

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

115

OF THE

FORTY-NINTH LEGISLATURE

OF THE

STATE OF MAINE.

1870.

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Published by the Secretary of State, agreeably to Resolves of June 28, 1820,  
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1870.

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PUBLIC LAWS  
OF THE  
STATE OF MAINE.  
1870.

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assignment shall be allowed for creditors to become parties thereto.' CHAP. 124.

SECT. 3. The fifth section of the same chapter, is amended, so as to read as follows :

'Sect. 5. No such assignment shall be valid against attaching creditors, unless sworn to and notice given as aforesaid, nor unless such bond is filed and approved by the judge of probate within ten days after the execution of the assignment.'

SECT. 4. This act shall take effect when approved.

Approved March 10, 1870.

R. S., chap. 70, sect. 5, relating to proceedings necessary to render the assignment valid.

### Chapter 124.

An act concerning the rate of interest.

*Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows :*

SECT. 1. In the absence of any agreement in writing the legal rate of interest shall be six per cent. per annum.

SECT. 2. All acts and parts of acts inconsistent herewith are hereby repealed.

SECT. 3. This act shall take effect when approved.

Approved March 11, 1870

Rate of interest.

Inconsistent acts repealed.

### Chapter 125.

An act additional to chapter thirty-three of the public laws of eighteen hundred and fifty-eight, relating to the sale of intoxicating liquors.

*Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows :*

SECT. 1. Only one person shall be required to make, sign, and swear to a complaint for a warrant of search and seizure, instead of three as now provided in section fourteen of chapter thirty-three of the public laws of eighteen hundred and fifty-eight.

SECT. 2. In all cases where now by any of the provisions of said chapter or any acts additional thereto or amendatory thereof an officer is authorized to seize intoxicating liquors or the vessels containing them, by virtue of a warrant therefor, he may seize the same without a warrant, and keep them in some safe place for a reasonable time until he can procure such warrant.

Only one person necessary to make complaint for a warrant to search and seize intoxicating liquors.

Officer may seize intoxicating liquors and retain them until a warrant can be procured.

CHAP. 125.

Liquors decreed forfeited, to be destroyed.

Penalty for municipal officers neglecting to institute proceedings, after being furnished with written notice of a violation of the laws against the sale of intoxicating liquors.

Oath of the municipal officer to the complaint.

Persons to be sentenced at the term convicted, unless the case is continued by the court.

Not to be continued more than one term.

Public laws 1862, chap. 130, sect. 3, amended.

Penalty for municipal officers purchasing liquors of unauthorized persons.

—or for selling the same.

—or for adulterating the same.

—how recovered.

SECT. 3. The court or magistrate trying any case of intoxicating liquors seized under said chapter or acts additional thereto or amendatory thereof, shall, when such liquors are decreed to be forfeited, order them to be destroyed in all cases by any officer competent to serve the process on which they were so forfeited, and he shall make return accordingly to such court or magistrate.

SECT. 4. If any municipal officer of any city, town or plantation, after being furnished with a written notice of a violation of any provisions of said chapter or acts additional thereto or amendatory thereof, signed by two persons competent to be witnesses in civil suits, and containing the names and residences of the witnesses to prove such offence, wilfully neglects or refuses to institute proceedings therefor, he shall be liable to a fine of not less than twenty nor more than fifty dollars to be recovered by indictment. The oath required of any such officer to the complaint may be in substance, that from a written notice signed by two persons competent to be witnesses in civil suits he believes the complaint by him signed to be true.

SECT. 5. When a person has been found guilty, in the supreme judicial court, for a violation of any of the provisions of said chapter and acts additional thereto or amendatory thereof, the county attorney shall have him sentenced at the same term, unless for reasons satisfactory to the court the case may be continued for sentence one term, but no longer.

SECT. 6. Section three of chapter one hundred and thirty of the public laws of eighteen hundred and sixty-two, is amended, so as to read as follows:

'Sect. 3. If any municipal officer or officers shall purchase any intoxicating liquors to be sold according to the provision of the laws of this state, of any other person or persons except those specified in the second section of this act, or if he or they or any person or persons in his or their employ, or by his or their direction, shall sell or offer for sale any such liquors that have been decreed to be forfeited under chapter thirty-three of the public laws of eighteen hundred and fifty-eight, or any acts additional thereto or amendatory thereof, or shall adulterate or cause to be adulterated any intoxicating, spiritous, or malt liquors which he or they may keep for sale under this act, by mixing with the same any coloring matter, or any drug or ingredient whatever, or shall mix the same with other liquors of a different kind or quality, or with water, or shall sell or expose for sale such liquor so adulterated, knowing it to be such, he or they shall forfeit for such offence to the town, city, or plantation to which he or they may belong, and for the use of said city, town or plantation, a sum not less than twenty nor more than one hundred dollars, to be recovered by indictment.'

SECT. 7. All acts and parts of acts inconsistent with this act are repealed; and nothing herein, except section five, shall effect any cases pending or offences already committed, or acts already done.

CHAP. 126.

Inconsistent acts repealed.  
Section 5 to apply to cases now pending.

Approved March 11, 1870.

### Chapter 126.

An act to amend section seventeen of chapter sixty-five of the revised statutes relating to the distribution of personal estate.

*Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:*

SECT. 1. Section seventeen of chapter sixty-five of the revised statutes, is amended, by adding after the word "one," in the tenth line of said section, the following: 'where no distribution of the estate has been made; and the parties in interest reside out of the state, and no actual notice has been given of such settlement, the judge of the court wherein such settlement was made, may, on petition of any such party, order a new account of his doings to be presented to said court by the executor or administrator at any time within six years after such settlement is made;' so that the section, as amended, shall read as follows:

R. S., chap. 65, sect. 17, relating to the distribution of the balance of personal estates, amended.

'Sect. 17. When on the settlement of any account of an administrator or executor there appears to remain in his hands any property not necessary for the payment of debts and expenses of administration not specifically bequeathed, the judge shall order the same to be distributed according to the will of the deceased, if any, so far as it directs, otherwise according to the provisions of chapter seventy-five; but no such order determining who are heirs and the share of each shall be passed until notice is given as provided in section five, chapter seventy-one; and where no distribution of the estate has been made and the parties in interest reside out of the state, and no actual notice of such settlement has been given them of such settlement, the judge of the court wherein such settlement was made, may, on the petition of any such party, order a new account of his doings to be presented to said court at any time within six years after such settlement; and alienage shall be no bar to any person who in other respects is entitled to receive the same.'

R. S., chap. 65, sect. 17, as amended.

SECT. 2. This act shall take effect when approved.

Approved March 11, 1870.