

TITLE 37.

CRIMES AND OFFENSES.

(8361-8751)

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CHAPTER 334.

(8361-8373)

TREASON, OFFENSES AGAINST THE GOVERNMENT AND RAIDS.

G. L. § 6786.

SEC. 8361. **Definition.** A person, who, owing allegiance to this state, levies war or conspires to levy war against the same, or adheres to the enemies thereof, giving them aid and comfort, within the state or elsewhere, shall be guilty of treason against this state and shall suffer the punishment of death.

G. L. § 6787.

SEC. 8362. **Place of trial; testimony.** Such person may be tried in any county in the state, but shall not be convicted except upon testimony equivalent to two witnesses to the same overt act of treason of which he stands indicted, or upon confession in open court.

G. L. § 6788.
80 Vt. 249.

SEC. 8363. **Misprision of treason; penalty.** A person owing allegiance to this state, knowing such treason to have been committed, or knowing of the intent of a person to commit such treason, who does not, within fourteen days from the time of having such knowledge, give information thereof to the governor of the state, to one of the justices of the supreme court, a superior or municipal judge or a justice of the peace, shall be guilty of misprision of treason and shall be imprisoned in the state prison not more than ten years nor less than five years, or fined not more than two thousand dollars, or both.

Prohibition of Certain Acts While the United States is at War, or is Threatened With War.

SEC. 8364. **Obtaining maps, etc.; penalty.** A person who, without permission of lawful authority, while the United States is at war or threatened with war, makes or attempts to make, or has in his possession or attempts to obtain, or aids another to obtain, any map, drawing, plan, model, description, or picture of any military camp, fort, armory, arsenal or building in which munitions of war are stored, or of any bridge, road, canal, dockyard, telephone or telegraph line or equipment, wireless station or equipment, railway or property of any corporation subject to the supervision of the public service commission, or of any municipality or part thereof, shall be imprisoned in the state prison not more than ten years. G. L. § 6789.

SEC. 8365. **Furnishing information.** A person who furnishes, or attempts to furnish, information as to the location, construction or condition of a military camp, fort, armory, arsenal or building in which munitions of war are being manufactured or are stored, or as to the proposed location of such camp, fort, armory, arsenal or building, or as to the location or condition or proposed location of a bridge, road, car, boat, canal, dockyard, telephone or telegraph line or equipment, wireless station or equipment, railway or railway equipment, property of a corporation subject to the supervision of the public service commission, or as to the topography of the state or a part thereof, or as to the number, character, condition, or location of the National Guard or the land or naval forces of the United States, in this state, to a government at war with or threatening war on the United States, or to a citizen of such a government or to a person whom he has reason to believe will furnish or attempt to furnish such information to such a government or citizen, shall be imprisoned in the state prison not more than ten years. G. L. § 6790.

SEC. 8366. **Injuries to certain property.** A person who, while the United States is at war or threatened with war, injures or attempts or conspires, or has in his possession any tool, explosive or means with intent to use the same or for some one else to use, to injure any bridge, road, car, boat, canal, dockyard, telephone or telegraph line or equipment, wireless station or equipment, railway, railway or highway equipment, road or railway making equipment, property of a corporation subject to the supervision of the public service commission, property designed for use by the state or a municipality or railway, telephone or telegraph company, property of a person, copartnership or corporation engaged in or about to engage in making munitions of war or property to become the property of the state, or a building belonging to the state or a municipality or to a railway, telephone, or telegraph company or to a corporation subject to the supervision of the public service commission, or to pollute or place any poisonous substance in any water liable to be used by a person or domestic animal, shall be imprisoned in the state prison not more than twenty years. G. L. § 6791.

SEC. 8367. **Concerted action by three or more; penalty.** If three or more persons, acting in concert, with force and violence, attempt to kill, maim or wound a person, or to rob a person, corporation or community of money or other property, or to burn, blow up or otherwise destroy a bank building, store, factory, dwelling house, or other building or depository of property, or a railway car or engine, or a steamboat, vessel or other water craft, finished or unfinished, for use in navigable waters, or property of a corporation subject to the supervision of the public service commission, each person so offending shall suffer the penalty of death. The provisions of this section shall be in force only while the United States is at war or threatened with war. G. L. § 6792.

G. L. § 6793.

SEC. 8368. **Penalty when offense is treason.** A person who commits an offense punishable under one of the four preceding sections, and such offense amounts to treason, shall be punished for treason in lieu of the penalty prescribed in such section.

G. L. § 6794.

SEC. 8369. **Powers of certain officers to make arrest; proceedings.** A justice of the peace, municipal judge, sheriff, deputy sheriff, constable or police officer having notice or knowledge, or who suspects, that a person has committed treason or an offense mentioned in the five preceding sections, shall arrest such person without warrant and take him before a justice of the supreme court or a superior judge, who shall have authority to commit such person to jail, or may bind him over with sufficient sureties by way of recognizance, for his appearance at the next term of the county court of the county in which the offense was committed, to answer to such information or indictment as may be brought against him, and from term to term thereafter. Section 2412 shall apply to such a justice of the supreme court and to such a superior judge.

Anarchy.

1919, No. 194.

SEC. 8370. **Promotion penalized.** A person who, by speech, or directly or indirectly by exhibition, distribution or promulgation of any written or printed document or paper or pictorial representation, shall advocate, advise, counsel or incite unlawful assault upon, or the killing of a public official, or the unlawful destruction of property, or the overthrow by force or violence of the government of the state, or who, at any meeting or in the presence of more than three persons in any place or in any manner, shall advise, advocate or counsel the violation of, or unlawful refusal to obey, a law of the state, respecting the preservation of the peace and the protection of life or property, shall be imprisoned not more than three years or fined not more than one thousand dollars, or both.

Raids.

G. L. § 6795.
67 Vt. 690.

SEC. 8371. **Conspiring to make.** If three or more persons conspire together for the purpose and with the intent, violently and forcibly, to kill, maim or wound a person, or to rob a person, corporation or community, or to burn, blow up or otherwise destroy a bank building, store, factory, dwelling house or other building or depository of property, or a railroad car or engine, a vessel, steamboat or other water craft, finished or unfinished, for use in navigable waters, each person so offending shall be imprisoned in the state prison not more than twenty years and fined not more than ten thousand dollars.

G. L. § 6796.
67 Vt. 690.

SEC. 8372. **Attempting to make.** If three or more persons, acting in concert, with force and violence, attempt to kill, maim or wound a person, or to rob a person, corporation or community of money or other property, or to burn, blow up or otherwise destroy a bank building, store, factory, dwelling house, or other building or depository of property, or a railroad car or engine, or a steamboat, vessel or other water craft, finished or unfinished, for use in navigable waters, each person so offending shall be imprisoned in the state prison for life or for not less than five years or fined not more than ten thousand dollars.

G. L. § 6797.
67 Vt. 690.

SEC. 8373. **Accessories deemed principals.** A person who wilfully and knowingly aids, assists, counsels, advises or supports the commission of any or either of the offenses named in the two preceding sections, or having knowledge thereof, does not disclose the same, shall be deemed to be a principal in the commission of such offense and shall be punished as such.

CHAPTER 335.

(8374-8418)

OFFENSES AGAINST THE PERSON.

Murder, Manslaughter, Homicide and Attempts to Kill.

SEC. 8374. **Murder; degrees defined.** Murder committed by means of poison, or by lying in wait, or by wilful, deliberate and premeditated killing, or committed in perpetrating or attempting to perpetrate arson, rape, robbery or burglary, shall be murder in the first degree. All other kinds of murder shall be murder in the second degree.

SEC. 8375. **Determination of degree.** The jury by whom a person is tried for murder, if it finds such person guilty thereof, shall state in its verdict whether it is murder in the first or in the second degree. If such person is convicted on confession in open court, the court, by examination of witnesses, shall determine the degree of the crime and give sentence accordingly.

SEC. 8376. **Penalty.** The punishment of murder in the first degree shall be death, and the punishment of murder in the second degree shall be imprisonment in the state prison for life.

SEC. 8377. **Penalty for manslaughter.** A person who commits manslaughter shall be imprisoned in the state prison for life or for not less than one year or fined not more than one thousand dollars.

SEC. 8378. **Trial for murder; conviction of manslaughter.** If, in the opinion of the jury, the evidence is not sufficient to convict of murder a person arraigned and put upon trial for that offense, it may convict him of manslaughter, if, in its opinion, the evidence is sufficient to prove that offense.

SEC. 8379. **Person killing or wounding another, when guiltless.** If a person kills or wounds another in the just and necessary defense of his own life or the life of his wife, parent, child, brother, sister, master, mistress or servant, or kills or wounds another who is attempting to commit murder, rape, burglary or robbery, with force or violence; or if a civil officer, or a military officer or private when lawfully called out to suppress riot or rebellion, or to prevent or suppress invasion, or assist in serving legal process, kills or wounds a person in suppressing opposition against him in the just and necessary discharge of his duty, such person or officer shall be guiltless.

SEC. 8380. **Mother, when guilty of felony if bastard found dead.** A woman who is privately delivered of an illegitimate child, if such child is found dead under such circumstances as to create a strong presumption that it was born alive and came to its death by the premeditated and wilful neglect, violence or procurement of the mother, shall be imprisoned in the state prison not more than three years or fined not more than two hundred dollars.

SEC. 8381. **Mother on trial for murder; conviction under preceding section.** If, upon trial of a woman for the murder of an illegitimate child so found dead, the evidence is not, in the opinion of the jury, sufficient to prove murder, it may, upon sufficient evidence, find her guilty of the felony specified in the preceding section; and, in that event, she shall be punished as there provided.

SEC. 8382. **Poisoning food, drink, medicine or water.** A person who mingles poison with food, drink or medicine, with intent to kill or injure another person, or wilfully poisons a spring, well or reservoir of

water, with a like intent, shall be imprisoned in the state prison not more than twenty years.

G. L. § 6807.

SEC. 8383. Attempting to murder by poisoning, drowning, etc. A person who attempts to commit the crime of murder by poisoning, drowning or strangling another person, or by means not constituting an assault with intent to murder, shall be imprisoned in the state prison not more than ten years and fined not more than one thousand dollars.

G. L. § 6808.
68 Vt. 282.

SEC. 8384. False testimony with intent to cause death. A person who wilfully and corruptly bears false testimony with intent to take away the life of a person and thereby causes the life of such person to be taken, shall suffer the punishment of death.

Obstructing Railroads.

G. L. § 6819.

SEC. 8385. Manslaughter, when death results. A person who wilfully and maliciously displaces or removes a railroad switch or rail, or injures a railroad track, bridge or fence, or places an obstruction on such railroad track or bridge, or does or causes to be done an act whereby an engine, machine or structure, or any matter or thing appertaining thereto, is stopped, obstructed or injured, with intent to injure a person or property passing over such railroad, and in consequence thereof a person is killed, shall be guilty of manslaughter.

G. L. § 6820.

SEC. 8386. Injuring or endangering traveler's person or property. A person who wilfully and maliciously displaces or removes a railroad switch or rail, or injures a railroad track or railroad bridge, or places an obstruction on such track or bridge, or who unlawfully and maliciously displays, hides or removes a signal or light upon or near to a railroad, or by an unlawful act or wilful omission to act endangers or causes to be endangered, or unlawfully and maliciously does or causes to be done anything, with intent to endanger, the safety of persons traveling or being upon such railroad, shall be imprisoned in the state prison not more than ten years nor less than two years; but if in consequence of such act a person passing over such railroad suffers bodily harm, or property is injured, the time of imprisonment may be lengthened, provided it does not exceed in all twenty years, except in the case provided in the preceding section.

G. L. § 6821.

SEC. 8387. Throwing missiles at train. A person who unlawfully and maliciously throws or causes anything to be thrown or to fall into or upon, or to strike against a railroad train or an engine, tender, car or truck, with intent to injure or endanger the safety of any person on such train or on such engine, tender, car or truck, shall be punished as provided in the preceding section.

Rape.

G. L. § 6822.
47 Vt. 82.
63 Vt. 673.
68 Vt. 540.
69 Vt. 428.
77 Vt. 10.
77 Vt. 166.
78 Vt. 124.
78 Vt. 157.

SEC. 8388. By person over sixteen. A person over the age of sixteen years who ravishes and carnally knows a female person of the age of sixteen years or more, by force and against her will, or unlawfully and carnally knows a female person under sixteen years of age, with or without her consent, shall be imprisoned in the state prison not more than twenty years or fined not more than two thousand dollars, or both.

G. L. § 6823.
63 Vt. 673.

SEC. 8389. By person under sixteen. If a person under the age of sixteen years unlawfully and carnally knows a female person under the age of sixteen years with her consent, both persons shall be guilty of a misdemeanor, and may be committed to the Vermont industrial school; and a person under the age of sixteen years, who unlawfully and carnally knows any female person by force and against her will shall be punished as provided in the preceding section.

Maiming and Assaults with Intent to Kill or Maim.

SEC. 8390. Maiming. A person who, with malicious intent to maim or disfigure, cuts out or maims the tongue, puts out or destroys an eye, cuts or tears off an ear, cuts or slits or mutilates the nose or lip, or cuts or disables a limb or member of another person, and a person privy to such intent who is present aiding in the commission of such offense, shall be imprisoned in the state prison for life or for not less than seven years.

SEC. 8391. Assault with intent to kill or maim. A person who assaults another with intent to kill, or to maim or disfigure his person as mentioned in the preceding section, shall be imprisoned in the state prison not more than ten years and fined not more than one thousand dollars.

Kidnapping.

SEC. 8392. What constitutes; penalty. A person who, without legal authority, forcibly or secretly confines or imprisons another person within this state against his will, or forcibly carries or sends such person out of the state, or forcibly seizes or confines or inveigles or kidnaps another person with intent to cause him to be secretly confined or imprisoned in this state against his will, or to cause him to be sent out of this state against his will, or in any way held to service against his will, shall be imprisoned in the state prison not more than twenty-five years or fined not more than ten thousand dollars, or both.

SEC. 8393. Same; child under sixteen; penalty. A person who commits an offense described in the preceding section upon a person under the age of sixteen years, with or without the consent of such person, shall be imprisoned in the state prison not more than thirty years or fined not more than ten thousand dollars, or both.

SEC. 8394. Same; extortion; penalty. A person who commits an offense described in the second preceding section with intent to extort money or other valuable thing shall suffer the punishment of death or be imprisoned in the state prison for life.

Cruelty to Persons.

SEC. 8395. Abandonment or exposure of child. A person who abandons or exposes a child under the age of two years, whereby the life or health of such child is endangered, shall be imprisoned in the state prison not more than ten years or fined not more than one thousand dollars, or both.

SEC. 8396. Cruelty to children under ten by one over sixteen. A person over the age of sixteen years, having the custody, charge or care of a child under ten years of age, who wilfully assaults, illtreats, neglects or abandons or exposes such child, or causes or procures such child to be assaulted, illtreated, neglected, abandoned or exposed, in a manner to cause such child unnecessary suffering, or to endanger his health, shall be imprisoned in the state prison not more than two years or fined not more than five hundred dollars, or both.

SEC. 8397. By person having custody. A person having the custody, charge, care or control of another person, who inflicts unnecessary cruelty upon such person, or unnecessarily and cruelly fails to provide such person with proper food, drink, shelter or protection from the weather, or unnecessarily and cruelly neglects to properly care for such person, shall be imprisoned in the state prison not more than one year or fined not more than two hundred dollars, or both.

G. L. § 6830.
57 Vt. 576.
82 Vt. 37.

SEC. 8398. **To person of unsound mind.** A person who wilfully and maliciously teases, plagues, annoys, angers, irritates, maltreats, worries or excites another of unsound or feeble mind shall be imprisoned not more than one year or fined not more than one hundred dollars nor less than five dollars, or both.

G. L. § 6830.
57 Vt. 576.
82 Vt. 37.

SEC. 8399. **Same; justice jurisdiction.** Justices shall have concurrent jurisdiction with county and municipal courts of offenses under the preceding section to the extent of fining the respondent fifty dollars or sentencing him to imprisonment in the county jail for not more than three months, or both.

Assaults.

G. L. § 6832.

SEC. 8400. **With robbery, by one armed.** A person who assaults another and feloniously robs, steals and takes from his person money or other property, the subject of larceny, being armed with a dangerous weapon, with intent if resisted to kill or maim the person robbed, shall be imprisoned in the state prison not more than twenty years and fined not more than one thousand dollars.

G. L. § 6833.

SEC. 8401. **With robbery, by one not armed.** A person who, not being armed with a dangerous weapon, by force, or by assault and putting in fear, feloniously robs, steals and takes from the person of another, money or other property, the subject of larceny, shall be imprisoned in the state prison not more than ten years nor less than three years.

G. L. § 6834.

SEC. 8402. **With intent to rob, by one armed.** A person who, armed with a dangerous weapon, assaults another with intent to rob shall be imprisoned in the state prison not more than ten years nor less than three years.

G. L. § 6835.

SEC. 8403. **With intent to rob, by one not armed.** A person who, not being armed with a dangerous weapon, assaults another with force and with intent to steal or rob shall be imprisoned in the state prison not more than seven years nor less than two years.

G. L. § 6836.
25 Vt. 247.
32 Vt. 607.
43 Vt. 324.
62 Vt. 334.
63 Vt. 673.

SEC. 8404. **With intent to commit rape.** A person who assaults a female person with intent to commit rape shall be imprisoned in the state prison not more than ten years or fined not more than one thousand dollars, or both.

67 Vt. 477.

68 Vt. 540.

1919, No. 196, § 1.
G. L. § 6837.
2 Aik. 181.
40 Vt. 603.

SEC. 8405. **With intent to kill, by one armed.** A person who, armed with a dangerous weapon, assaults another with intent to kill or murder shall be imprisoned in the state prison not more than thirty years.

41 Vt. 564.

70 Vt. 524.

Slungshots, Etc.

G. L. § 6838.

SEC. 8406. **Use or possession; penalty.** A person who uses a slungshot, blackjack, brass knuckles or similar weapon against another person, or attempts so to do, or is found in possession of a slungshot, blackjack, brass knuckles, or similar weapon, with intent so to use it, shall be imprisoned in the state prison not more than five years.

G. L. § 6839.

SEC. 8407. **Manufacture, sale, etc.; penalty.** A person who within the state manufactures or causes to be manufactured, or sells or gives away or parts with, or offers so to do, or keeps for sale or gift, a slungshot, blackjack, brass knuckles or similar weapon, shall be imprisoned not more than two years or fined not more than five hundred dollars nor less than two hundred dollars.

Threatening.

SEC. 8408. **With intent to extort money.** A person who maliciously threatens to accuse another of a crime or offense, or with an injury to his person or property, with intent to extort money or other pecuniary advantage, or with intent to compel the person so threatened to do an act against his will, shall be imprisoned in the state prison not more than two years or fined not more than five hundred dollars.

G. L. § 6840.
79 Vt. 463.

Carrying Weapons.

SEC. 8409. **With intent to injure another.** A person who carries a dangerous or deadly weapon, openly or concealed, with the intent or avowed purpose of injuring a fellow man, shall be imprisoned not more than two years or fined not more than two hundred dollars, or both.

G. L. § 6841.
75 Vt. 295.

SEC. 8410. **By children at school.** A person who, while a member of and in attendance upon a school, carries or has in his possession a firearm, dirk knife, bowie knife, dagger or other dangerous or deadly weapon, shall be fined not more than twenty dollars.

G. L. § 6842.
75 Vt. 295.

SEC. 8411. **While committing a crime.** A person who carries a dangerous or deadly weapon, openly or concealed, while committing a felony or while committing an offense under section 8116, or while committing the crime of smuggling of an alien as defined by the laws of the United States, shall be imprisoned not less than three months nor more than two years.

1927, No. 1271

Firearms.

SEC. 8412. **Furnishing to minor under sixteen; exception.** A person, other than a parent or guardian, who sells or furnishes to a minor under the age of sixteen years a firearm or other dangerous weapon shall be fined not more than fifty dollars nor less than ten dollars. This section shall not apply to an instructor or teacher who furnishes military weapons to pupils for instruction and drill.

G. L. § 6843.

SEC. 8413. **Possession by child under sixteen.** A child under the age of sixteen years shall not, without the consent of his parent or guardian, have in his possession or control a pistol or revolver constructed or designed for the use of gunpowder or other explosive substance with leaden ball or shot. A child who violates a provision of this section shall be deemed a delinquent child under the provisions of chapter 226.

G. L. § 6844.

SEC. 8414. **Negligent use of gun.** A person who carelessly or negligently wounds another person by gun shot shall be imprisoned in the house of correction not more than five years or fined not more than one thousand dollars, or both.

1931, No. 164, § 1.

Gun Silencers.

SEC. 8415. **Manufacture, sale and use; penalty.** A person who manufactures, sells or uses or possesses with intent to sell or use, an appliance known as or used for a gun silencer shall be fined twenty-five dollars for each offense. The provisions of this section shall not prevent the use or possession of gun silencers for military purposes when so used or possessed under proper military authority and restriction.

G. L. § 6845.

Pointing Firearms.

SEC. 8416. **Without malice or injury.** A person who intentionally, without malice, points a firearm towards another person, shall be fined not more than fifty dollars nor less than five dollars. If he discharges

G. L. § 6846.
75 Vt. 295.

without warrant, as in cases of persons found breaking the peace; and the person making an arrest with or without warrant shall use reasonable diligence to give notice thereof to the owner of the animals, and shall properly care and provide for them until the owner takes charge of them, if within sixty days from the date of such notice. The person making such arrest shall have a lien on such animals for the expense of such care and provision.

G. L. § 6927.

SEC. 8508. Search warrants. When complaint is made on oath to a magistrate authorized to issue warrants in criminal causes, that the complainant has reason to believe and does believe that the law in relation to cruelty to animals has been violated in a particular building or place, the magistrate, if satisfied that there is reasonable cause for such belief, shall issue a search warrant authorizing a sheriff, deputy sheriff, constable or police officer to search such building or place, but such search shall not be made after sunset unless specially authorized by the magistrate upon cause shown.

G. L. § 6928.
77 Vt. 61.

SEC. 8509. Prosecutors. Sheriffs, deputy sheriffs, constables, police officers, other prosecuting officers and all officers of societies for the prevention of cruelty to animals shall prosecute violations of the preceding sections of this chapter which come to their notice or knowledge.

G. L. § 6929.
82 Vt. 37.

SEC. 8510. Jurisdiction. County and municipal courts, and justices in their respective counties, shall have concurrent jurisdiction of offenses arising under this chapter.

G. L. § 6930.

SEC. 8511. Remission of fine. In a prosecution arising under this chapter the court may remit a fine or such part thereof as it deems best, where the animal is surrendered by its owner for destruction.

Societies for the Prevention of Cruelty to Animals.

1933, No. 157, § 8160;
G. L. § 6931.

SEC. 8512. Officers, agents and members; powers. An officer, agent or member of the Vermont Humane Society or of any incorporated humane society or society for the prevention of cruelty to animals may lawfully interfere to prevent the perpetration of an act of cruelty upon an animal in his presence. A person who interferes with or obstructs such officer, agent or member of such society in the discharge of his duty shall be fined not more than fifty dollars.

G. L. § 6932.

SEC. 8513. Same; powers of officers and agents. Whenever an animal is found abandoned or otherwise not properly cared for, an officer or agent of such society may call two reputable citizens to examine it in his presence, and if in their judgment such animal is glandered or otherwise afflicted with an infectious or incurable disease and is a menace to the public health, or is permanently unfit for work or injured or starved past recovery, such officer or agent may notify the owner or person in charge of such animal, if known, and demand that it be at once killed; and if such animal is not killed by its owner or person having it in charge within six hours after such notice, or if a person adjudged suitable by such officer, or agent, and such citizens, does not appear within six hours to take charge of such animal, such officer or agent may, in the presence of a witness, thereupon kill such animal and bury its body.

G. L. § 6933.

SEC. 8514. Same; care of mistreated animals; lien. An officer or agent of the Vermont Humane Society or of an incorporated humane society or society for the prevention of cruelty to animals may lawfully take charge of an animal found abandoned, neglected, lame, sick, unfit for the labor it is performing or otherwise cruelly treated and shall thereupon give notice thereof to the owner, if known, or his agent and may provide suitable care for such animal until the owner or agent shall take

charge of the same or until such animal is deemed by such officer or agent to be in suitable condition to be delivered to such owner or agent; and the expense of such care and provision shall be a charge against the owner of such animal, collectable by action from such owner by such society, and such society shall have a lien on such animal for all expenses so incurred.

SEC. 8515. Same; power to arrest; penalty for impeding; badge. G. L. § 6934.
An officer or agent of the Vermont Humane Society or of an incorporated humane society or society for the prevention of cruelty to animals and such special agents as may be appointed by such society shall have the same power and authority to arrest as an officer authorized to serve criminal process for the purpose of enforcing the laws in relation to cruelty to animals, such power and authority to extend throughout the state. A person who interferes with or obstructs any of such agents in the discharge of their duty shall be guilty of impeding an officer and punished as provided in section 8676, provided that all such officers and agents shall, when making such arrests, declare their authority and exhibit and expose a suitable badge which has been adopted by such society.

CHAPTER 342.

(8516-8578)

TRESPASSES AND MALICIOUS INJURIES.

Removal of Dead Bodies.

SEC. 8516. Unauthorized. A person who, not being authorized by law, digs up, disinters, removes or carries away a human body, or the remains thereof, interred or entombed in this state, or knowingly aids in such disinterment, removal or carrying away, or is accessory thereto, shall be imprisoned not more than fifteen years nor less than one year or fined not more than two thousand dollars nor less than one hundred dollars, or both.

SEC. 8517. Search warrants. A justice of the peace or a municipal judge shall, upon the complaint and oath of a person made to him in writing that the remains of a dead person have been disinterred and removed and that the complainant has reason to believe that the remains of such dead person are secreted in a dwelling house or other building, issue a warrant, directed to any sheriff or constable, commanding him to make search in such place for such dead person; and the officer serving such process shall not be liable for executing such warrant, whether the body of such dead person is found or not.

SEC. 8518. Subject for dissection. The preceding section shall not prevent a surgeon or physician from having in his possession a dead human subject for anatomical investigation and instruction of students, if such subject was obtained without violating the law of the state.

Injuries to Gravestones, Burial Grounds and Historical Markers.

SEC. 8519. Injury to burial grounds and historical tablets; penalty. A person who wilfully and without right or authority removes, injures or destroys, or procures or causes to be removed, injured or destroyed, a gravestone or monument erected to the memory of a deceased person, or erected and intended for such use; or a tomb, or a portion of a tomb, in which the body of a deceased person is interred, or

which is intended for the interment of a deceased person; or a monument, tablet or marker erected for the commemoration of some historical event or place by an historical or patriotic association or society on land on which such association or society has a right to erect the same, or a person who wilfully and maliciously injures a fence or other erection, tree or shrubbery in or about a burial ground, or a road, path or avenue therein, or a lot therein designed for burial, or wilfully and maliciously digs up, displaces, takes away or breaks off a root, plant, vine, flower, shrub or tree within a burial ground, or wilfully and without authority removes or causes to be removed, breaks down, injures or destroys an ornament, token or emblem used to decorate, mark or distinguish the grave or tomb of a deceased person, shall be imprisoned in the state prison not more than five years or fined not more than two hundred dollars nor less than ten dollars.

1931, No. 166, § 1.
G. L. § 6938.
73 Vt. 70.

SEC. 8520. Jurisdiction. Justices and municipal courts shall have concurrent jurisdiction with the county court of offenses arising under the preceding section, to the extent of fining the respondent twenty dollars, or may bind the offender over for trial, but municipal courts may accept a plea of guilty and thereupon shall have the same power to pass sentence as a county court.

1931, No. 166, § 2.
G. L. § 6939.
71 Vt. 78.
73 Vt. 70.

SEC. 8521. Tort action. A person who violates a provision of the second preceding section shall be further liable to an action of tort, on this statute, for damages; and such action may be brought in the name of the owner of the property so injured, or in the name of the town in which such burial ground is situated, or in the name of the commissioners, or association or corporation, which holds lawful possession of such burial ground at the time such damage is committed, or, if the property injured is a gravestone or monument erected to the memory of a deceased person, or a tomb in which the body of a deceased person is interred, in the name of the surviving heirs or descendants of such deceased person, jointly, or in the name of one or more of them for the benefit of all, or in the name of the historical or patriotic association or society erecting such monument, tablet or marker.

1931, No. 166, § 2.
G. L. § 6939.
71 Vt. 78.
73 Vt. 70.

SEC. 8522. Same; damages, how used. Such damages, when recovered by a town, association, society, corporation, or by commissioners, shall be expended under the direction of the party recovering the same for the benefit of the property injured.

Injuries to Buildings and Their Appurtenances.

G. L. § 6940.

SEC. 8523. Malicious injuries; tort action. A person who wilfully and maliciously breaks a door or window of, or otherwise injures, a dwelling house or other building, whether occupied or not, or a sign thereon, or a fence or wall, not being his own property, or disfigures the same with paint or otherwise, or defaces the same by writing, printing or painting thereon any obscene word, figures or devices, shall be imprisoned not more than ninety days or fined not more than twenty dollars, or both; and the offender shall be liable to the owner for the damages sustained, and the same may be recovered in an action of tort, on this statute.

1933, No. 157, § 8172.
G. L. § 328.

SEC. 8524. Injuring state property; penalty. A person who wilfully or carelessly injures any part of the state house or other public building owned by the state, wherever located, or the appurtenances thereof or anything connected therewith, or who posts bills or notices upon such buildings or on the fences or trees connected therewith, or who wilfully trespasses on the land connected with such buildings not open to the public, shall be fined not more than fifty dollars nor less than five dollars, if the damage does not exceed twenty-five dollars; but if it

exceeds twenty-five dollars, he shall be fined not more than one thousand dollars.

SEC. 8525. Without malice. A person who carelessly and without malice injures or defaces any part of a building belonging to a county, town or town school district, or the appurtenances thereof, or any public building, hall or room, by cutting, writing, marking, standing in the windows, or in any other manner, or injures the furniture, fence, yard, posts, grounds, shade trees or shrubbery connected with such building, or fastens a horse or other animal to the fence, posts or trees about the same, or posts bills, placards and notices upon such building or its appurtenances, or upon the fence or trees belonging thereto, whereby any defacement results, shall be fined not less than two dollars.

Jurisdiction.

SEC. 8526. Under three preceding sections. Justices of the county shall have concurrent jurisdiction with the county court of offenses arising under the three preceding sections, to the extent of fining the respondent twenty dollars, or may bind the offender over for trial.

Injuries to Vessels, Mills and Bridges.

SEC. 8527. Vessels. A person who wilfully scuttles, casts away, sinks or otherwise destroys a steamboat or vessel, with intent to injure or defraud the owner thereof, or the owner of property on board the same, or an insurer of such steamboat, vessel or property, or injures or removes the wheels or machinery of a steamboat, shall be imprisoned in the state prison not more than five years and fined not more than five hundred dollars.

SEC. 8528. Mills; dams; bridges. A person who wilfully and maliciously injures, removes or opens a dam, reservoir, gate, or flume or injures or removes the wheels, mill gear, or machinery of a water mill, or injures, removes or destroys a public or toll bridge, shall be imprisoned in the state prison not more than five years or fined not more than five hundred dollars.

Removal of Packing from Journal Boxes.

SEC. 8529. Penalty. A person who wilfully and maliciously takes or removes the waste or packing from a journal box of a locomotive, engine, tender, carriage, coach, car, caboose or truck used or operated upon a railroad, whether operated by steam or electricity, shall be imprisoned not more than three years or fined not more than five hundred dollars.

Injuries Caused by Explosives.

SEC. 8530. Wilful and malicious. A person who wilfully and maliciously, by the explosion of gunpowder or any other explosive substance, unlawfully destroys or injures a dwelling house, office, shop or other building, or a ship, vessel, or a dam or reservoir for storing water, shall be imprisoned in the state prison not more than twenty years or fined not more than one thousand dollars.

SEC. 8531. Attempts. A person who wilfully and maliciously throws into, against or upon, or puts, places or explodes, or causes to be exploded, in, upon or near a dwelling house, office, shop, building, ship, vessel, or any dam or reservoir for storing water, gun powder or other explosive substance, or a bombshell, torpedo or other instrument filled or loaded with an explosive substance, with intent unlawfully to destroy or

G. L. § 6993.

SEC. 8588. Officer killing resisting rioter, not liable. Officers, and persons assisting them, in lawfully dispersing or apprehending such rioters, shall not be liable in a civil or criminal proceeding if a rioter, by reason of his resistance, is killed or injured.

G. L. § 6994.

SEC. 8589. Rioters injuring building or vessel. Persons riotously assembled who destroy or injure a dwelling house or other building, steamboat or vessel shall each be imprisoned in the state prison not more than five years and fined not more than one thousand dollars and be answerable to the person injured for the damages in an action of tort.

Intimidation of Workmen.

G. L. § 6995.
59 Vt. 273.
67 Vt. 690.

SEC. 8590. Threats to prevent employment. A person who threatens violence or injury to another person with intent to prevent his employment in a mill, manufactory, shop, quarry, mine, railroad or other occupation shall be imprisoned not more than three months or fined not more than one hundred dollars.

G. L. § 6996.
59 Vt. 273.
67 Vt. 690.
71 Vt. 1.
78 Vt. 364.

SEC. 8591. Same; to stop work. A person who, by threats, intimidation or by force, alone or in combination with others, affrights, drives away or prevents another person from accepting, undertaking or prosecuting such employment, with intent to prevent the prosecution of work in such mill, shop, manufactory, mine, quarry, railroad or other occupation, shall be imprisoned in the state prison not more than five years or fined not more than five hundred dollars.

Disturbances.

G. L. § 6997.
1 Tyl. 180.
11 Vt. 236.
22 Vt. 321.
42 Vt. 542.
47 Vt. 290.
57 Vt. 576.
59 Vt. 548.

SEC. 8592. Of the public peace. A person who disturbs or breaks the public peace by tumultuous and offensive carriage, by threatening, quarreling, challenging, assaulting, beating or striking another person shall be imprisoned not more than five years or fined not more than one thousand dollars, or both.

64 Vt. 25.	79 Vt. 521.	91 Vt. 88.	97 Vt. 461.
69 Vt. 98.	80 Vt. 175.	91 Vt. 507.	

G. L. § 6998.

SEC. 8593. Of a lawful meeting or school. A person who by a disorderly or unlawful act disturbs a town, society or district meeting, or a school, or any meeting lawfully assembled, or by force or menace interrupts the business of such meeting or school, shall be fined not more than one hundred dollars.

G. L. § 6999.

SEC. 8594. Religious meetings. A person who wilfully disturbs or interrupts an assembly of people met together for religious worship or religious instruction by noisy, rude or indecent behavior, or by profane discourse, either within or without the place where such assembly is collected, or violates any prescribed rules or regulations for the government of such meetings shall be fined not more than forty dollars nor less than five dollars.

G. L. § 7000.
64 Vt. 25.

SEC. 8595. By noise in nighttime; exception. A person who, between sunset and sunrise, disturbs and breaks the public peace by firing guns, blowing horns or other unnecessary and offensive noise shall be fined not more than fifty dollars; but this section shall not prevent a person employing workmen, for the purpose of giving notice to his employees, from ringing bells or using whistles or gongs of such size and weight, in such manner and at such hours as the selectmen of the town, the aldermen of the city or the trustees of the village may prescribe in writing.

G. L. § 7001.
57 Vt. 576.
74 Vt. 323.
82 Vt. 37.

SEC. 8596. Jurisdiction. Justices shall have concurrent jurisdiction with county and municipal courts of offenses arising under the four preceding sections, to the extent of fining the respondent fifty dollars

or sentencing him to imprisonment in the county jail for a period of not more than three months, or both.

SEC. 8597. Of schools by persons over ten years. A person over ten years of age, not connected with the school, who annoys or disturbs a school by remaining at or near it, or by not departing on request of the teacher, school directors or prudential committee, shall be fined not more than twenty dollars.

SEC. 8598. Officers' powers and duties at religious meetings. A justice, municipal judge, sheriff and deputy sheriff of the county, and a constable and grand juror of the town, being present at the disturbance of a religious meeting, may, without warrant, upon view, arrest a person so making disturbance, and detain him in custody during the time of such meeting, or until a trial of such offense is had; and such magistrate, sheriff, deputy sheriff, constable and grand juror may command assistance, in the execution of the aforesaid duties, as sheriffs by law may; and persons so commanded, who refuse to obey such command, shall be subject to the same penalties as persons who refuse to assist sheriffs in the discharge of their office and duty.

SEC. 8599. Limitation. Prosecutions for disturbing a religious meeting shall be commenced within thirty days after the commission of the offense, and not after.

CHAPTER 345.

(8600-8626)

OFFENSES AGAINST CHASTITY AND MORALITY.

Adultery and Bigamy.

SEC. 8600. Adultery; penalty. A person who commits adultery shall be imprisoned in the state prison not more than five years or fined not more than one thousand dollars, or both.

74 Vt. 223.	83 Vt. 305.	92 Vt. 290.
75 Vt. 293.	88 Vt. 464.	

SEC. 8601. Married man and unmarried woman. A married man and an unmarried woman who commit an act which would be adultery if such woman were married shall each be guilty of adultery.

75 Vt. 293.	83 Vt. 305.	92 Vt. 290.
81 Vt. 400.	88 Vt. 464.	

SEC. 8602. Parties found in bed together. A man with another man's wife, or a woman with another woman's husband, found in bed together, under circumstances affording presumption of an illicit intention, shall each be imprisoned in the state prison not more than three years or fined not more than one thousand dollars.

SEC. 8603. Parties to divorce or annulled marriage. A man and woman who are divorced, or whose marriage is declared void, who cohabit or have connection as husband and wife, while such divorce or decree annulling such marriage remains in force, shall each be fined not more than five hundred dollars.

SEC. 8604. Bigamy. A person having a husband or wife living who marries another person, or continues to cohabit with such second husband or wife in this state, shall be imprisoned in the state prison not more than five years. This section shall not extend to a person whose husband or wife has been continually beyond the sea, or out of the state for seven consecutive years, the party marrying again not knowing the other to be living within that time; or to a person whose former marriage has been

avoided by divorce or sentence of nullity, or was contracted under the age of consent and not afterwards assented to.

G. L. § 7010
68 Vt. 414.

SEC. 8605. Proofs of respondent's marriage. In prosecutions for crimes and penalties where it is necessary to prove the fact of the marriage of the respondent, acts of cohabitation by the respondent with the supposed husband or wife, and other acts, admissions and declarations of the respondent tending to prove such marriage shall be admitted in evidence as competent testimony.

G. L. § 7011
68 Vt. 414.

SEC. 8606. Alleging marriage in prosecution for bigamy. In prosecutions for bigamy it shall be sufficient to allege in the information or indictment that, at the time of the second marriage, the respondent had a wife or husband living, without specifying the time or place of the former marriage or the name of the former husband or wife.

G. L. § 7012
59 Vt. 527.
59 Vt. 614.
52 Vt. 556.

SEC. 8607. Marriage within prohibited degree. Persons between whom marriages are prohibited by the laws of this state who intermarry or commit fornication with each other shall be punished as in case of adultery.

Abortion.

G. L. § 7013.
32 Vt. 380.
54 Vt. 179.
68 Vt. 527.
80 Vt. 422.
35 Vt. 508.

SEC. 8608. Penalty; exception. A person who wilfully administers or advises or causes to be administered anything to a woman pregnant, or supposed by such person to be pregnant, or employs or causes to be employed any means with intent to procure the miscarriage of such woman, or assists or counsels therein, unless the same is necessary to preserve her life, shall, if the woman dies in consequence thereof be imprisoned in the state prison not more than twenty years nor less than five years, and if she does not die in consequence thereof, shall be imprisoned in the state prison not more than ten years nor less than three years; but the woman whose miscarriage is caused or attempted shall not be liable to the penalties prescribed by this section.

G. L. § 7014.

SEC. 8609. Same; indictment; conviction. A person who is indicted for the murder of an infant child, or of a woman pregnant or supposed by such person to be pregnant, may be charged in the same indictment with the offenses under the preceding section, and may be found guilty of any charge in the indictment sustained by the proof, and judgment and sentence shall be awarded accordingly.

G. L. § 7015.
66 Vt. 434.

SEC. 8610. Advertising or dealing in anything to cause miscarriage. A person who knowingly causes to be made public by print, writing, words or language that give any information where anything, or any advice or information, may be obtained for the purpose of causing or procuring the miscarriage of a pregnant woman, shall be imprisoned in the state prison not more than ten years nor less than three years; and a person who sells or gives away anything for the purpose of producing such miscarriage shall be imprisoned in the state prison not more than three years nor less than one year and fined not more than five hundred dollars nor less than two hundred dollars.

Lewdness and Prostitution.

G. L. § 7016.
18 Vt. 574.
68 Vt. 243.
97 Vt. 219.

SEC. 8611. Penalty. A person guilty of open and gross lewdness and lascivious behavior shall be imprisoned not more than five years or fined not more than three hundred dollars.

G. L. § 7017.
91 Vt. 290.

SEC. 8612. Disorderly house or house of ill fame. A person who keeps a disorderly house, or a house of ill fame, resorted to for the purpose of prostitution and lewdness, whether the same is occupied or frequented by one or more females, shall be imprisoned not more than four years or fined not more than three hundred dollars.

SEC. 8613. Definitions. The term "prostitution" shall be construed to include the offering or receiving of the body for sexual intercourse for hire and shall also be construed to include the offering or receiving of the body for indiscriminate sexual intercourse without hire. The term "lewdness" shall be construed to mean open and gross lewdness. The term "assignation" shall be construed to include the making of an appointment or engagement for prostitution or lewdness as defined in this section.

SEC. 8614. Unlawful acts. A person shall not occupy a place, structure, building or conveyance for the purpose of prostitution, lewdness or assignation and no person shall knowingly permit a place, structure, building or conveyance owned by him or under his control to be used for the purpose of prostitution, lewdness or assignation. A person shall not receive or offer, or agree to receive, a person into a place, structure, building or conveyance for the purpose of prostitution, lewdness or assignation or shall permit a person to remain there for such purpose. A person shall not direct, take or transport or offer or agree to take or transport a person to a place, structure, building or conveyance or to any other person knowingly, or with reasonable cause to know that the purpose of such directing, taking or transporting is prostitution, lewdness or assignation. A person shall not procure or solicit or offer to procure or solicit a female person for the purpose of prostitution, lewdness or assignation. A person shall not reside in, enter or remain in a place, structure or building or enter or remain in a conveyance for the purpose of prostitution, lewdness or assignation or engage in prostitution, lewdness or assignation, or aid or abet prostitution, lewdness or assignation, by any means whatsoever.

SEC. 8615. Penalty. A person who violates a provision of the preceding section shall be fined not more than one hundred dollars or may be imprisoned for not more than one year and a person convicted under the preceding section for a second offense shall be imprisoned for not more than three years.

SEC. 8616. Terms of probation. Probation or parole shall be granted or ordered in the case of a person infected with a venereal disease only on such terms and conditions as shall insure medical treatment therefor and prevent the spread of such disease.

SEC. 8617. Females; probation. A female person convicted under the provisions of the third preceding section shall not be placed on probation or parole in the care or charge of a person other than a woman probation officer.

White Slavery.

SEC. 8618. White slave traffic. A person who induces, entices or procures a female person to come into the state or to go from the state for the purpose of prostitution or for any immoral purpose or to enter a house of prostitution in the state; or who wilfully or knowingly aids such a female in obtaining transportation to or within the state for such purposes; or who places a female person in the charge or custody of another person for immoral purposes or in a house of prostitution; or who induces, entices, procures or compels such a female to reside in a house of prostitution; or who induces, entices, procures or compels such a female to live a life of prostitution, for gain and profits, shall be imprisoned in the state prison not more than ten years nor less than one year or fined not more than two thousand dollars nor less than two hundred dollars, or both.

SEC. 8619. Same. A person who induces, entices, procures or compels a female person, for the purpose of prostitution or for any other im-

in full of such stallion to the third ancestor on the side of both sire and dam, if known, and as much of such information as is not given shall be acknowledged as not known and so stated and pedigrees given in advertising such stallion shall be as recorded in the town clerk's office.

1919, No. 219, § 7.
G. L. § 7114.

SEC. 8737. Same; record; fees. The town clerk shall record such statement in a book kept for that purpose and shall receive from the applicant the sum of one dollar for each stallion so registered and shall furnish the owner or keeper procuring such a registration a certified copy of the same.

1919, No. 219, § 7.
G. L. § 7114.

SEC. 8738. Failure to comply, penalty. The owner or keeper of the stallion who fails to comply with the provisions of the second preceding section shall be fined not more than fifty dollars nor less than ten dollars and shall not receive compensation for the breeding services of such stallion. A person who makes a false certificate under the provisions of the second preceding section shall be fined one hundred dollars.

1933, No. 157, § 8377.
G. L. § 7115.

SEC. 8739. Obstructing passages in public buildings. A person who, during a public entertainment, places or causes to be placed any portable seat or obstruction in the halls, doorways, stairways, aisles or passages of a theatre, public hall or other place used for purposes of amusement, when the same is situated above the ground floor, shall be fined not more than one hundred dollars nor less than ten dollars.

G. L. § 7117.

SEC. 8740. Barbed wire fence around schoolhouse. A person who builds or maintains a barbed wire fence around a schoolhouse yard shall be fined not more than fifty dollars nor less than twenty dollars.

CHAPTER 349.

(8741-8749)

ACCESSORIES, ATTEMPTS, CRIMINAL INTENT AND COMPOUNDING FELONY.

Accessories.

G. L. § 7118.

SEC. 8741. Punished as principal. A person who aids in the commission of an offense punishable by death or imprisonment in the state prison shall be punished as a principal.

G. L. § 7119.
70 Vt. 288.

SEC. 8742. Before the fact; prosecutions; venue. A person who is accessory before the fact by counseling, hiring or otherwise procuring an offense to be committed may be complained of, informed against or indicted, tried, convicted and punished as if he were a principal offender and in the court and county where the principal might be prosecuted.

G. L. § 7120.
17 Vt. 145.
80 Vt. 249.

SEC. 8743. After the fact. A person not standing in the relation of husband, wife, parent, grandparent, child, grandchild, brother or sister, by consanguinity or affinity, to a person who has committed an offense punishable by death or imprisonment in the state prison, who harbors or conceals, maintains or assists such offender, or gives him other aid, knowing that he has committed such offense, with intent that he shall avoid or escape arrest or punishment, shall be deemed an accessory after the fact and shall be imprisoned in the state prison not more than seven years or fined not more than one thousand dollars.

G. L. § 7121.

SEC. 8744. Same; prosecution; venue. Such accessory after the fact may be prosecuted, convicted and punished whether the principal has or has not been previously convicted, or is or is not amenable to justice, in the county where such person becomes an accessory or in the county where the principal offense is committed.

Attempts.

SEC. 8745. Penalties. A person who attempts to commit an offense and does an act toward the commission thereof, but by reason of being interrupted or prevented fails in the execution of the same, if other express provision is not made by law for the punishment of such attempt, shall, if the offense attempted to be committed is punishable by death or imprisonment in the state prison for life, be imprisoned in the state prison not more than ten years, and if the offense attempted to be committed is punishable other than by death or imprisonment in the state prison for life, shall be imprisoned in the state prison or in the house of correction or Vermont industrial school, or be fined, respectively, as the offense so attempted to be committed is by law punishable; but the punishment of such last mentioned attempt shall not exceed half the greatest punishment which might have been inflicted if the offense so attempted had been committed.

SEC. 8746. Inciting to felony. A person who endeavors to incite, procure or hire another person to commit a felony, though a felony is not actually committed as a result of such inciting, hiring or procuring, shall be imprisoned in the state prison not more than five years or fined not more than five hundred dollars.

SEC. 8747. On charge of felony, may be convicted for attempt. Under an information or indictment charging the commission of an offense punishable by death or imprisonment in the state prison, the jury may, according as the proof is, return a verdict that the respondent is not guilty of the principal offense, but is guilty of an attempt to commit the same, in the manner stated in the preceding section, or the court may allow the respondent to plead guilty of such an attempt, and the court shall, in either case, pass sentence accordingly.

Criminal Intent.

SEC. 8748. Penalized, when. A person who, with intent to commit a crime, does an act within this state in execution or part execution of such intent, which culminates in the commission of a crime either within or without this state, shall be punished for such crime in this state in the same manner as if the same had been committed entirely within this state.

Compounding Felony.

SEC. 8749. Penalty. A person having knowledge of the commission of a felony who takes money, or a gratuity or reward, or an engagement therefor, upon an agreement or understanding, expressed or implied, to compound or conceal such felony or not to prosecute therefor, or not to give evidence thereof, shall be imprisoned in the state prison not more than ten years or fined not more than one thousand dollars.

CHAPTER 350.

(8750,8751)

CRIMES DEFINED AND HABITUAL CRIMINALS.

Felonies and Misdemeanors.

SEC. 8750. Definitions. Offenses which may be punished by death or imprisonment in the state prison are felonies; all other offenses are misdemeanors.

Appendix 9

THE
VERMONT STATUTES,
REVISION OF 1947.

INCLUDING THE PUBLIC ACTS OF 1947

WITH

THE DECLARATION OF INDEPENDENCE
THE ARTICLES OF CONFEDERATION

AND THE

CONSTITUTION OF THE UNITED STATES
AND THE STATE OF VERMONT



CLARENCE R. WHITE,
Commissioner in Charge,
SHERMAN R. MOULTON,
HARRISON J. CONANT,
Advisory Commissioners.

January 31, 1948.

PUBLISHED BY AUTHORITY
1947

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CHAP. 385. Foreign building and loan associations. (8972-8985) 1694

CHAP. 386. Small loans. (8986-9022) 1696

Anarchy.

8236. Promotion penalized. A person who by speech or directly or indirectly by exhibition, distribution or promulgation of any written or printed document or paper or pictorial representation, shall advocate, advise, counsel or incite unlawful assault upon, or the killing of a public official, or the unlawful destruction of property, or the overthrow by force or violence of the government of the state, or who, at any meeting or in the presence of more than three persons in any place or in any manner, shall advise, advocate or counsel the violation of or unlawful refusal to obey a law of the state respecting the preservation of the peace and the protection of life or property shall be imprisoned not more than three years or fined not more than \$1,000.00, or both.

P. L. § 8370. 1919, No. 194.

Raids.

8237. Conspiring to make. If three or more persons conspire together for the purpose and with the intent, violently and forcibly, to kill, maim or wound a person, or to rob a person, corporation or community, or to burn, blow up or otherwise destroy a bank building, store, factory, dwelling house or other building or depository of property, or a railroad car or engine, a vessel, steamboat or other water craft, finished or unfinished, for use in navigable waters, each person so offending shall be imprisoned in the state prison not more than twenty years and fined not more than \$10,000.00.

1947, No. 202, § 8391. P. L. § 8371. G. L. § 6795. P. S. § 5878. V. S. § 5052. R. L. § 4236. 1864, No. 2, § 1. 67 Vt. 690. 106 Vt. 183.

8238. Attempting to make. If three or more persons, acting in concert, with force and violence, attempt to kill, maim or wound a person, or to rob a person, corporation or community of money or other property, or to burn, blow up or otherwise destroy a bank building, store, factory, dwelling house, or other building or depository of property, or a railroad car or engine, or a steamboat, vessel or other water craft, finished or unfinished, for use in navigable waters, each person so offending shall be imprisoned in the state prison for life or for not less than five years or fined not more than \$10,000.00.

P. L. § 8372. G. L. § 6796. 1908, No. 170. P. S. § 5879. V. S. § 5053. R. L. § 4237. 1864, No. 2, § 2. 67 Vt. 690. 106 Vt. 183.

8239. Accessories deemed principals. A person who wilfully and knowingly aids, assists, counsels, advises or supports the commission of an offense named in the two preceding sections, or, having knowledge thereof, does not disclose the same, shall be deemed to be a principal in the commission of such offense and shall be punished as such.

1947, No. 202, § 8393. P. L. § 8373. G. L. § 6797. P. S. § 5880. V. S. § 5054. R. L. § 4238. 1864, No. 2, § 3. 67 Vt. 690.

CHAPTER 360.**OFFENSES AGAINST THE PERSON.****Murder, Manslaughter, Homicide and Attempts to Kill.**

8240. Murder; degrees defined. Murder committed by means of poison, or by lying in wait, or by wilful, deliberate and premeditated killing, or committed in perpetrating or attempting to perpetrate arson, rape, robbery or burglary, shall be murder in the first degree. All other kinds of murder shall be murder in the second degree.

P. L. § 8374. G. L. § 6798. P. S. § 5693. V. S. § 4884. R. L. § 4086. 1869, No. 44, § 1. 32 Vt. 491. 50 Vt. 483. 53 Vt. 37. 53 Vt. 560. 58 Vt. 457. 64 Vt. 466. 70 Vt. 247. 72 Vt. 381. 73 Vt. 149. 85 Vt. 115. 96 Vt. 85.

8241. Determination of degree. The jury by whom a person is tried for murder, if it finds such person guilty thereof, shall state in its verdict whether it is murder in the first or in the second degree. If such person is convicted on confession in open court, the court, by examination of witnesses, shall determine the degree of the crime and give sentence accordingly.

P. L. § 8375. G. L. § 6799. P. S. § 5694. V. S. § 4885. R. L. § 4087. 1869, No. 44, § 1. 73 Vt. 149. 96 Vt. 85.

8242. Penalty. The punishment of murder in the first degree shall be death. The punishment of murder in the second degree shall be imprisonment in the state prison for life.

P. L. § 8376. 1933, No. 157, § 8019. G. L. § 6800. 1912, No. 228. 1910, No. 225. P. S. § 5695. V. S. § 4886. R. L. § 4088. 1869, No. 44, § 2. G. S. 112, § 1. R. S. 94, § 1. 1818, p. 4. R. 1797, p. 156, § 3. R. 1787, p. 68. 86 Vt. 71.

8243. Penalty for manslaughter. A person who commits manslaughter shall be imprisoned in the state prison for life or for not less than one year or fined not more than \$1,000.00.

P. L. § 8377. G. L. § 6801. P. S. § 5696. 1900, No. 99, § 1. V. S. § 4887. R. L. § 4089. G. S. 112, § 15. R. S. 94, § 11. 1818, p. 6. R. 1797, p. 158, § 8. R. 1787, p. 68. 24 Vt. 127. 35 Vt. 378.

8244. Trial for murder; conviction of manslaughter. If, in the opinion of the jury, the evidence is not sufficient to convict of murder a person arraigned and put upon trial for that offense, the jury may convict him of manslaughter, if, in its opinion, the evidence is sufficient to prove that offense.

1947, No. 202, § 8398. P. L. § 8378. G. L. § 6802. P. S. § 5697. V. S. § 4888. R. L. § 4090. 1880, No. 18, § 2. G. S. 120, § 12. R. S. 102, § 7. 1818, p. 21. R. 1797, p. 175, § 41. 85 Vt. 115.

8245. Person killing or wounding another, when guiltless. If a person kills or wounds another under any of the circumstances enumerated below, he shall be guiltless:

I. In the just and necessary defense of his own life or the life of his or her husband, wife, parent, child, brother, sister, master, mistress, servant, guardian or ward; or

II. In the suppression of a person attempting to commit murder, rape, burglary or robbery, with force or violence; or

III. In the case of a civil officer; or a military officer or private soldier when lawfully called out to suppress riot or rebellion, or to prevent or suppress invasion, or to assist in serving legal process, in suppressing opposition against him in the just and necessary discharge of his duty.

P. L. § 8379. G. L. § 6803. P. S. § 5698. V. S. § 4889. R. L. § 4091. G. S. 12, § 13. G. S. 112, § 16. R. S. 11, § 13. R. S. 94, § 12. 1818, p. 6. R. 1797, p. 137, § 7. R. 1797, p. 158, § 8. R. 1787, pp. 68, 139.

8246. Poisoning food, drink, medicine or water. A person who mingles poison with food, drink or medicine, with intent to kill or injure another person, or who, with a like intent, wilfully poisons a spring, well or reservoir of water shall be imprisoned in the state prison not more than twenty years.

P. L. § 8382. G. L. § 6806. P. S. § 5701. V. S. § 4892. 1882, No. 83, § 1. R. L. § 4094. G. S. 112, § 20. R. S. 94, § 23.

8247. Attempting to murder by poisoning, drowning, etc. Any person who shall attempt to commit the crime of murder by poisoning, drowning or strangling another person, or by any means not constituting an assault with intent to murder, shall be imprisoned in the state prison not more than ten years and fined not more than \$1,000.00.

1947, No. 202, § 8401. P. L. § 8383. G. L. § 6807. P. S. § 5702. V. S. § 4893. R. L. § 4095. G. S. 112, § 19. R. S. 94, § 15.

8248. False testimony with intent to cause death. A person who wilfully and corruptly bears false testimony with intent to take away the life of a person and

thereby causes the life of such person to be taken, shall suffer the punishment of death. P. L. § 8384. G. L. § 6808. P. S. § 5703. V. S. § 4894. R. L. § 4096. G. S. 112, § 2. R. S. 94, § 2. 1818, p. 4. R. 1797, p. 156, § 4. R. 1787, p. 67. 68 Vt. 262.

Obstructing Railroads.

8249. Manslaughter, when death results. A person who wilfully and maliciously displaces or removes a railroad switch or rail, or injures a railroad track, bridge or fence, or places an obstruction on such railroad track or bridge, or does or causes to be done an act whereby an engine, machine or structure, or any matter or thing appertaining thereto, is stopped, obstructed or damaged, with intent to injure a person or property passing over such railroad, and in consequence thereof a person is killed, shall be guilty of manslaughter. 1947, No. 202, § 8403. P. L. 8385. G. L. § 6819. P. S. § 5714. V. S. § 4905. R. L. § 4107. G. S. 112, § 21. 1849, No. 41, § 36.

8250. Injuring or endangering traveler's person or property. A person shall not:

I. Wilfully and maliciously displace or remove a railroad switch or rail, or injure a railroad track or railroad bridge, or place an obstruction on such track or bridge; or

II. Unlawfully and maliciously display, hide or remove a signal or light upon or near to a railroad; or

III. By an unlawful act or wilful omission to act, endanger or cause to be endangered, or unlawfully and maliciously do or cause to be done anything, with intent to endanger the safety of persons traveling or being upon such railroad. P. L. § 8386. G. L. § 6820. P. S. § 5715. V. S. § 4906. R. L. § 4108. 1876, No. 24. 1866, No. 51, § 2. G. S. 112, § 20. 1849, No. 41, § 35.

8251. Same; penalties. A person who violates a provision of the preceding section shall be imprisoned in the state prison not more than ten years. If in consequence of such violation a person passing over such railroad suffers bodily harm, or property is injured, the time of imprisonment may be lengthened, provided it does not exceed in all twenty years, except in the case provided in section 8249. P. L. § 8386. G. L. § 6820. P. S. § 5715. V. S. § 4906. R. L. § 4108. 1876, No. 24. 1866, No. 51, § 2. G. S. 112, § 20. 1849, No. 41, § 35.

8252. Throwing missiles at train. A person who unlawfully and maliciously throws or causes anything to be thrown or to fall into or upon, or to strike against a railroad train or an engine, tender, car or truck, with intent to injure or endanger the safety of any person on such train or on such engine, tender, car or truck, shall be punished as provided in the preceding section. P. L. § 8387. G. L. § 6821. P. S. § 5716. V. S. § 4907. R. L. § 4109. 1866, No. 51, § 1.

Rape.

8253. By person over sixteen. A person over the age of sixteen years who ravishes and carnally knows a female person of the age of sixteen years or more, by force and against her will, or unlawfully and carnally knows a female person under sixteen years of age, with or without her consent, shall be imprisoned in the state prison not more than twenty years or fined not more than \$2,000.00, or both. P. L. § 8388. G. L. § 6822. P. S. § 5717. 1898, No. 118, § 1. V. S. § 4908. 1886, No. 63, § 1. R. L. § 4110. G. S. 112, § 28. 1849, No. 7, § 1. R. S. 94, § 21. 1818, p. 7. R. 1797, p. 159, §§ 10, 11. 1791, p. 22. 47 Vt. 82. 63 Vt. 673. 68 Vt. 540. 69 Vt. 428. 77 Vt. 10. 77 Vt. 166. 78 Vt. 124. 78 Vt. 157. 109 Vt. 73.

8254. By person under sixteen. If a person under the age of sixteen years unlawfully and carnally knows a female person under the age of sixteen years with her consent, both persons shall be guilty of a misdemeanor, and may be committed to the Weeks school. A person under the age of sixteen years who unlawfully and

carnally knows any female person by force and against her will shall be punished as provided in the preceding section. P. L. § 8389. G. L. § 6823. P. S. § 5718. 1898, No. 118, § 2. V. S. § 4909. 1886, No. 63, § 2. 63 Vt. 673.

Maiming and Assaults with Intent to Kill or Maim.

8255. Maiming. Any person with malicious intent to maim or disfigure, who shall cut out or maim the tongue, put out or destroy an eye, cut or tear off an ear, cut, slit or mutilate the nose or lip, or cut or disable a limb or member of another person, and any person privy to such intent who shall be present aiding in the commission of such offense shall be imprisoned in the state prison for life or for not less than seven years. 1947, No. 202, § 8409. P. L. § 8390. G. L. § 6824. P. S. § 5719. V. S. § 4910. R. L. § 4111. G. S. 112, § 17. R. S. 94, § 13. 1818, p. 6. R. 1797, p. 158, § 9. R. 1787, p. 67. 110 Vt. 1.

8256. Assault with intent to kill or maim. Any person who shall assault another with intent to kill, or with intent to maim or disfigure his person in any of the ways mentioned in the preceding section, shall be imprisoned in the state prison not more than ten years and fined not more than \$1,000.00. 1947, No. 202, § 8410. P. L. § 8391. G. L. § 6825. P. S. § 5720. V. S. § 4911. R. L. § 4118. G. S. 112, § 18. R. S. 94, § 14. 40 Vt. 603. 41 Vt. 564. 70 Vt. 1. 89 Vt. 490.

Kidnapping.

8257. What constitutes; penalty. A person who, without legal authority, forcibly or secretly confines or imprisons another person within this state against his will, or forcibly carries or sends such person out of the state, or forcibly seizes or confines or inveigles or kidnaps another person with intent to cause him to be secretly confined or imprisoned in this state against his will, or to cause him to be sent out of this state against his will, or in any way held to service against his will, shall be imprisoned in the state prison not more than twenty-five years or fined not more than \$10,000.00, or both. P. L. § 8392. 1933, No. 147. G. L. § 6826. P. S. § 5721. R. 1906, § 5580. 1904, No. 149, §§ 1, 2. V. S. § 4912. R. L. § 4112. G. S. 112, § 31. R. S. 94, § 24. 1814, p. 138. 1806, p. 157. 84 Vt. 154.

8258. Same; child under sixteen; penalty. A person who commits an offense described in the preceding section upon a person under the age of sixteen years, with or without the consent of such person, shall be imprisoned in the state prison not more than thirty years or fined not more than \$10,000.00, or both. P. L. § 8393. 1933, No. 147. G. L. § 6826. P. S. § 5721. R. 1906, § 5580. 1904, No. 149, §§ 1, 2. V. S. § 4912. R. L. § 4112. G. S. 112, § 31. R. S. 94, § 24. 1814, p. 138. 1806, p. 157. 84 Vt. 154.

8259. Same; extortion; penalty. A person who commits an offense described in section 8257 with intent to extort money or other valuable thing shall suffer the punishment of death or be imprisoned in the state prison for life. P. L. § 8394. 1933, No. 147. G. L. § 6826. P. S. § 5721. R. 1906, § 5580. 1904, No. 149, §§ 1, 2. V. S. § 4912. R. L. § 4112. G. S. 112, § 31. R. S. 94, § 24. 1814, p. 138. 1806, p. 157. 84 Vt. 154.

Cruelty to Persons.

8260. Abandonment or exposure of child. A person who abandons or exposes a child under the age of two years, whereby the life or health of such child is endangered, shall be imprisoned in the state prison not more than ten years or fined not more than \$1,000.00, or both. P. L. § 8395. G. L. § 6827. P. S. § 5722. 1896, No. 54, § 1.

8261. Cruelty to children under ten by one over sixteen. A person over the age of sixteen years, having the custody, charge or care of a child under ten years of age, who wilfully assaults, ill treats, neglects or abandons or exposes

such child, or causes or procures such child to be assaulted, illtreated, neglected, abandoned or exposed, in a manner to cause such child unnecessary suffering, or to endanger his health, shall be imprisoned in the state prison not more than two years or fined not more than \$500.00, or both.

8262. By person having custody. A person having the custody, charge, care or control of another person, who inflicts unnecessary cruelty upon such person, or unnecessarily and cruelly fails to provide such person with proper food, drink, shelter or protection from the weather, or unnecessarily and cruelly neglects to properly care for such person, shall be imprisoned in the state prison not more than one year or fined not more than \$200.00, or both.

8263. To person of unsound mind. A person who wilfully and maliciously teases, plagues, annoys, angers, irritates, maltreats, worries or excites another of unsound or feeble mind shall be imprisoned not more than one year or fined not more than \$100.00 nor less than \$5.00, or both.

8264. Same; justice jurisdiction. Justices shall have concurrent jurisdiction with county and municipal courts of offenses under the preceding section to the extent of fining the respondent \$50.00 or sentencing him to imprisonment in the county jail for not more than three months or both.

Assaults.

8265. With robbery, by one armed. A person who assaults another and feloniously robs, steals and takes from his person money or other property, the subject of larceny, being armed with a dangerous weapon, with intent if resisted to kill or maim the person robbed, shall be imprisoned in the state prison not more than twenty years and fined not more than \$1,000.00.

8266. With robbery, by one not armed. A person who, not being armed with a dangerous weapon, by force or by assault and putting in fear, feloniously robs, steals and takes from the person of another, money or other property, the subject of larceny, shall be imprisoned in the state prison not more than ten years nor less than three years.

8267. With intent to rob by one armed. A person who, armed with a dangerous weapon, assaults another with intent to rob shall be imprisoned in the state prison not more than ten years nor less than three years.

8268. With intent to kill by one armed. A person who, armed with a dangerous weapon, assaults another with intent to kill or murder shall be imprisoned in the state prison not more than thirty years.

8269. With intent to rob, by one not armed. A person who, not being armed with a dangerous weapon, shall assault another with force and with intent

to steal or rob shall be imprisoned in the state prison not more than seven years nor less than two years.

8270. With intent to commit rape. A person who shall assault a female person with intent to commit rape shall be imprisoned in the state prison not more than ten years or fined not more than \$1,000.00, or both.

Slungshots, Etc. 8271. Use or possession; penalty. A person who uses a slungshot, blackjack, brass knuckles or similar weapon against another person, or attempts so to do, or is found in possession of a slungshot, blackjack, brass knuckles, or similar weapon, with intent so to use it, shall be imprisoned in the state prison not more than five years.

8272. Manufacture, sale, etc.; penalty. A person within the state who manufactures or causes to be manufactured, or sells or gives away or parts with, or offers so to do, or keeps for sale or gift, a slungshot, blackjack, brass knuckles or similar weapon, shall be imprisoned not more than two years or fined not more than \$500.00 nor less than \$200.00.

Threatening. 8273. With intent to extort money. A person who maliciously threatens to accuse another of a crime or offense, or with an injury to his person or property, with intent to extort money or other pecuniary advantage, or with intent to compel the person so threatened to do an act against his will, shall be imprisoned in the state prison not more than two years or fined not more than \$500.00.

Carrying Weapons. 8274. Weapons, penalty. A person who carries a dangerous or deadly weapon, openly or concealed, with the intent or avowed purpose of injuring a fellow man, or who carries a dangerous or deadly weapon within any state institution or upon the grounds or lands owned or leased for the use of such institution, without the approval of the warden or superintendent of the institution, shall be imprisoned not more than two years or fined not more than \$200.00, or both.

8275. By children at school. A person who, while a member of and in attendance upon a school, carries or has in his possession a firearm, dirk knife, bowie knife, dagger or other dangerous or deadly weapon, shall be fined not more than \$20.00.

8276. While committing a crime. A person who carries a dangerous or deadly weapon, openly or concealed, while committing a felony or while committing an offense under section 6212, or while committing the crime of smuggling of an alien as defined by the laws of the United States, shall be imprisoned not less than three months nor more than two years.