

Record of Firearm Sales.

8277. Records of sales. All pawnbrokers and retail merchants dealing in firearms shall keep a record book in which they shall record the sale by them of all revolvers and pistols, and the purchase by them of all secondhand revolvers and pistols. Such record shall include the date of the transaction, the marks of identification of the firearm, including the manufacturer's name, the caliber, model and manufacturer's number of the firearm, the name, address, birthplace, occupation, age, height, weight and color of eyes and hair of the purchaser or seller. Such purchaser or seller shall sign his name to the record and the pawnbroker or merchant shall preserve such record book for six years after the date of last entry and shall permit all enforcement officers to inspect the same at all reasonable times. A person, partnership or corporation who violates a provision of this section shall be fined not more than \$100.00. 1947, No. 202, § 8430. 1939, No. 222, § 1.

Firearms.

8278. Furnishing firearms to minors, penalty. A person, firm or corporation, 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 or ammunition for firearms shall be fined not more than \$50.00 nor less than \$10.00. This section shall not apply to an instructor or teacher who furnishes firearms to pupils for instruction and drill. 1947, No. 161, § 1. P. L. § 8412. G. L. § 6843. 1912, No. 229, § 1. P. S. § 5738. 1904, No. 152, §§ 1, 2. 1896, No. 111, § 1.

8279. 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 417. P. L. § 8413. G. L. § 6844. 1917, No. 254, § 6662. 1912, No. 229, § 2. P. S. § 5739. R. 1906, § 5598. 1896, No. 111, § 2.

8280. 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 \$1,000.00, or both. P. L. § 8414. 1931, No. 164, § 1. 108 Vt. 60. 110 Vt. 173.

Gun Silencers.

8281. 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 \$25.00 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. P. L. § 8415. G. L. § 6845. 1912, No. 237.

Pointing Firearms.

8282. Aiming gun at another. Any person who shall intentionally point or aim any gun, pistol or other firearm at or towards another, except in self-defense or in the lawful discharge of official duty, shall be punished by fine not exceeding \$50.00. Any person who shall discharge any such firearm so intentionally aimed or pointed shall be punished by imprisonment for not more than one year or fined not more than \$100.00, or both. 1947, No. 202, § 8435. P. L. §§ 8416, 8418. G. L. §§ 6846, 6848. P. S. §§ 5740, 5742. V. S. §§ 4924, 4926. R. L. §§ 4122, 4124. 1872, No. 30, §§ 1, 2, 5. 75 Vt. 295. 110 Vt. 173.

CHAPTER 361.

ARSON AND BURNING.

8283. Causing death. A person who wilfully and maliciously burns the building of another, or wilfully and maliciously sets fire to a building owned in whole or in part by himself, by means of which the life of a person is lost, shall suffer the punishment of death. P. L. § 8419. G. L. § 6849. P. S. § 5743. V. S. § 4927. R. L. § 4125. G. S. 113, § 1. R. S. 95, § 1. 1818, p. 5.

8284. First degree arson. A person who wilfully and maliciously sets fire to or burns or causes to be burned, or who wilfully and maliciously aids, counsels or procures the burning of any dwelling house, whether occupied, unoccupied or vacant, or any kitchen, shop, barn, stable or other outhouse that is parcel thereof, or belonging, or adjoining thereto, whether the property of himself or of another, shall be guilty of arson in the first degree, and shall be imprisoned in the state prison not more than ten years nor less than two years or fined not more than \$2,000.00. 1947, No. 202, § 8437. 1935, No. 202, § 1. 110 Vt. 453.

8285. Second degree arson. A person who wilfully and maliciously sets fire to or burns or causes to be burned, or who wilfully and maliciously aids, counsels or procures the burning of any building or structure of whatsoever class or character, whether the property of himself or of another, not included or described in the preceding section, shall be guilty of arson in the second degree, and shall be imprisoned in the state prison not more than five years nor less than one year or fined not more than \$1,000.00. 1947, No. 202, § 8438. 1935, No. 202, § 2.

8286. Third degree arson. A person who wilfully and maliciously sets fire to or burns or causes to be burned, or who wilfully and maliciously aids, counsels or procures the burning of any personal property of whatsoever class or character, not less than \$25.00 in value and the property of another person, shall be guilty of arson in the third degree, and shall be imprisoned in the state prison not more than three years nor less than one year, or fined not more than \$500.00. 1947, No. 202, § 8439. 1935, No. 202, § 3.

8287. Fourth degree arson. A person who wilfully and maliciously attempts to set fire to or wilfully and maliciously attempts to burn or to aid, counsel or procure the burning of any of the buildings or property mentioned in the three preceding sections, or who wilfully and maliciously commits any act preliminary thereto, or in furtherance thereof, shall be guilty of arson in the fourth degree, and shall be imprisoned in the state prison not more than two years nor less than one year or fined not more than \$500.00. 1947, No. 202, § 8440. 1935, No. 202, § 4.

8288. Attempts. The placing or distributing of any inflammable, explosive or combustible material or substance, or any device, in any building or property mentioned in the four preceding sections in any arrangement or preparation with intent wilfully and maliciously to set fire to or burn the same, or to procure the setting fire to or burning of the same shall, for the purposes of this chapter, constitute an attempt to burn such building or property. 1935, No. 202, § 5.

8289. Setting fire with intent to injure insurer. A person who wilfully and with intent to injure or defraud the insurer sets fire to or burns or attempts so to do or who wilfully and maliciously causes to be burned or who wilfully and maliciously aids, counsels or procures the burning of any building, structure or personal property, of whatsoever class or character, whether the property of himself or of another, which shall at the time be insured by any person, company or corporation

petration 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 \$50.00. P. L. § 8512. 1933, No. 157, § 8160. G. L. § 6931. 1917, No. 237, § 1.

8373. 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. 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.

P. L. § 8513. G. L. § 6932. 1917, No. 237, § 2.

8374. 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 to 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. The expense of such care and provision shall be a charge against the owner of such animal, collectible by action from such owner by such society, and such society shall have a lien on such animal for all expenses so incurred.

P. L. § 8514. G. L. § 6933. 1917, No. 237, § 3.

8375. Same; power to arrest; penalty for impeding; badge. 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 8538, provided that all such officers and agents, when making such arrests, shall declare their authority and exhibit and expose a suitable badge which has been adopted by such society.

P. L. § 8515. G. L. § 6934. 1917, No. 237, § 4.

CHAPTER 367.

TRESPASSES AND MALICIOUS INJURIES.

Removal of Dead Bodies.

8376. 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 \$2,000.00 nor less than \$100.00, or both.

P. L. § 8516. G. L. § 6935. P. S. § 5821. 1904, No. 140, § 6. 1902, No. 114, § 7. 1898, No. 116, § 2. V. S. § 5004. 1884, No. 85, § 4. R. L. § 4194. G. S. 117, § 17. R. S. 99, § 14. 1830, No. 9. 1828, No. 5. 1804, Jan., p. 58. 1 Vt. 331.

8377. Search warrants. 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, a justice of the peace or a municipal judge shall issue a warrant, directed to any sheriff or constable, commanding him to make search in such place for such dead person. The officer serving such process shall not be liable for executing such warrant, whether the body of such dead person is found or not.

P. L. § 8517. G. L. § 6936. 1908, No. 62. P. S. § 5822. V. S. § 5005. R. L. § 4195. G. S. 117, § 18. R. S. 99, § 15. 1832, No. 14.

8378. 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.

P. L. § 8518. G. L. § 6937. P. S. § 5823. V. S. § 5006. R. L. § 4196. G. S. 117, § 19. 1853, No. 28, § 1.

8379. Injury to burial grounds and historical tablets. A person shall not wilfully and without right or authority remove, injure or destroy, or procure or cause 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 portion thereof, 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 a historical or patriotic association or society on land on which such association or society has a right to erect the same.

P. L. § 8519. 1931, No. 166, § 1. G. L. § 6938. 1915, No. 91, § 3. 1908, No. 62. P. S. §§ 5824, 5828. V. S. §§ 5007, 5011. 1888, No. 119, § 1. R. L. §§ 4192, 4193. 1878, No. 68, §§ 1, 2. 1863, No. 9. 1863, No. 23, § 8. G. S. 18, § 7. G. S. 113, §§ 42, 43, 54. 1859, No. 40. 1854, No. 45, § 2. 1853, No. 31, § 2. 73 Vt. 70. 112 Vt. 202.

8380. Same. A person shall not wilfully and maliciously injure 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 dig up, displace, take away or break off a root, plant, vine, flower, shrub or tree within a burial ground.

P. L. § 8519. 1931, No. 166, § 1. G. L. § 6938. 1915, No. 91, § 3. 1908, No. 62. P. S. §§ 5824, 5828. V. S. §§ 5007, 5011. 1888, No. 119, § 1. R. L. §§ 4192, 4293. 1878, No. 68, §§ 1, 2. 1863, No. 9. 1863, No. 23, § 8. G. S. 18, § 7. G. S. 113, §§ 42, 43, 54. 1859, No. 40. 1854, No. 45, § 2. 1853, No. 31, § 2. 73 Vt. 70. 112 Vt. 202.

8381. Same. A person shall not wilfully and without authority remove or cause to be removed, break down, injure or destroy an ornament, token or emblem used to decorate, mark or distinguish the grave or tomb of a deceased person.

P. L. § 8519. 1931, No. 166, § 1. G. L. § 6938. 1915, No. 91, § 3. 1908, No. 62. P. S. §§ 5824, 5828. V. S. §§ 5007, 5011. 1888, No. 119, § 1. R. L. §§ 4192, 4193. 1878, No. 68, §§ 1, 2. 1863, No. 9. 1863, No. 23, § 8. G. S. 18, § 7. G. S. 113, §§ 42, 43, 54. 1859, No. 40. 1854, No. 45, § 2. 1853, No. 31, § 2. 73 Vt. 70. 112 Vt. 202.

8382. Penalty. A person who violates a provision of the three preceding sections shall be imprisoned in the state prison not more than five years or fined not more than \$200.00 nor less than \$10.00.

P. L. § 8519. 1931, No. 166, § 1. G. L. § 6938. 1915, No. 91, § 3. 1908, No. 62. P. S. §§ 5824, 5828. V. S. §§ 5007, 5011. 1888, No. 119, § 1. R. L. §§ 4192, 4193. 1878, No. 68, §§ 1, 2. 1863, No. 9. 1863, No. 23, § 8. G. S. 18, § 7. G. S. 113, §§ 42, 43, 54. 1859, No. 40. 1854, No. 45, § 2. 1853, No. 31, § 2. 73 Vt. 70. 112 Vt. 202.

8383. Jurisdiction. Justices and municipal courts shall have concurrent jurisdiction with the county court of offenses arising under the four preceding sections, to the extent of fining the respondent \$20.00, or may bind the offender

over for the trial, but municipal courts may accept a plea of guilty and thereupon shall have the same power to pass sentence as a county court.

P. L. § 8520. 1931, No. 166, § 1. G. L. § 6938. 1915, No. 91, § 3. 1908, No. 62. P. S. §§ 5824, 5828. V. S. §§ 5007, 5011. 1888, No. 119, § 1. R. L. §§ 4192, 4193. 1878, No. 68, §§ 1, 2. 1863, No. 9. 1863, No. 23, § 8. G. S. 18, § 7. G. S. 113, §§ 42, 43, 54. 1859, No. 40. 1854, No. 45, § 2. 1853, No. 31, § 2. 73 Vt. 70.

8384. Tort action. A person who violates a provision of sections 8379 to 8382 inclusive, shall be further liable for damages in an action of tort on this statute. 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.

P. L. § 8521. 1931, No. 166, § 2. G. L. § 6939. P. S. § 5825. V. S. § 5008. R. L. § 4193. 1878, No. 68, § 1. 1863, No. 23, § 8. G. S. 18, § 7. G. S. 113, §§ 42, 43. 1859, No. 40. 1854, No. 45, § 2. 71 Vt. 78. 73 Vt. 70.

8385. 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.

P. L. § 8522. 1931, No. 166, § 2. G. L. § 6939. P. S. § 5825. V. S. § 5008. R. L. § 4193. 1878, No. 68, § 1. 1863, No. 23, § 8. G. S. 18, § 7. G. S. 113, §§ 42, 43. 1859, No. 40. 1854, No. 45, § 2. 71 Vt. 78. 73 Vt. 70.

Injuries to Buildings and Their Appurtenances.

8386. Malicious injuries; tort action. A person who wilfully and maliciously damages 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 \$20.00, or both. 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.

1947, No. 202, § 8539. P. L. § 8523. G. L. § 6940. P. S. § 5826. V. S. § 5009. R. L. § 4199. G. S. 113, §§ 48, 52, 53. 1856, No. 43. 1853, No. 31, § 1. 1852, No. 16. 1842, No. 36. R. S. 95, § 25. R. 1797, p. 187, § 1. R. 1797, p. 189, § 3.

8387. Injuring state property; penalty. A person who wilfully or carelessly damages 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 \$50.00 nor less than \$5.00, if the damage does not exceed \$25.00; but if it exceeds \$25.00, he shall be fined not more than \$1,000.00.

1947, No. 202, § 8540. P. L. § 8524. 1933, No. 157, § 8172. G. L. § 328. 1917, No. 254, § 330. P. S. § 259. R. 1906, § 230. V. S. § 194. R. L. § 133. G. S. 6, § 6. R. S. 6, § 6. 1836, No. 37. 1812, p. 173, § 2.

8388. 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 \$2.00.

1947, No. 202, § 8541. P. L. § 8525. G. L. § 6941. 1917, No. 254, § 6755. P. S. § 5827. V. S. § 5010. R. L. § 4200. G. S. 113, § 50. 1856, No. 42.

8389. Jurisdiction; concurrent. 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 \$20.00, or may bind the offender over for trial.

P. L. § 8526. G. L. § 6942. P. S. § 5828. V. S. § 5011. R. L. § 4192. 1878, No. 68, § 2. 1863, No. 9. G. S. 113, § 54. 1853, No. 31, § 2.

Injuries to Vessels, Mills and Bridges.

8390. 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 \$500.00.

P. L. § 8527. 1919, No. 198, § 1. G. L. §§ 6943, 6944. P. S. §§ 5829, 5830. V. S. §§ 5012, 5013. R. L. §§ 4197, 4198. G. S. 113, §§ 24, 31. R. S. 95, §§ 16, 18. 1834, No. 6.

8391. 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 \$500.00.

P. L. § 8528. 1919, No. 198, § 1. G. L. § 6944. P. S. § 5830. V. S. § 5013. R. L. § 4198. G. S. 113, § 31. R. S. 95, § 18. 1834, No. 6.

Removal of Packing from Journal Boxes.

8392. 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 shall be imprisoned not more than three years or fined not more than \$500.00.

1947, No. 202, § 8545. P. L. § 8529. G. L. § 6945. P. S. § 5831. 1904, No. 151, § 1.

Injuries Caused by Explosives.

8393. 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 \$1,000.00.

P. L. § 8530. G. L. § 6946. P. S. § 5832. 1900, No. 100, § 1.

8394. 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 injure such dwelling house, office, shop, building, ship, vessel or any dam or reservoir for storing water, or any person or property therein, shall be imprisoned in the state prison not more than ten years or fined not more than \$500.00.

P. L. § 8531. G. L. § 6947. P. S. § 5833. 1900, No. 100, § 2.

saulting, beating or striking another person shall be imprisoned not more than five years or fined not more than \$1,000.00, or both.

P. L. § 8592. G. L. § 6997. P. S. § 5870. 1906, No. 200, § 8. 1898, No. 120, § 1.
V. S. § 5043. R. L. § 4228. G. S. 116, § 1. R. S. 98, § 1. 1826, No. 14, § 1. 1821, p. 12.
R. 1797, p. 187, § 21. 1788, p. 9. 1 Tyl. 180. 11 Vt. 236. 22 Vt. 321. 42 Vt. 542.
47 Vt. 290. 57 Vt. 576. 59 Vt. 548. 64 Vt. 25. 69 Vt. 98. 79 Vt. 521. 80 Vt. 175.
91 Vt. 88. 91 Vt. 507. 97 Vt. 461.

8459. 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 \$100.00.

P. L. § 8593. G. L. § 6998. P. S. § 5871. V. S. § 5044. R. L. § 4229. G. S. 116, § 10.
1854, No. 115. R. S. 98, § 10. 1821, p. 10. R. 1797, p. 185, § 19.

8460. 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 \$40.00 nor less than \$5.00.

P. L. § 8594. G. L. § 6999. P. S. § 5872. V. S. § 5045. R. L. § 4231. G. S. 93, § 5.
R. S. 82, § 5. 1827, No. 25, § 1. 1819, p. 20. R. 1797, p. 197, § 2. R. 1787, p. 134.

8461. 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 \$50.00. However, 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.

P. L. § 8595. G. L. § 7000. P. S. § 5873. V. S. §§ 4699, 5046. 1890, No. 75. R. L. § 4234.
G. S. 116, § 11. 1863, No. 9. 64 Vt. 25.

8462. 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 \$50.00 or sentencing him to imprisonment in the county jail for a period of not more than three months, or both.

P. L. § 8596. G. L. § 7001. P. S. § 5874. 1906, No. 188, § 1. V. S. § 5048. R. L. § 4235.
1863, No. 9. 57 Vt. 576. 74 Vt. 323. 82 Vt. 37.

8463. 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 \$20.00.

P. L. § 8597. 1933, No. 157, § 8240. G. L. § 7002. 1915, No. 91, § 1. 1908, No. 62.
P. S. § 5875. V. S. § 5049. R. L. § 4230. 1870, No. 60.

8464. 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, without warrant, upon view, may 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. Such magistrate, sheriff, deputy sheriff, constable and grand juror may command assistance, in the execution of the aforesaid duties, as sheriffs by law may. 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.

P. L. § 8598. G. L. § 7003. 1908, No. 62. P. S. § 5876. V. S. § 5050. R. L. § 4232.
G. S. 93, § 6. R. S. 82, § 6. 1827, No. 25, § 1. 1819, p. 21.

8465. Limitation. Prosecutions for disturbing a religious meeting shall be commenced within thirty days after the commission of the offense, and not after.

P. L. § 8599. G. L. § 7004. 1910, No. 91, § 5. P. S. § 5877. V. S. § 5051. R. L. § 4233.
G. S. 93, §§ 8, 9. R. S. 82, §§ 9, 10. 1827, No. 25, § 2. R. 1797, p. 198, § 7. R. 1787, p. 135.

CHAPTER 370.

OFFENSES AGAINST CHASTITY AND MORALITY.

Adultery and Bigamy.

8466. Adultery; penalty. A person who commits adultery shall be imprisoned in the state prison not more than five years or fined not more than \$1,000.00, or both.

P. L. § 8600. G. L. § 7005. P. S. § 5881. V. S. § 5055. R. L. § 4239. G. S. 117, § 1.
R. S. 99, § 1. 1818, p. 11. R. 1797, p. 164, § 21. R. 1787, p. 20. 56 Vt. 516. 65 Vt. 482.
68 Vt. 659. 74 Vt. 223. 75 Vt. 293. 83 Vt. 305. 88 Vt. 464. 92 Vt. 290.

8467. 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.

P. L. § 8601. G. L. § 7006. P. S. § 5882. V. S. § 5056. R. L. § 4240. G. S. 117, § 2.
R. S. 99, § 2. 1818, p. 11. 6 Vt. 311. 56 Vt. 516. 65 Vt. 482. 69 Vt. 403. 75 Vt. 293.
81 Vt. 400. 83 Vt. 305. 88 Vt. 464. 92 Vt. 290. 114 Vt. 238.

8468. 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 \$1,000.00.

P. L. § 8602. G. L. § 7007. P. S. § 5883. V. S. § 5057. R. L. § 4241. G. S. 117, § 3.
R. S. 99, § 3. 1826, No. 12. 1818, p. 11. R. 1797, p. 166, § 24. R. 1778, p. 20. 6 Vt. 311.
12 Vt. 396. 60 Vt. 90. 65 Vt. 482. 107 Vt. 354. 107 Vt. 358. 108 Vt. 299.

8469. 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 \$500.00.

P. L. § 8603. G. L. § 7008. P. S. § 5884. V. S. § 5058. R. L. § 4242. G. S. 117, § 4.
R. S. 99, § 4. 1818, p. 11. R. 1797, p. 164, § 22. R. 1787, p. 21.

8470. 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.

P. L. § 8604. G. L. § 7009. P. S. § 5885. V. S. § 5059. R. L. § 4243. G. S. 117, §§ 5, 6.
R. S. 99, §§ 5, 6. 1818, p. 12. R. 1797, p. 165, § 23. R. 1787, p. 21. 29 Vt. 60. 75 Vt. 163.
79 Vt. 69.

8471. 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.

P. L. § 8605. G. L. § 7010. P. S. § 5886. V. S. § 5060. R. L. § 4244. G. S. 117, § 7.
1856, No. 12. 68 Vt. 414.

8472. 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.

P. L. § 8606. G. L. § 7011. P. S. § 5887. V. S. § 5061. R. L. § 4245. G. S. 117, § 8.
1858, No. 16. 68 Vt. 414.

8473. 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.

P. L. § 8607. G. L. § 7012. P. S. § 5888. V. S. § 5062. R. L. § 4246. G. S. 117, § 9.
R. S. 99, § 7. 1818, p. 13. R. 1797, p. 166, § 25. R. 1787, p. 94. 59 Vt. 527. 59 Vt. 614.
82 Vt. 556.

Abortion. A person who wilfully administers, 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, if the woman dies in consequence thereof, shall be imprisoned in the state prison not more than twenty years nor less than five years. If the woman does not die in consequence thereof, such person shall be imprisoned in the state prison not more than ten years nor less than three years. However, the woman whose miscarriage is caused or attempted shall not be liable to the penalties prescribed by this section.

8474. Penalty; exception. A person who wilfully administers, 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, if the woman dies in consequence thereof, shall be imprisoned in the state prison not more than twenty years nor less than five years. If the woman does not die in consequence thereof, such person shall be imprisoned in the state prison not more than ten years nor less than three years. However, the woman whose miscarriage is caused or attempted shall not be liable to the penalties prescribed by this section.

P. L. § 8608. G. L. § 7013. P. S. § 5889. V. S. § 5063. R. L. § 4247. 1867, No. 57, § 1.
G. S. 117, § 10. 1846, No. 33. 32 Vt. 380. 54 Vt. 179. 68 Vt. 529. 80 Vt. 422.
95 Vt. 508. 106 Vt. 126. 107 Vt. 487.

8475. Dying declarations. In all prosecutions under the provisions of the preceding section, the dying declaration of the woman whose death is produced by any of the means set forth in such section may be admitted in evidence subject to the same restrictions as in cases of homicide.

1935, No. 203, § 1.

8476. 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 second 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.

P. L. § 8609. G. L. § 7014. P. S. § 5890. V. S. § 5064. R. L. § 4248. 1867, No. 57, § 2.

8477. 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. 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 \$500.00 nor less than \$200.00.

P. L. § 8610. G. L. § 7015. P. S. § 5891. V. S. § 5065. R. L. § 4249. 1867, No. 57, § 3.
66 Vt. 434.

Lewdness and Prostitution.

8478. 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 \$300.00.

1947, No. 202, § 8632. P. L. § 8611. G. L. § 7016. P. S. § 5892. V. S. § 5066.
1888, No. 138, § 1. R. L. § 4250. G. S. 117, § 11. R. S. 99, § 8. 18 Vt. 574. 68 Vt. 243.
97 Vt. 219.

8479. Lewdness, penalty. A person who shall wilfully and lewdly commit any lewd or lascivious act upon or with the body, or any part or member thereof, of a child under the age of sixteen years, with the intent of arousing, appealing to, or gratifying the lust, passions or sexual desires of such person or of such child, shall be imprisoned in the state prison not less than one year nor more than five years.

1937, No. 211, § 1.

8480. Same. A person participating in the act of copulating the mouth of one person with the sexual organ of another shall be imprisoned in the state prison not less than one year nor more than five years.

1937, No. 211, § 2.

8481. 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 \$300.00.

P. L. § 8612. G. L. § 7017. 1917, No. 239. P. S. § 5893. V. S. § 5067. 1884, No. 95, § 1.
R. L. § 4251. G. S. 117, § 12. R. S. 99, § 9. 1834, No. 7. 18 Vt. 70. 67 Vt. 454.
91 Vt. 290.

8482. 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.

P. L. § 8613. 1919, No. 199, § 2. 100 Vt. 373.

8483. Unlawful acts. A person shall not:

I. Occupy a place, structure, building or conveyance for the purpose of prostitution, lewdness or assignation;

II. 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;

III. Receive or offer, or agree to receive, a person into a place, structure, building or conveyance for the purpose of prostitution, lewdness or assignation;

IV. Permit a person to remain in a place, structure, building or conveyance for the purpose of prostitution, lewdness or assignation;

V. 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;

VI. Procure or solicit or offer to procure or solicit a female person for the purpose of prostitution, lewdness or assignation;

VII. 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;

VIII. Engage in prostitution, lewdness or assignation; or

IX. Aid or abet prostitution, lewdness or assignation, by any means whatsoever.

P. L. § 8614. 1919, No. 199, § 1.

8484. Penalty. A person who violates a provision of the preceding section shall be fined not more than \$100.00 or may be imprisoned not more than one year. For a second offense such person shall be imprisoned for not more than three years.

1947, No. 202, § 8638. P. L. § 8615. 1919, No. 199, § 1.

8485. 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.

P. L. § 8616. 1919, No. 199, § 3.

8486. Females; probation. A female person convicted under the provisions of section 8483 shall not be placed on probation or parole in the care or charge of a person other than a woman probation officer.
P. L. § 8617. 1919, No. 199, § 4.

White Slavery. Disorderly house or a house of ill fame.

8487. White slave traffic. A person shall not:

I. Induce, entice or procure 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;

II. Wilfully or knowingly aid such female in obtaining transportation to or within the state for such purposes;

III. Place a female person in the charge or custody of another person for immoral purposes or in a house of prostitution;

IV. Induce, entice, procure or compel such female to reside in a house of prostitution; or

V. Induce, entice, procure or compel such female to live a life of prostitution.

A person violating a provision hereof shall be imprisoned in the state prison not more than ten years nor less than one year or fined not more than \$2,000.00 nor less than \$200.00, or both.

P. L. § 8618. G. L. § 7018. 1910, No. 228, § 1. 114 Vt. 285.

8488. Same. A person shall not:

I. Induce, entice, procure or compel a female person, for the purpose of prostitution or for any other immoral purpose, to enter a house of prostitution;

II. Receive money or other valuable consideration for or on account of placing a female person in a house of prostitution for the purpose of causing her to cohabit with a male person to whom she is not married;

III. Pay money or other valuable consideration to procure a female person for the purpose of placing her for immoral purposes in a house of prostitution, with or without her consent; or

IV. Knowingly receive money or other valuable thing for or on account of procuring or placing a female person in a house of prostitution for immoral purposes, with or without her consent.

A person violating a provision hereof shall be punished as provided in the preceding section.

P. L. § 8619. G. L. § 7019. 1910, No. 228, § 2.

8489. Same. A person shall not:

I. Hold, detain or restrain a female person in a house of prostitution for the purpose of compelling such female, directly or indirectly, by her voluntary or involuntary service or labor, to pay, liquidate, or cancel a debt, dues or obligations incurred or claimed to have been incurred in such house of prostitution; or

II. Accept, receive, levy or appropriate money or other valuable thing from the proceeds or earnings of a female person engaged in prostitution.

An acceptance, receipt, levy or appropriation of such money or valuable thing shall be presumptive evidence of lack of consideration. A person who violates a provision of this section shall be punished as provided in section 8487.

P. L. § 8620. G. L. § 7020. 1917, No. 254, § 6836. 1910, No. 228, § 3.

Obscene Books, Pictures and Shows.

8490. Books and pictures. A person who imports, prints, publishes, sells, lends, circulates, distributes, exhibits or introduces into a family or place of educa-

tion a book, print, picture or other thing which is obscene, lewd or indecent, or which contains obscene, lewd, or indecent language, prints, pictures, figures or descriptions, or which manifestly tends to the corruption of the morals of youth, or who buys, procures or has in his possession any such book, print, picture or other thing, with intent to sell, lend, circulate, distribute or exhibit the same, or to introduce it into a family or place of education, shall be imprisoned not more than one year or fined not more than \$200.00.

P. L. § 8621. G. L. § 7021. P. S. § 5894. 1896, No. 110, § 1. V. S. § 5068. R. L. § 4252.
G. S. 117, § 13. R. S. 99, § 10. 1821, p. 13. 27 Vt. 619.

8491. Posters and shows. A person who posts or publicly exhibits a picture, figure, print, description or language which is obscene, lewd, indecent or which manifestly tends to the corruption of the morals of youth, or who as owner, manager, director, agent or in any other capacity prepares, advertises, gives, presents or participates in an obscene, lewd, indecent, immoral show or entertainment, or a show or entertainment manifestly tending to corrupt the morals of youth, shall be imprisoned not more than three months or fined not more than \$200.00.

P. L. § 8622. G. L. § 7022. P. S. § 5895. 1896, No. 110, § 2. V. S. § 5069. 1892, No. 88, § 1.

8492. Same; moving pictures. A person who exhibits to the public moving pictures which are obscene or immoral shall be imprisoned not more than three months or fined not more than \$200.00, or both.

P. L. § 8623. 1933, No. 157, § 8266. G. L. § 7023. 1917, No. 240.

Blasphemy and Profanity.

8493. Blasphemy. A person who publicly denies the being and existence of God, or of the Supreme Being, or contumeliously reproaches His providence and government shall be fined not more than \$200.00.

P. L. § 8624. G. L. § 7024. P. S. § 5896. V. S. § 5070. R. L. § 4253. G. S. 117, § 14.
R. S. 99, § 11. 1818, p. 11. R. 1797, p. 163, § 20. R. 1787, p. 68.

Defaming a Court.

8494. Penalty. A person who defames a court of justice, or a sentence or proceeding thereof, or defames the magistrate, judge or justice of such court, as to an act or sentence therein passed, shall be fined not more than \$200.00.

P. L. § 8626. G. L. § 7026. P. S. § 5898. V. S. § 5072. R. L. § 4255. G. S. 117, § 15.
R. S. 99, § 12. 1818, p. 14. R. 1797, p. 166, § 26. R. 1787, p. 46. 74 Vt. 12. 82 Vt. 382.

CHAPTER 371.

OFFENSES AGAINST PUBLIC HEALTH.

8495. Spitting on sidewalks or in public buildings; notices. A person

who expectorates or spits on a public sidewalk or in a public building except in receptacles provided for that purpose shall be fined not more than \$10.00 for each offense. A suitable notice containing a copy of this section shall be posted in all public buildings.

P. L. § 8627. G. L. § 7027. 1910, No. 229, § 1. P. S. § 5899. 1906, No. 187, §§ 1, 2.

8496. Spitting in cars, stations and waiting rooms; notices. A person who expectorates or spits upon the floor, platform or interior furnishings, except cuspidors, of a steam railroad, passenger or street railway car or upon the floor, furnishings, registers or radiators of a passenger station or public waiting room, shall be fined not more than \$10.00. However, there shall be no prosecution unless the provisions of this section are posted in a conspicuous place in such cars, stations or waiting rooms and suitable cuspidors provided except in street railway cars.

P. L. § 8628. G. L. § 7028. 1910, No. 229, § 2. P. S. § 5900. 1902, No. 70, § 1.

8497. Sewage; penalty; jurisdiction. A person shall not discharge sewage or other polluted matter into the waters of a pond or lake having an area of one thousand acres or more lying wholly within the state. A person who violates a provision of this section shall be fined not more than \$200.00 nor less than \$20.00. Justices shall have concurrent jurisdiction with county and municipal courts of offenses arising under this section.
P. L. § 8629. G. L. § 7029. 1908, No. 171.

8498. Sewage disposal in certain bodies of water. A person who deposits or causes to be deposited sewage or other polluted matter in the following bodies of water or tributaries thereof or upon the shores thereof, within thirty feet of the high water mark, shall be imprisoned not more than three months or fined not more than \$50.00, or both, for each offense:

- I. Lake Eden in the town of Eden;
- II. Echo Lake in the town of Charleston;
- III. Lake Elmore in the town of Elmore;
- IV. Lake St. Catherine in the towns of Poultney and Wells;
- V. Metcalf Pond in the town of Fletcher;
- VI. Ryder Brook in the town of Morristown, above the dam authorized by vote of the village of Morrisville, September 17, 1912.

1947, No. 202, § 8652. 1937, No. 212, § 1. P. L. §§ 8630-8634. 1933, No. 157, § 8274. 1933, No. 162, § 1. 1933, No. 164, § 1. 1931, No. 184, § 1. G. L. §§ 7030, 7031. 1915, No. 238. 1912, No. 268.

8499. Dead animal. A person who puts, or causes to be put, a dead animal or animal substance into or upon the bank of a lake, pond, running stream or spring of water so that it is drawn or washed into the same and suffers it to remain therein for a period of forty-eight hours shall be fined not more than \$50.00 nor less than \$5.00.

P. L. § 8635. G. L. § 7032. P. S. § 5462. 1902, No. 113, § 25. V. S. § 4695. R. L. § 3926. G. S. 99, § 11. 1852, No. 50, § 1.

8500. Dead animals left unburied; limitation. A person who, between the months of March and December, puts or causes to be put within five hundred feet of a dwelling house or highway, a dead animal or any animal substance and suffers the same to remain unburied shall be liable to the same penalty as provided in the preceding section if prosecution therefor is commenced within six months after the offense is committed.

P. L. § 8636. G. L. § 7033. P. S. § 5463. R. 1906, § 5330. 1902, No. 113, § 25. V. S. § 4696. R. L. §§ 3927, 3928. G. S. 99, §§ 12, 13, 14. 1860, No. 15. 1853, No. 34, §§ 1, 2. 1852, No. 50, § 1.

8501. Criminal use of anaesthetics. A person who administers, attempts to administer or causes to be administered to a person, chloroform, sulphuric ether or any anaesthetic agent, with intent to commit a crime or offense, or who secretly commits or attempts to commit a crime or offense against a person or the property of one who is rendered insensible or unconscious or incapable of resistance by such anaesthetic agent, shall be imprisoned in the state prison for life or for not less than three years.

P. L. § 8637. G. L. § 7034. P. S. § 5901. V. S. § 5078. R. L. § 4261. G. S. 118, § 6.

8502. Marrying when infected with venereal disease. A person, having been told by a physician that he or she was infected with gonorrhoea or syphilis in a stage which is or may become communicable to a marital partner, or knowing that he or she is so infected, who marries, without assurance and certification from a legally qualified practitioner of medicine and surgery or osteopathy that he or she is free from such disease in a stage which is or may become communicable to the

marital partner shall be imprisoned not less than two years or fined not less than \$500.00, or both.
1947, No. 202, § 8656. 1941, No. 65, § 9. P. L. § 8638. 1919, No. 179, § 2. G. L. § 7035. 1917, No. 238, § 1. 1915, No. 198, § 1.

8503. Sexual intercourse when infected with venereal disease. A person who has sexual intercourse while infected with gonorrhoea or syphilis in a communicable stage shall be imprisoned not more than two years or fined not more than \$500.00.
1943, No. 153, § 1. P. L. § 8639. 1919, No. 179, § 3. G. L. § 7036. 1915, No. 198, § 2.

8504. Distribution of samples of medicine. A person, firm or corporation that distributes or causes to be distributed a free or trial sample of a medicine, drug, chemical or chemical compound, by leaving the same exposed upon the ground, sidewalks, porch, doorway, letter box or in any other manner, that children may become possessed of the same, shall be fined not more than \$300.00 nor less than \$100.00.
P. L. § 8640. G. L. § 7037. P. S. § 5902. 1906, No. 186, § 1. 85 Vt. 99.

8505. Wood or methyl alcohol; sale for medicinal purposes. A person shall not sell, offer or expose for sale or have in his custody, possession or control with intent to distribute or sell any commodity, food, drug, preparation or mixture of any kind whatever intended for internal use, which contains methyl or wood alcohol, or sell, offer or expose for sale or distribution, or have in his custody, possession or control with intent to distribute, sell, furnish, or use upon or apply to the body of another, any drug, hair tonic, bay rum or similar preparation intended for external use, which contains methyl or wood alcohol. Nothing in this section shall apply to veterinary remedies containing methyl or wood alcohol when such remedies are plainly and distinctly labeled in such manner as to indicate that they are intended solely for external use on animals.
P. L. § 8641. G. L. § 7038. 1917, No. 242, § 1.

8506. Same; penalty. A person who violates a provision of the preceding section shall be imprisoned not more than three months or fined not more than \$100.00 nor less than \$5.00.
P. L. § 8642. G. L. § 7039. 1917, No. 242, § 2.

8507. Bread to be wrapped. A person shall not carry or cart about with intent to sell or offer for sale, or deliver to customers after it has been sold, for human food, any kind or quality of bread or cake in loaf form, unless each loaf is wrapped separately in waxed paper, tissue paper or some similar wrapper or a sanitary container of sufficient thickness and quality to protect the bread and cake from dust and dirt. A person who violates a provision of this section shall be fined \$5.00 for each offense.
P. L. § 8643. G. L. § 7040. 1912, No. 236.

8508. Furnishing tobacco to persons under seventeen; penalty. A person who sells or gives away a cigar, snuff or tobacco in any form to a person under seventeen years of age except upon the written order or permission of the minor's parents or guardian shall be fined not more than \$20.00.
1937, No. 213, § 1. P. L. § 8644. G. L. § 7041. P. S. § 5903. R. 1906, § 5759. 1900, No. 102, § 1. V. S. § 5156. 1888, No. 132, §§ 1, 2, 3.

8509. Adulterated tobacco and cigarettes. A person, firm or corporation shall not sell, barter, give away or keep for sale cigarettes, cigars or tobacco, or other commodities intended for smoking, in which there is a mixture or compound of the drug cannabis indica, otherwise known as Indian hemp.
1947, No. 202, § 8663. 1935, No. 204, § 1.

8510. Penalty. A person, firm or corporation violating a provision of the preceding section shall be fined not more than \$100.00, or imprisoned for not more than sixty days, or both.
1947, No. 202, § 8664. 1935, No. 204, § 2.

A person transferred from the house of correction under this section shall forfeit no rights under the law that would have remained to him as an inmate in the house of correction. A sheriff or constable in the state, or an officer of the state prison or house of correction, having a written order from the governor, may so transfer inmates.

1947, No. 202, § 8134. P. L. § 8819. 1925, No. 135. G. L. § 7244. 1908, No. 174. P. S. § 6091. V. S. § 5277. R. L. § 4433. 1880, No. 3, § 10.

7991. Transfer to Weeks school. When it appears to the commissioner of institutions and corrections to be in the best interests of such person and the best interests of the welfare of the state, a person under the age of twenty-one years confined in the house of correction or state prison in execution of a sentence may, on the written order of the governor, be transferred from the house of correction or state prison to the Weeks school to serve the remainder of his original sentence or until such time as the governor may, by written order, return him to the house of correction or state prison.

1947, No. 202, § 8135. 1937, No. 216, § 1.

7992. Terms of imprisonment expiring on Sunday. A person committed to a penal institution in this state, whose term of imprisonment therein expires on Sunday, shall be discharged therefrom the morning of the preceding day.

P. L. § 8820. G. L. § 7245. P. S. § 6092. 1896, No. 116, § 1.

CHAPTER 348.

COUNTY JAILS.

Maintenance.

7993. Jail yard limits. The boundaries of the state are constituted the limits of the jail yard to every jail therein.

P. L. § 8821. G. L. § 7247. P. S. § 6094. V. S. § 5280. R. L. § 4435. G. S. 121, § 21. 1852, No. 7. R. S. 103, § 7. 1813, p. 163. R. 1797, p. 320, § 9. R. 1787, p. 77. 112 Vt. 438.

7994. Examination of jail; report. The grand jury in each county whenever impeached shall examine and present to the county court the condition of the jail; and, if it finds the same insufficient for the safe and comfortable keeping of prisoners, shall report the fact and what repairs are needed.

P. L. § 8822. G. L. § 7248. P. S. § 6095. V. S. § 5281. R. L. § 4436. G. S. 121, § 3. R. S. 103, § 3. R. 1797, p. 317, § 2. 1793, p. 56.

7995. Examination of state institution; order of court; report. Upon order of the court, the grand jury in each county whenever impeached shall examine any state institution located entirely or partly in the county, and present to the county court the condition of such institution; and if it finds the same insufficient for the safe and comfortable keeping of the prisoners or inmates or if inefficient in management, it shall report the facts and its recommendations to the court. Thereupon, the county clerk shall send a certified copy of such report to the governor and to the commissioner of institutions and corrections.

1937, No. 217. P. L. § 8822. G. L. § 7248. P. S. § 6095. V. S. § 5281. R. L. § 4436. G. S. 121, § 3. R. S. 103, § 3. R. 1797, p. 317, § 2. 1793, p. 56.

7996. Jail insufficient; sheriff to repair. When a jail is presented as insufficient, the sheriff, under the advice of one or more of the judges of the county court, shall forthwith make the required repairs.

P. L. 8823. G. L. § 7249. P. S. § 6096. V. S. § 5282. R. L. § 4437. G. S. 121, § 4. R. S. 103, § 4. R. 1797, p. 317, § 2. 1793, p. 56. 27 Vt. 178.

7997. Examination by commissioner. The commissioner of institutions and corrections, or his deputy, at any time, may visit each county jail and there examine into its condition, sanitary or otherwise, and into the treatment of prisoners con-

fined therein. If he finds that such conditions or treatment ought to be corrected, he shall forthwith report the facts to the governor for such action as the latter may direct.

P. L. § 8824. 1933, No. 157, § 8462.

7998. Jail broken, repairs. If a jail is broken, or by other accident out of repair, so as to be insufficient, the sheriff, under the direction of one or more of the judges, shall at once repair the same.

P. L. § 8825. G. L. § 7250. P. S. § 6097. V. S. § 5283. R. L. § 4438. G. S. 121, § 6. R. S. 103, § 6. R. 1797, p. 319, p. 5. 1793, p. 58.

7999. Destroyed or insecure, prisoners removed. When a jail is destroyed by fire or other casualty or becomes insecure, the sheriff may remove the persons confined therein to a jail in an adjoining county.

P. L. § 8826. G. L. § 7251. P. S. § 6098. V. S. § 5284. R. L. § 4439. G. S. 12, § 37. 1851, No. 51, § 1.

8000. Audit of expense of removing and keeping prisoners. The auditor of accounts shall audit the account of the sheriff for necessary expenses in removing and keeping such prisoners and for which other provision is not made by law, and allow so much thereof as he deems just, and designate such allowance against the state.

P. L. § 8827. G. L. § 7252. P. S. § 6099. V. S. § 5285. R. L. § 4440. G. S. 12, § 38.

8001. Same; payment. The auditor of accounts shall issue his warrant for such allowance against the state, and the county clerk shall draw an order on the county treasurer for the balance against the county.

P. L. § 8828. G. L. § 7253. P. S. § 6100. V. S. § 5286. R. L. § 4441. G. S. 12, § 39. 1851, No. 51, § 3.

Jail Register.

8002. Sheriff to keep; contents. At the expense of the state, the sheriff shall provide the jail in his county with a bound book, suitable for a convenient register, and cause to be entered therein the names of prisoners committed to the jail, their residence, time of commitment, for what cause and by what authority, and a particular description of the persons, giving age, occupation, place of birth, height, color of eyes, color of hair, complexion, with any further description tending to identify the prisoners; and he shall register in such book the time when and the authority by which a prisoner is discharged, and the time and manner of a prisoner's escape.

P. L. § 8829. G. L. § 7254. P. S. § 6101. V. S. § 5287. R. L. § 4442. 1876, No. 11, § 1.

8003. Open to inspection. The jail register, at all proper times, shall be subject to the inspection of the courts and persons interested.

P. L. § 8830. G. L. § 7255. P. S. § 6102. V. S. § 5288. R. L. § 4443. 1876, No. 11, § 2.

8004. Failure to keep; penalty. A sheriff in any county who refuses or neglects for thirty days to provide and keep such register shall be fined not less than \$5.00.

P. L. § 8831. G. L. § 7256. P. S. § 6103. V. S. § 5289. R. L. § 4444. 1876, No. 11, § 3.

Commitments to County Jails.

8005. Term of imprisonment; further committal. Whenever a person over sixteen years of age is convicted of an offense which may be punished by imprisonment in the house of correction, and a sentence of imprisonment is imposed, whether primary or alternative, if the minimum term of the sentence as imposed does not exceed three months, with or without costs, the sentence shall be that the respondent be confined at hard labor for the term of the sentence in the county jail of the county where the offense was committed. If costs are imposed as a part of the sentence, the court shall order that if the same are not paid, including the costs

of detention and commitment, on or before conclusion of the term of imprisonment, the respondent shall be further confined in such county jail at hard labor for as many days as twice the number of dollars included in the bill of costs, such time to be computed from the expiration of the term of imprisonment, and only one mitimus shall be required.

P. L. § 8832. 1933, No. 157, § 8470. 1919, No. 200, § 9. G. L. § 7257. 1917, No. 254, § 7060. 1912, No. 242. 1908, Nos. 177, 179.

Employment of Prisoners.

8006. By sheriff. A male person imprisoned under sentence in a county jail, if physically able to work, may be required by the sheriff of the county to perform not more than ten hours of manual labor, within or without the walls of such county jail, each day of such imprisonment, except on Sundays and legal holidays.

P. L. § 8833. G. L. § 7258. 1915, No. 223, § 1. P. S. § 6104. 1906, No. 200, § 1. 79 Vt. 521. 80 Vt. 175.

8007. Classification of labor; regulations. Such labor to be performed in a county shall be classified and fixed from time to time by the sheriff and shall be subject to such rules and regulations as are made by the sheriff to secure humane treatment of such prisoners and to provide employment for them within or without the walls of such jail; but the rules and regulations in respect to the care of persons employed on the public highways as herein provided shall be subject to the approval of the governor and the attorney general.

P. L. § 8834. 1933, No. 157, § 8472. G. L. § 7259. 1917, No. 243, § 1. 1917, No. 244, § 26. 1917, No. 254, § 7062. 1915, No. 1, § 173. 1915, No. 223, § 2. 1912, No. 244, § 1. 1910, No. 236. P. S. § 6105. 1906, No. 200, §§ 2-5, 8. 80 Vt. 175.

8008. Work on highways. The sheriff may require and compel able-bodied prisoners so confined upon conviction for crime to work in the improvement of the public highways, within a radius of thirty miles from such jail and outside of a city or incorporated village. The state highway commissioner shall designate, subject to the approval of the sheriff, the highways and portions thereof in such county upon which such labor shall be employed and such portion so designated and approved shall be under the control of such commissioner or his assistants during the time such work is in progress and he or his assistants shall direct the manner in which the work shall be done, but the care of such prisoners while so employed shall be under the direction of the sheriff or his deputies or other qualified officers. The sheriff is authorized to expend such sum out of the public moneys in the treasury of the county as is required for the purchase of material and tools adapted to the work provided by this and the preceding section.

P. L. § 8835. 1933, No. 157, § 8473. G. L. § 7259. 1917, No. 243, § 1. 1917, No. 244, § 26. 1917, No. 254, § 7062. 1915, No. 1, § 173. 1915, No. 223, § 2. 1912, No. 244, § 1. 1910, No. 236. P. S. § 6105. 1906, No. 200, §§ 2-5, 8. 80 Vt. 175.

8009. Proceeds of labor. The proceeds of such labor, if any, shall be applied in payment of materials or tools so furnished, and half of any balance left thereafter shall be turned over to the state treasurer and the remaining half thereof shall be paid to the wife and minor children of such prisoner, or to some person designated by the court committing such prisoner, for the use of the wife and minor children, and in case such prisoner has no wife or minor children, such half shall be paid by the jailer to the state probation officer.

P. L. § 8836. 1933, No. 157, § 8474. G. L. § 7259. 1917, No. 243, § 1. 1917, No. 244, § 26. 1917, No. 254, § 7062. 1915, No. 1, § 173. 1915, No. 223, § 2. 1912, No. 244, § 1. 1910, No. 236. P. S. § 6105. 1906, No. 200, §§ 2-5, 8. 80 Vt. 175.

8010. Annual account to auditor. Annually, on or before February 10, the sheriff shall render an account, accompanied by vouchers, to the auditor of ac-

counts to and including January 31 of such year, and pay over any balance in his hands as provided in the preceding section.

P. L. § 8837. 1933, No. 157, § 8475. G. L. § 7259. 1917, No. 243, § 1. 1917, No. 244, § 26. 1917, No. 254, § 7062. 1915, No. 1, § 173. 1915, No. 223, § 2. 1912, No. 244, § 1. 1910, No. 236. P. S. § 6105. 1906, No. 200, §§ 2-5, 8. 80 Vt. 175.

8011. Interfering with prisoner at work; penalty. A person who interferes with or in any way interrupts the work of a person employed under the provisions of section 8006 upon public highways shall be imprisoned not more than one year or fined not more than \$300.00, or both. An officer having in charge persons so employed upon such highways may arrest without a warrant a person found violating a provision of this section.

P. L. § 8838. G. L. § 7260. 1917, No. 254, § 7062a. 1912, No. 244, § 2.

8012. Guards; compensation. The sheriff may employ such deputies or other officers as shall be required for the supervision, safekeeping and good conduct of the prisoners while employed within or without the walls of such county jail, and the compensation of such deputies or officers shall be fixed by the sheriff not to exceed \$2.00 a day.

P. L. § 8839. G. L. § 7261. P. S. § 6106. 1906, No. 200, § 6.

8013. Prison breach. If, while employed as heretofore provided without the walls of a county jail, a prisoner makes his escape, he shall be punished as provided by section 8532.

P. L. § 8840. G. L. § 7262. 1917, No. 254, § 7064. 1915, No. 212. P. S. § 6107. 1906, No. 200, § 7.

Removal of Prisoners.

8014. On order of the governor. In his discretion, the governor may remove a person confined in a jail or removed to a detention farm to another jail or detention farm. A person in jail not under sentence shall not be so removed without his consent. Such removal shall be made by the written order of the governor addressed to the sheriff of the county wherein the person is confined or where the person to be removed is, and shall be returnable to the governor, with the officer's doings thereon. The order shall recite the process upon which the person was committed to the jail and shall state the day of such commitment. The original of such order of removal shall be kept on file in the executive department, and three certified copies thereof, certified to by the secretary of civil and military affairs, shall be furnished the sheriff.

P. L. § 8841. 1933, No. 157, § 8479. G. L. §§ 7263, 7264. 1917, No. 34, § 7. 1912, No. 241. 1910, No. 233. 1908, No. 176, §§ 2, 3.

8015. By sheriff. The sheriff shall remove the person named in such order of removal to the jail or detention farm named in such order and shall give one of such copies to the keeper of the jail in which the person is confined or to the superintendent of the detention farm where such person is, and the other copy shall be delivered by the sheriff to the keeper of the jail or the superintendent of the detention farm to which such person is removed.

P. L. § 8842. 1933, No. 157, § 8480. G. L. §§ 7263, 7264. 1917, No. 34, § 7. 1912, No. 241. 1910, No. 233. 1908, No. 176, §§ 2, 3.

8016. Term of sentence not affected. If the person so removed is under sentence, the term of the sentence shall be computed from the day of the original commitment and the term of such sentence shall be stated in the order of removal, and the time spent in removing and in serving in the jail or detention farm to which removed, shall be computed as time served under the sentence.

P. L. § 8843. 1933, No. 157, § 8481. G. L. §§ 7263, 7264. 1917, No. 34, § 7. 1912, No. 241. 1910, No. 233. 1908, No. 176, §§ 2, 3.

8017. Town reimbursed for costs, when. When such removal is made and the town from which the original commitment was made has paid the costs of prose-

cution and commitment in whole or in part, the state shall reimburse such town for such expense.
P. L. § 8844. 1933, No. 157, § 8482. G. L. § 7264. 1912, No. 241. 1910, No. 233. 1908, No. 176, § 3.

8018. Authority of keeper of jail to which removal is made. The keeper of the jail to which such person is removed shall have the same authority and be subject to the same duties and liabilities as to the person so removed, as in the case of a prisoner originally committed to such jail under sentence.
P. L. § 8845. 1919, No. 200, § 10. G. L. § 7265. 1908, No. 176, §§ 4, 5.

Discharge of Prisoners.

8019. On payment of fine and costs. A person committed to a county jail to serve an alternative sentence for the nonpayment of a fine, may be discharged on payment to the jailer of the fine and costs imposed by the court together with the costs of commitment to such jail. All such fines and costs so received shall be paid by the jailer to the county clerk within ten days, but a fine and costs imposed by a municipal court shall be paid to the clerk of such court.
P. L. § 8846. 1933, No. 152. G. L. § 7266. 1917, No. 254, § 7068. P. S. § 6108. 1906, No. 201, §§ 1, 2.

8020. Discharge on paying balance of fine. A person confined for failure to pay a fine and costs, or for failure to pay costs, may at any time during the time of such alternative sentence be discharged on paying the balance of the fine and costs, or the costs, as the case may be, after deducting fifty cents for each day he has been committed for such default.
1947, No. 202, § 8599. P. L. § 8580. 1933, No. 157, § 8223. G. L. § 6987. 1915, No. 207. 1912, No. 234. P. S. § 5860. 1906, No. 200, § 8. 1902, No. 120, § 1. 1896, No. 106, § 1. V. S. § 4761. 1894, No. 75, § 1. R. L. § 3967. 1880, No. 43. 1878, No. 14, §§ 1, 5. 1864, No. 5. 79 Vt. 521. 80 Vt. 175.

Prisoners of the United States.

8021. Where to be kept; regulations. The common jails in the several counties and the jail in the city of Vergennes, shall be jails for receiving and safe keeping such prisoners as are committed under the authority of the United States, until discharged by due course of the laws of the United States. The keepers of such jails respectively shall receive such prisoners under like pains and penalties for neglect of duty therein as in case of prisoners committed under the authority of this state. A keeper of such jail shall not receive such prisoner unless the United States pays the keeper \$2.50 a month for each prisoner during the time he is confined therein, the expense of supporting him and the fees for committing and discharging him.
P. L. § 8847. 1925, No. 137, § 1. 1919, No. 200, § 11. G. L. § 7267. P. S. § 6109. V. S. § 5290. R. L. § 4445. 1880, No. 11. R. S. 103, §§ 8, 9. 1832, No. 5. 1820, p. 32. 1812, p. 114. 1804, Jan. p. 11. 1801, p. 36. 1799, p. 4. R. 1797, p. 328, § 18. 1794, p. 116. 1792, p. 78.

8022. Discipline. When a criminal convicted of an offense against the United States is so imprisoned, he shall in all respects be subject to the same discipline and treatment as convicts sentenced under the authority of this state, and shall be exclusively under the control of the officers having charge of the institution in which he is imprisoned.
P. L. § 8848. G. L. § 7268. P. S. § 6110. V. S. § 5291. 1884, No. 128, § 1.

8023. Jailer to pay over receipts for use of jail. Annually, on February 1, each keeper of a jail shall pay to the treasurer of the county, or the city of Vergennes, to which such jail belongs, sixty per cent of the moneys received from the United States, for the use of such jails and forty per cent of such money to the state treasurer.
P. L. § 8849. 1925, No. 137, § 2. G. L. § 7269. 1917, No. 254, § 7071. P. S. § 6111. V. S. § 5292. R. L. § 4446. G. S. 121, § 9. R. S. 103, § 43. R. 1797, p. 329, § 19.

8024. Escapes through insufficiency of jail; no liability. The county or keeper of a jail shall not be liable for the escape of a prisoner, committed under the authority of the United States, when such escape is made through insufficiency of the jail.
P. L. § 8850. G. L. § 7270. P. S. § 6112. V. S. § 5293. R. L. § 4447. G. S. 121, § 10. R. S. 103, § 44. R. 1797, p. 329, § 19.

Jail in City of Vergennes.

8025. Commitments. When process is delivered to a person authorized to serve the same in the county of Addison, by which it becomes the duty of such person to commit a prisoner to the county jail in such county, and the person required to be committed is confined in the jail in the city of Vergennes, such person shall commit the prisoner to the jail in the city of Vergennes.
P. L. § 8851. G. L. § 7271. P. S. § 6113. V. S. § 5294. R. L. § 4448. G. S. 121, § 64. R. S. 103, § 55. 1803, p. 69.

8026. Regulations. The keeper of the jail in the city of Vergennes, as to persons so committed, shall be governed by the laws relating to keepers of county jails. A prisoner so committed shall be subjected to the restraints and entitled to the privileges of persons confined in the county jail. The keeper of such jail and the city of Vergennes shall be liable for escapes, as keepers of county jails and counties are by law.
P. L. § 8852. G. L. § 7272. P. S. § 6114. V. S. § 5295. R. L. § 4449. G. S. 121, § 65. R. S. 103, § 56. 1803, p. 70.

Miscellaneous.

8027. Separating younger from older prisoners. A person under the age of sixteen years committed to a jail shall be kept separate from older persons committed to await trial, or on conviction for crime.
1947, No. 202, § 8170. P. L. § 8853. G. L. 7273. P. S. § 6116. V. S. § 5297. R. L. § 4451. G. S. 21, § 121. 1855, No. 44. 85 Vt. 366.

8028. Prisoner may provide own food, etc., or pay jailer legal rate. The keeper of a jail shall furnish a prisoner good board for such time as is required by him, upon a tender of the sum allowed by law for boarding state prisoners. A prisoner may provide himself with such food, bedding and apparel as he chooses.
P. L. § 8854. G. L. § 7274. P. S. § 6117. V. S. § 5298. R. L. § 4452. G. S. 121, § 18. R. S. 103, § 14. 1836, No. 12. R. 1797, p. 319, §§ 7, 8. 1791, p. 10. R. 1787, p. 76.

8029. If a state prisoner is poor, bedding, etc., furnished by state. When a state prisoner confined in a jail is in need of and unable to procure bedding, clothing, nursing or medical attendance, the keeper of the jail shall procure the same at the expense of the state.
P. L. § 8855. G. L. § 7275. P. S. § 6118. V. S. § 5299. R. L. § 4453. G. S. 121, § 62. R. S. 103, § 54. 1817, p. 126. 99 Vt. 183. 108 Vt. 117. 114 Vt. 5.

8030. Jailer's wrongful act as to prisoner; penalty. A keeper of a jail who does, or causes or suffers to be done, wrong or injury to a prisoner committed to his custody, or refuses to board a prisoner after compensation tendered, or demands and receives a greater price for board than is allowed by law, shall pay treble damages to the party aggrieved, to be recovered in an action of tort on this statute, and shall also pay such fine as the county court adjudges reasonable.
P. L. § 8856. G. L. § 7276. P. S. § 6119. R. 1906, § 5992. V. S. § 5300. R. L. § 4454. G. S. 121, § 19. R. S. 103, § 15. R. 1797, p. 319, § 7.

8031. Jail library. Jailers shall receive books given by Christian churches and benevolent individuals for a library for persons confined in jail. The jailer shall enter the names of the donors in a book of record, with the titles of the books, which shall be open to the inspection of all persons. The jailer shall be librarian and shall keep safely the books in the library and distribute them to persons con-