

MAINE STATE LEGISLATURE

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THE
REVISED STATUTES

OF THE
STATE OF MAINE,

PASSED OCTOBER 22, 1840;

TO WHICH ARE PREFIXED

THE CONSTITUTIONS

OF THE

United States and of the State of Maine,

AND TO WHICH ARE SUBJOINED THE OTHER

PUBLIC LAWS OF 1840 AND 1841,

WITH AN

APPENDIX.

PRINTED AND PUBLISHED IN COMPLIANCE WITH A RESOLVE OF OCTOBER 22, 1840.

Augusta:

PUBLISHED BY WILLIAM R. SMITH & Co., PRINTERS TO THE STATE.

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1841.

CHAPTER 35.

OF GAMING FOR MONEY OR OTHER PROPERTY.

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| <p>SECT. 1. Remedy for persons, losing by gaming.</p> <p>2. If loser do not prosecute in three months, any other person may.</p> <p>3. Testimony of the parties in the cause.</p> <p>4. Forfeiture, for winning three dollars or more.</p> | <p>SECT. 5. Securities, given in such cases, to be void.</p> <p>6. Penalty for gaming at public houses.</p> <p>7. Penalty, for keeping a house, resorted to for gaming.</p> <p>8. Penalty, for gaming in such house.</p> |
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Remedy for persons, losing by gaming. 1821, 18, § 2.

SECTION 1. If any person shall, by playing at cards, dice or any other game, or by betting on the sides or hands of those, who are gaming, lose, to any person so playing or betting, any sum of money, or any goods whatever, and shall pay or deliver the same, or any part thereof, to the person winning, the person, so losing and paying or delivering the same, may sue for and recover such money, in an action for money had and received; and such goods, in an action of trover, or a special action on the case therefor, to be brought in three months.

If loser do not prosecute in three months, any other person may. 1821, 18, § 2.

SECT. 2. If the person, so losing said money or goods, shall not, within three months after such loss, without covin or collusion, prosecute with effect for such money or goods, it shall be lawful for any other person to sue for, and recover, against such winner, treble the value of such money or goods, with costs of suit, in an action under the provisions of this chapter; one moiety to the use of the person, so prosecuting, and the other moiety to the use of the town.

Testimony of the parties in the cause. 1821, 18, § 4.

SECT. 3. In any action brought, as provided in the first section, and for the purpose therein stated, if the plaintiff shall offer to make oath, that the money or the goods for which the action is brought, were lost by gaming with the defendant, as alleged in the declaration, the court shall render judgment, that the plaintiff recover damages to the amount of such money or goods, unless the defendant will make oath, that he did not obtain the same or any part thereof by gaming; and if he shall so discharge himself, on oath, he shall recover of the plaintiff his costs; provided, that the plaintiff, at his election, may maintain and prosecute his action, in the usual course of proceedings in such actions, at common law.

Forfeiture, for winning three dollars or more. 1821, 18, § 3.

SECT. 4. Whoever shall be convicted, on indictment, of winning, at any one time or sitting, by gaming or by betting on the hands or sides of such as are gaming, any money or goods to the value of three dollars or more, and of receiving the same or security therefor, shall forfeit to the use of the town, where the offence was committed, double the value of the property, so won and received; provided the indictment shall be found within six months after the commission of the offence.

Securities, given in such cases, to be void. 1821, 18, § 1.

SECT. 5. All notes, bills, bonds, mortgages or other securities or conveyances whatever, in which the whole, or any part, of the consideration shall be for money or goods, won by gaming or playing at cards, dice or any other game, or by betting on the hands or sides of those, who are gaming, or for reimbursing or repaying any

money knowingly lent or advanced for any gaming or betting, or lent and advanced at the time and place of such gaming and betting, shall be void and of no effect, as between the parties to the same, and all other persons, except such as hold and claim under them in good faith, and without notice of the illegality of the consideration of such contract or conveyance.

SECT. 6. If any person shall play at cards, dice or billiards or with any other implements used in gaming, in any tavern or house of entertainment, or place licensed for retailing spirituous liquors, or in any of the out houses, yards, gardens or appendages of the same, or shall, in any of the houses, or licensed places aforesaid, expose to view any of such implements, or shall be seen sitting at any table therein, with any of such implements before him, and shall be convicted thereof, before any justice of the peace, or the district court on indictment, the person so offending shall forfeit and pay a fine, not less than one, nor more than ten dollars, to the use of the town where the offence was committed.

Penalty for gaming at public houses. 1821, 18, § 5.

SECT. 7. If any person, or agent of any corporation, shall keep a house, shop or other place, resorted to for the purpose of gaming, or permit any person, in any house, shop or place under his control or care, to play at cards, dice, billiards or other game for money or other things, such person or corporation shall pay a fine of not less than twenty dollars, nor more than one hundred dollars; to be recovered on indictment, in the district court, for the prosecutor's use.

Penalty, for keeping a house, resorted to for gaming. 1836, 221, § 1.

SECT. 8. If any person shall, for money or other thing, there play at any of the games before named, or bet on any person, so playing, he shall pay a fine of not less than one dollar, nor more than twenty dollars; to be recovered on complaint before a justice of the peace, or before the district court, on indictment, to the use before mentioned.

Penalty, for gaming in such house. 1836, 221, § 2.

CHAPTER 36.

OF INNOLDERS, COMMON VICTUALERS AND RETAILERS OF SPIRITUOUS LIQUORS.

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| <p>SECT. 1. Licenses, when, and by whom granted.</p> <p>2. Persons licensed, to give bond.</p> <p>3. Licenses for part of a year, in certain cases.</p> <p>4. Fee for license.</p> <p>5. Duty of innholders, to provide entertainment.</p> <p>6. Duties of common victualers.</p> <p>7. Innholders and victualers, to keep up signs.</p> <p>8. Not to allow gaming.</p> <p>9. Penalty, for persons gaming.</p> <p>10. Reveling and tippling prohibited.</p> | <p>SECT. 11. Liquors, not to be furnished to United States' soldiers.</p> <p>12. Liquors, not to be furnished to indians.</p> <p>13. Selectmen may prohibit sale of liquors, to idlers and spendthrifts.</p> <p>14. Penalty, for violating such prohibition.</p> <p>15. Selectmen, &c. to revoke licenses of offenders, and to prosecute for breach of bond.</p> <p>16. Provisions, extended to cities and plantations.</p> <p>17. Penalty, for being an innholder or retailer, without license.</p> |
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