBSERVANCE OF THE LORD'S DAY.

SEC. 17. Whoever, on the Lord's Day or at any other time, behaves rudely or indecently within the walls of any house of public worship; wilfully interrupts or disturbs any assembly for religious worship within the place of such assembly or out of it; sells or exposes for sale within one mile thereof and during the time of their meeting, intoxicating liquors, refreshments, or merchandise, except in his usual course and place of business; exhibits any show or play; engages or aids in any horse race, gambling, or other sport, to the disturbance of such assembly; or, coming within their neighborhood, refuses, on request, either immediately and Rude behavior in a house of worship or religious assembly.  
R. S., c. 124, § 17.

CHAP. 124. peaceably to retire beyond their hearing, or to conform to their established regulations, shall be punished by imprisonment for not more than thirty days, and by fine not exceeding ten dollars.

Special police at camp-meetings, how to be appointed. 1878, c. 3.

SEC. 18. On application of the presiding elder, officers or preachers in charge, or tent masters, of a religious or temperance camp-meeting in any town, the municipal officers thereof or a majority of them, shall in writing, appoint one or more police officers to preserve the peace during such meeting, who may arrest any violator of the preceding section, detain him until a warrant can be issued, and execute such warrant when directed to them; and the presiding officer or committee of arrangements of such religious assembly or meeting may appoint some suitable persons to keep boarders and sell refreshments at such meetings, who shall conform therein to such regulations as the officers appointing them prescribe.

—presiding officer, or committee, may appoint persons to keep boarders and sell refreshments.

Offenders are liable to be arrested and detained by divers officers. R. S., c. 124, § 19.

SEC. 19. Every justice of the peace, sheriff, deputy sheriff, constable, grand juror, and tythingman, present at any such religious assembly disturbed as aforesaid, shall arrest or cause to be arrested every such offender, and detain him until the close of such assembly, or until he can be taken before a magistrate; and all persons present at such assembly, shall, on request, assist said officers in the execution of their duty, under the same penalties for neglect or refusal that are provided for neglecting or refusing to aid officers in other cases.

—penalty, for refusing to aid officers.

Business, travelling and recreation, prohibited on the Lord's Day. R. S., c. 124, § 20.

SEC. 20. Whoever, on the Lord's Day, keeps open his shop, work-house, warehouse, or place of business, travels, or does any work, labor, or business on that day, except works of necessity or charity; uses any sport, game or recreation; or is present at any dancing, public diversion, show, or entertainment, encouraging the same, shall be punished by fine not exceeding ten dollars. (a)

Innholders and victualers shall not allow gambling, diversion, or business, on the Lord's Day. R. S., c. 124, § 21. 65 Me., 38.

SEC. 21. If an innholder or victualer, on the Lord's Day, suffers any persons, except travellers, strangers, or lodgers, to abide in his house, yard, or field, drinking or spending their time idly, at play or doing any secular business, except works of charity or necessity, he shall be punished by fine not exceeding four dollars for each person thus suffered to abide; and if after conviction he is again guilty, by fine not exceeding ten dollars for each offence; and upon a third conviction, he shall also be incapable of holding any license; and every person so abiding shall be fined not exceeding four dollars for each offence.

Duration of. R. S., c. 124, § 22.

SEC. 22. The Lord's Day includes the time between twelve o'clock on Saturday night and twelve o'clock on Sunday night.

Persons conscientiously observing the seventh day, excepted. R. S., c. 124, § 23.

SEC. 23. No person conscientiously believing that the seventh day of the week ought to be observed as the Sabbath, and actually refraining from secular business and labor on that day, is liable to said penalties for doing such business or labor on the first day of the week, if he does not disturb other persons.

(a) 26 Me., 466; 28 Me., 334; 33 Me., 540; 34 Me., 392; 35 Me., 144; 36 Me., 475; 39 Me., 197; 42 Me., 92; 44 Me., 26; 46 Me., 521; 48 Me., 202; 49 Me., 432; 50 Me., 84; 55 Me., 557; 56 Me., 101; 57 Me., 424; 63 Me., 576; 65 Me., 37; 66 Me., 92; 69 Me., 117; 71 Me., 239.



SEC. 24. Tythingmen, or any other persons may prosecute for all offences described in sections seventeen, twenty and twenty-one, at any time within six months after the commission thereof.

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Tythingmen to prosecute for offences. R. S., c. 124, § 24.

DISTURBANCE OF PUBLIC MEETINGS AND LAWFUL ASSEMBLIES.

SEC. 25. Whoever by rude and indecent behavior, or in any way wilfully and unlawfully, disturbs or interrupts any public meeting, or any assembly lawfully gathered in a hall or other place of meeting, or creates a disturbance in any hall, walk or corridor adjacent or leading to the room where such meeting or assembly is held, shall be punished by imprisonment for not more than thirty days, or by fine of not less than five nor more than ten dollars.

Disturbance of public meetings and lawful assemblies, how to be punished. 1873, c. 113. 1879, c. 101.

PROTECTION OF DEAD BODIES AND GRAVES.

SEC. 26. If an officer takes the body of a deceased person by writ or execution, he shall be punished by fine not exceeding five hundred dollars, and by imprisonment for not more than six months.

Arrest of dead body forbidden. R. S., c. 124, § 25.

SEC. 27. Whoever, without permission of the board of health, municipal officers, or overseers of the poor of a town, therein wilfully digs up or removes any human body or its remains from its place of burial, or aids in so doing; knowingly receives, conceals, or disposes of the same, or unnecessarily and indecently exposes, throws away, or abandons a human body or its remains in any public place, river, stream, or elsewhere, shall be punished by imprisonment for not less than one, nor more than five years, or by fine not exceeding three thousand dollars; but any physician, surgeon, or medical student, may have in his possession or use human bodies or parts thereof lawfully obtained, for anatomical or physiological investigation and instruction.

Disinterment, concealment, exposure, or abandonment of dead bodies, &c. R. S., c. 124, § 26. 1 Me., 205.

—proviso, in relation to physicians, surgeons and students of anatomy. See c. 13, §§ 1-4.

SEC. 28. Whoever wilfully destroys or injures any tomb, gravestone, monument, or other object placed or designed as a memorial of the dead, or any fence, railing, or other thing placed about or inclosing a burial place; or wilfully injures, removes, or destroys, any tree, shrub, or plant, within such inclosure, shall be punished by imprisonment for less than one year, or by fine not exceeding five hundred dollars.

Injury to monuments and places of burial. R. S., c. 124, § 27.

CRUELTY TO ANIMALS.

SEC. 29. Every person who cruelly over-drives, over-loads, or over-works, who torments, tortures, maims, wounds, or deprives of necessary sustenance, or who cruelly beats, mutilates or kills any horse or other animal, or causes the same to be done, or, having the charge or custody thereof, as owner or otherwise, unnecessarily fails to provide such animal with proper food, drink, shelter, and protection from the weather; every person, owning or having the charge or custody of any animal, who knowingly and wilfully authorizes or permits the same to suffer torture or cruelty; and every owner, driver, possessor or person having the custody of an old, maimed, disabled or diseased animal, who cruelly works the same when unfit for labor, or cruelly abandons such animal; and every person who carries or causes to be carried, in or upon a

Cruelty to animals, how punished. 1883, c. 183, § 1.

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Shooting of pigeons and other birds for amusement. 1883, c. 183, § 2. —use of buildings for such purpose, prohibited. —section is not applicable to wild game.

Premeditated fights between animals, penalty for instigation of. 1873, c. 146, § 1.

See c. 123, § 5.

Penalty for keeping or using any place for fighting or baiting dogs, cocks or other creatures. 1883, c. 183, § 3.

Penalty for owning, or training, any bird or animal, to fight. 1883, c. 183, § 4.

Officers may enter buildings where birds or animals are kept for unlawful training. 1883, c. 183, § 5. —penalty for resisting officer. —dwelling cannot be entered without a warrant.

Railroads shall give cars containing animals, continuous passage and preference to other freight. 1883, c. 183, § 6.

—loading of such cars regulated.

vehicle or otherwise, any animal in a wantonly cruel or inhuman manner, shall, for every such offence, be punished by imprisonment in jail not exceeding one year, or by fine not exceeding two hundred dollars, or both.

SEC. 30. Whoever keeps or uses any live pigeon, fowl or other bird for a target, or to be shot at either for amusement or as a test of skill in marksmanship, and whoever shoots at any bird as aforesaid, or is present as a party, umpire or judge at such shooting, and whoever rents any building, shed, room, yard, field or premises, or knowingly suffers the use of the same for such purpose, shall be punished by imprisonment in jail not exceeding thirty days, or by fine not exceeding fifty dollars, or both. Nothing in this section prohibits the shooting of wild game in its wild state.

SEC. 31. Whoever instigates, or aids in getting up or acts as umpire or judge, or is connected with or participates in, any fight between game birds or game cocks, dogs or bulls, or between dogs and rats or other animals, premeditated by any person having custody thereof, shall be imprisoned for not less than ten days nor more than six months, or be fined not more than two hundred dollars. Section five of chapter one hundred and twenty-three applies to this section.

SEC. 32. Whoever keeps, or uses, or is in any way connected with, or interested in the management of, or receives money for the admission of any person to any place kept or used for the purpose of fighting or baiting any dog, cock or other creature, and whoever aids or assists therein, or suffers any place to be so kept or used, shall be punished by imprisonment not exceeding two months, or by fine not exceeding fifty dollars, or both.

SEC. 33. Whoever owns, possesses, keeps, or trains any bird or animal with intent that the same shall be engaged in an exhibition of fighting, shall be punished by imprisonment not exceeding thirty days, or by fine not exceeding fifty dollars, or both.

SEC. 34. Any sheriff, deputy sheriff, constable, police officer, officer of any society for the prevention of cruelty to animals, or any other person authorized to make arrests, may enter any building or inclosure where he has reason to believe that any bird or creature is kept for any unlawful purpose hereinbefore named; and whoever resists or interferes with such officer shall be punished by imprisonment in jail not exceeding one year, or by fine not exceeding one hundred dollars, or both. But nothing in this section allows any officer to enter a dwelling-house without a warrant.

SEC. 35. Railroad companies within the state shall give cars containing cattle, sheep, swine or other animals, a continuous passage in preference to other freight; and cars, loaded with such animals, at any station, shall have precedence over all other freight. A greater number of animals shall not be loaded into any car than can stand comfortably therein. Animals of one kind only shall be loaded in the same apartment. Young animals shall not be loaded in the same apartment with those large and mature, except in case of dams with their own sucklings, which shall, in all cases be transported in the same apartment and

separate from other animals. Calves shall have free access to their dams, and shall not be muzzled. During December, January, February and March, cars used for the transportation of animals shall be sufficiently boarded on the sides and ends to afford proper protection to such animals in case of storms or severely cold weather.

SEC. 36. Animals coming into the state on the same or connecting roads or other transportation lines, shall, after having been loaded for ten hours or more, be unloaded, comfortably yarded, and in cold or inclement weather, comfortably sheltered, and shall be furnished with a sufficient quantity of proper food and good water, *provided*, that they remain so long in the state; and they shall continue so yarded or sheltered, fed and watered for a reasonable time. And all animals in transit within the state shall be so unloaded, yarded, or sheltered, fed and watered every twenty hours, unless delayed by accident or other unavoidable circumstances. Animals arriving at their destination within the state, or for embarkation on steamers between the hours of three in the forenoon and six in the afternoon, shall be so unloaded, yarded or sheltered, fed and watered within six hours thereafter and before embarkation. And animals arriving between the hours of six in the afternoon and three in the forenoon, shall be so unloaded, yarded or sheltered, fed and watered before nine o'clock in the forenoon following, and before embarkation, if remaining in the state. The railroad company or transportation line having animals in charge within the state at the expiration of the limit of time herein specified for unloading, feeding and watering, is liable to the penalties herein specified, for such neglect.

SEC. 37. A railroad company or other transportation line violating any provision of the two preceding sections, forfeits not less than fifty nor more than five hundred dollars for every such offence. Said sections do not apply to animals transported in cars or other conveyances where they have proper food, water, space, and opportunity to rest.

SEC. 38. Any railroad company or other transportation line shall have a lien on all animals in transit for re-imbusement of penalties paid in consequence of the direction or orders of the owner or other person having such animals in charge, and for all extra expenses or damages incurred in the care and protection of animals according to this chapter, and is not liable for any detention of such animals for the purposes herein named.

SEC. 39. Any sheriff, deputy sheriff, police officer, constable, officer of any society for the prevention of cruelty to animals, or other person authorized to make arrests, may take possession of any animals detained in violation of this chapter, and may unload the same, comfortably yard or shelter, feed, water and care for them, and have a lien thereon for a reasonable sum for such care, and is not liable for any damages for detention of the same.

SEC. 40. Persons or corporations having such lien, may sell such animals at public auction, in the town or city where they were found or are detained, after three days' written notice to the party claiming or owning the same; or if such party cannot be found, by publishing notice

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—animals must be protected from winter storms and cold.

Animals brought into the state, shall be allowed rest, shelter, food and water. 1883, c.183, § 7.

—animals in transit.

—liability of company for neglect.

Penalty for violation of the two preceding sections. 1883, c.183, § 8. —exceptions.

Railroad companies have a lien on such animals for the foregoing penalties, and for care and protection. 1883, c.183, § 9.

Sheriffs and other officers may take possession of animals detained in violation of this chapter. 1883, c.183, §10. —lien therefor.

Lien, how to be enforced. 1883, c.183, §11.

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of the time and place of sale for three successive days in any daily, or once in any weekly newspaper printed in the county where such animals were found or are detained, and from the proceeds of such sale, may deduct all costs, charges and expenses, and a reasonable compensation for trouble, and shall hold the balance, if any, for, and pay over the same, on demand, to the parties owning said animals, or to the legal representatives of such parties.

By whom, abandoned and neglected animals may be destroyed. 1883, c. 183, § 12. —proceedings.

SEC. 41. Any officer or agent of any society for the prevention of cruelty to animals may lawfully cause to be destroyed forthwith, any animal found abandoned and not properly cared for, appearing in the judgment of two reputable persons called by him to view the same in his presence, to be diseased or injured past recovery for any useful purpose.

Any old, diseased, or disabled horse or other animal, not cared for, may be destroyed. 1883, c. 183, § 13.

SEC. 42. Such officer or agent may take possession of any old, maimed, disabled, diseased or injured horse or other animal not properly cared for, and have the same valued by two reputable persons called by him to view such animal, whereupon he may cause the same to be destroyed; and the price so fixed upon shall be the measure of the value thereof. If such animal is attached to a vehicle or other property, when so taken possession of, such vehicle or property shall be properly stored and cared for at the expense of the owner. If the owner of such animal does not, within twenty-four hours after notice, appear, claim and properly care for the same, and pay all reasonable charges, such animal shall be considered as abandoned.

—value, how to be fixed.

—such animal shall be considered abandoned, if owner does not claim it after notice.

SEC. 43. Such officer or agent may lawfully interfere to prevent the perpetration of any act of cruelty upon an animal in his presence, and whoever interferes with or obstructs such officer or agent in the discharge of his duty is guilty of a misdemeanor.

Officers may interfere to prevent cruelty. 1883, c. 183, § 14. —penalty for resistance.

SEC. 44. Any person may take charge of an animal whose owner has cruelly abandoned it, or cruelly fails properly to take care of and provide for it, and may furnish the same with proper shelter, nourishment and care at the owner's expense, and have a lien thereon for the same.

Abandoned or neglected animals may be provided for at the owner's expense. 1883, c. 183, § 15.

SEC. 45. Sheriffs, deputy sheriffs, police officers, and constables shall prosecute all violations of the sixteen preceding sections which come to their notice or knowledge, and all fines collected for such violations shall be paid over to the treasurer of the city or town where the offence was committed, and if a society for the prevention of cruelty to animals exists in such city or town, such fines shall inure and be paid over to the same in aid of the benevolent objects thereof; otherwise, to any such society, if any exists, in the county.

Duty of officers to prosecute for violations. 1883, c. 183, § 16. —fines, how disposed of.

SEC. 46. Upon application by the mayor and aldermen of any city, the selectmen of any town, or the president and three directors of any such society, the governor and council shall issue a badge and commission to any officer or agent thereof in the state to arrest any person charged with violating any of the seventeen preceding sections, the same as any sheriff, deputy sheriff or constable can do.

Governor and council may appoint officers to enforce seventeen preceding sections. 1883, c. 183, § 17.

SEC. 47. Municipal and police courts and trial justices have concurrent jurisdiction of offences described in the eighteen preceding sections.

Magistrate's jurisdiction. 1883, c. 183, § 18.

SEC. 48. In this chapter, and in every law relating to or affecting animals, the masculine includes the feminine, the singular includes the plural, the word "animal" includes every living brute creature, the words "torment," "torture" and "cruelty" include every act, omission or neglect whereby unjustifiable physical pain, suffering or death is caused or permitted, and the words "owner" or "person" include corporations as well as individuals.

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Rules of construction of the nineteen preceding sections. 1883, c. 183, § 19.

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## CHAPTER 125.

### GAMBLING.

- SEC. 1. Punishment for keeping a gambling house, or for permitting gambling.  
 2. Penalty for gambling.  
 3. Penalty for winning more than three dollars at one time.

### POOL SELLING.

- SEC. 4. Pool selling, how punished.

### GAMBLING IN RAILROAD CARS, OR ON STEAMBOATS.

- SEC. 5. Gambling in railroad cars or on steamboats, how punished.  
 6. Railroad gamblers shall be arrested and detained by the conductor.  
 7. Copy of sections five and six shall be posted in cars and steamboats. Penalty for neglect.

### RECOVERY OF MONEY LOST BY GAMBLING.

- SEC. 8. Loser by gambling or betting may recover the money or property lost, within three months; otherwise any other person may recover three times the amount. The execution shall show for what the judgment was rendered, and the debtor shall be imprisoned three months in default of payment.  
 9. Special rule of evidence, when the loser is plaintiff.

### SECURITIES, GIVEN FOR GAMBLING DEBTS, ARE VOID.

- SEC. 10. All securities given for gambling debts, are void, except in the hands of bona fide purchasers of real estate, or innocent holders of negotiable paper.

### SEARCH FOR IMPLEMENTS OF GAMBLING.

- SEC. 11. Magistrates shall issue warrants to search for implements of gambling, and to arrest the keeper of the place where they are found.  
 12. Gambling tools and other implements, how to be disposed of.

### GAMBLING.

SEC. 1. If any person or corporation keeps a house, shop, or other place resorted to for the purpose of gambling; or permits any person to gamble in any way in any house, shop, or place under his care and control, such offender shall be fined not less than twenty, nor more than one hundred dollars, to the use of the prosecutor; and the municipal officers and constables of towns and cities, and the assessors of plantations, are required promptly to enforce the laws against gambling rooms, and to make complaint against any person or corporation in their respec-

Punishment for keeping a gambling house, or permitting gambling in house or shop. R.S., c. 125, § 1. 15 Me., 237. 23 Me., 44.