

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

THE  
REVISED STATUTES

OF THE

STATE OF MAINE,

PASSED APRIL 17, 1857;

TO WHICH ARE PREFIXED

THE CONSTITUTIONS

OF THE

UNITED STATES AND OF THE STATE OF MAINE:

WITH AN

APPENDIX.

---

PUBLISHED BY AUTHORITY OF THE LEGISLATURE.

---

BANGOR:  
WHEELER & LYNDE.

---

1857.

## CHAP. 26.

Exception.  
1855, c. 132, § 7.

may be pursued notwithstanding the penalties herein set forth, but any person availing himself of the provisions of section sixteen shall be barred of his action at common law for the damage so sued for. And no action shall be brought at common law for kindling fires in the manner described in section seventeen; but if any such fire spreads and does damage, the person who kindled it, and any person present and concerned in driving the lumber, by whose act or neglect such fire is suffered to do damage, shall be liable, in an action on the case, for the damage thereby sustained.

Municipal officers to make regulations respecting gunpowder. Penalty for violation.  
R. S., c. 34, § 1, 2, 3.

SEC. 19. In every town, the municipal officers may make regulations, in conformity to which all gunpowder in the town shall be kept, or transported from place to place; and no person shall keep it in any other quantity or manner, than is prescribed in such regulations, under a penalty of not less than twenty nor more than one hundred dollars for each offence; and all such gunpowder may be seized by any of said officers as forfeited; and within twenty days after such seizure, be libeled according to law.

Persons injured by explosion may recover damages.  
R. S., c. 34, § 4.

SEC. 20. A person injured by the explosion of gunpowder in possession of any person contrary to the regulations established as aforesaid may have an action for damages against such possessor, or against the owner thereof, if conusant of such neglect.

Power of municipal officers to search for gunpowder.  
R. S., c. 34, § 5.

SEC. 21. Any municipal officer, with a lawful search warrant, may enter any building or other place in his town to search for gunpowder supposed to be concealed there contrary to law.

Regulations not to be in force till published.  
R. S., c. 34, § 8.

SEC. 22. The rules and regulations, established in any town according to section nineteen, shall not be in force till they have been published three weeks successively in a newspaper in the county, or by posting up attested copies of them in three public places in such town.

Penalties, how recovered and appropriated.  
R. S., c. 34, § 7.

SEC. 23. The penalties provided for in this chapter may be recovered by complaint, indictment, or action of debt, in any court of competent jurisdiction, one-half to the use of the town where the offence is committed, and the other half to the use of the person prosecuting therefor.

---



---

 CHAPTER 27.

## INNOLDERS AND VICTUALERS.

- SEC. 1. Licenses to innholders and victualers, when and by whom granted.
2. Persons licensed to give bond; form thereof.
3. Licenses may be granted for a part of the year in certain cases.
4. Fee for license, and record of all licenses.
5. Duty of innholders to provide entertainment.
6. Duty of victualers.
7. Innholders and victualers to keep up signs with their names and employments.
8. Not to keep instruments of gaming, or allow any gaming on their premises.  
Penalty for gaming in said premises.
9. Revelling, disorderly conduct and drunkenness prohibited in such premises.

SEC. 10. Penalty for being a common innholder or victualer without a license.

CHAP. 27.

11. Duty of licensing board to prosecute for all violations hereof. Penalties, how recovered and appropriated.

SEC. 1. The municipal officers, treasurer, and clerk of every town shall annually meet on the first Monday of May, or on the succeeding day, or both, and at such time and place in said town as they appoint by posting up notices in two or more public places therein, at least seven days previously, stating the purpose of the meeting; and at such meeting may license under their hands as many persons of good moral character, and under such restrictions and regulations as they deem necessary, to be innholders and victualers in said town, until the day succeeding the first Monday in May of the next following year, in such house or other building, as the license specifies.

Licenses to innholders and victualers, when and by whom granted. R. S., c. 36, § 1.

SEC. 2. No person shall receive his license, until he has given his bond to the treasurer, to the acceptance of the board granting it, with one or more sureties, in the penal sum of three hundred dollars, in substance as follows, viz.:

Persons licensed to give bond; form. R. S., c. 36, § 2.

"Know all men, that we, —, as principal, and —, as sureties, are holden and stand firmly bound to —, treasurer of the town of —, in the sum of three hundred dollars, to be paid to him, or his successor in said office; to the payment whereof we bind ourselves, our heirs, executors, and administrators, jointly and severally by these presents. Sealed with our seals. Dated the — day of —, in the year 18—. The condition of this obligation is such, that whereas the above bounden — has been duly licensed as a — within the said town of —, until the day succeeding the first Monday of May next; now if in all respects, he conforms to the provisions of the law relating to the business for which he is licensed, and to the rules and regulations as provided by the licensing board in reference thereto, then this obligation shall be void, otherwise remain in full force."

SEC. 3. The licensing board may, at any other time, at a meeting specially called, and notified as aforesaid for the consideration of any application therefor to them made, grant such license on the like conditions; but all such licenses shall expire on the day aforesaid.

Licenses may be granted for a part of the year. R. S., c. 36, § 3.

SEC. 4. Every person licensed shall pay to the treasurer, for the use of such board, one dollar; and the clerk shall make a record of all licenses granted.

Fee for license, and record of all licenses. R. S., c. 36, § 4.

SEC. 5. Every innholder shall, at all times, be furnished with suitable provisions and lodging for strangers and travelers, and with stable room, hay, and provender for their horses and cattle; and with pasturing, if required by the terms of his license; and he shall grant such reasonable accommodations as occasion requires, to strangers, travelers, and others.

Duty of innholders to provide entertainment. R. S., c. 36, § 5.

SEC. 6. Every victualer shall have all the rights and privileges and be subject to all the duties and obligations of an innholder, except furnishing lodging for travelers, and stable room, hay, or provender for cattle.

Duty of victualers. 10 Maine, 438. 16 Maine, 121. R. S., c. 36, § 6.

## CHAP. 27.

Innholders and victualers to keep up signs.

R. S., c. 36, § 7.

Not to allow gaming on their premises. Penalty.

23 Maine, 43.

R. S., c. 36, § 8, 9.

Reveling, disorderly conduct, drunkenness, prohibited, &c.

R. S., c. 36, § 10.

Penalty for being a common innholder or victualer without a license.

R. S., c. 36, § 17.

Duty of licensing board to prosecute.

12 Maine, 204.

R. S., c. 36, § 19, 20, 21.

SEC. 7. Every innholder and victualer shall, at all times, have a board or sign affixed to his house, shop, cellar, or store, or in some conspicuous place near it, with his name at large thereon, and the employment for which he is licensed.

SEC. 8. No innholder or victualer shall have or keep about his house, shop, or other buildings, yards, gardens, or dependencies, any dice, cards, bowls, billiards, quoits, or other implements used in gambling; or suffer any person resorting thither to use or exercise any of said games, or any other unlawful game or sport therein; and every person who shall use or exercise any such game or sport in any place herein prohibited, shall forfeit five dollars.

SEC. 9. No innholder or victualer shall suffer any reveling, riotous, or disorderly conduct in his house, shop, or other dependencies; nor any drunkenness or excess therein.

SEC. 10. No person shall be a common innholder or victualer without a license, under a penalty of not more than fifty dollars.

SEC. 11. The licensing board shall prosecute for any violations of this chapter, that come to their knowledge, by complaint, indictment, or action of debt, in any court of competent jurisdiction; and all penalties recovered shall be for the use of the town where the offence is committed.

## CHAPTER 28.

## SALE OF POISONS.

Poisons, regulations concerning sale; to kill wolves, &c., not to be deposited near highways, or improved land. Penalty.

Poisons, regulations concerning sale; to kill wolves not to be deposited near highways or improved lands. Penalty.

1857, c. 44.

If any druggist or other person sells any arsenic, corrosive sublimate, nux vomica, strychnine, or prussic acid, except on the prescription of a physician in regular standing in his profession, without labeling each parcel sold with the name of the article, and the word "poison" legibly written or printed thereon, and recording such sale in a book kept for that purpose, open to the inspection of all persons, specifying the kind and quantity, when and to whom sold; or if any person for the purpose of killing wolves, foxes, dogs or other animals, and not for the destruction of insects or vermin, in a building, leaves or deposits any such poisons within two hundred rods of a highway, pasture, field or other improved land, he shall be punished by a fine not less than twenty, nor more than fifty dollars; or by imprisonment not less than thirty, nor more than sixty days.