

MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE

OF THE

STATE OF MAINE,

DURING ITS SESSION

A. D. 1836.

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1836.

SIXTEENTH LEGISLATURE.

No. 56.

SENATE.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT
HUNDRED AND THIRTY-SIX.

AN ACT for the regulation of Innholders, Com-
mon Victuallers, and other purposes.

SECT. 1. *Be it enacted by the Senate and
2 House of Representatives in Legislature as-
3 sembled, That no person shall be allowed to be
4 a Common Victualler, or Innholder, except
5 such person be duly licensed as is hereinafter
6 provided, on pain of forfeiting the sum of fifty
7 dollars.*

SECT. 2. *Be it further enacted,* That it shall be the duty of the Selectmen, Treasurer and Town Clerk of each and every town, and the Assessors, Treasurer and Clerk of each Plantation, and the Aldermen and City Clerk of each city in this State, to meet on the first Monday of September, annually, or on the succeeding day, at such time on either or both of said days, and at the place they shall appoint, by posting notice thereof in two public places in such town, plantation or city, seven days before the time of such meeting, and at such meeting, may license to be Victuallers or Innholders, for one year from that date, as many persons of sober life and conversation, and of a good moral character, and suitably qualified for the employment for which they may severally apply to be licensed, as they may deem necessary—each person who shall be so approved, shall, before being licensed give a bond with sufficient surety or sureties to the Treasurer of the town, plantation or city in which said license shall be granted, in the penal sum of three hundred dollars : which bond shall be in form following :

KNOW ALL MEN BY THESE PRESENTS, That we _____, within the (town of) _____, in the State of Maine, are holden and stand firmly bound and obliged unto A. B. Treasurer of said town of _____, in the full sum of three hundred dollars, to be paid to the said A. B. and his successor in said office, to the true payment whereof, we do bind ourselves and each of us, and our heirs, executors and administrators, jointly and severally, by these presents.

Sealed with our seals. Dated the _____ day of _____, in the year of our Lord one thousand eight hundred and _____.

The condition of this obligation is such, that whereas the above named _____, having been duly licensed as an Innholder, (or common Victuallers, as the case may be) within the said town of _____, for one year next ensuing the date hereof; now if the said _____, shall in all respects, observe and conform himself to such rules and regulations in reference thereto as may be prescribed by the board granting said license, and shall in no respect violate any of the provisions of the Act for the regulation of Innholders and Common Victuallers, then the above written obligation shall be void and of none effect, or else shall abide and remain in full force and virtue.

25 And each of the persons who shall be so licens-
 26 ed, shall pay to the Selectmen, Treasurer and
 27 Town Clerk of Towns, or to the Assessors and
 28 Clerk of Plantations, or to the Aldermen and
 29 City Clerk, (as the case may be,) the sum of
 30 one dollar, as a fee for granting such license; and
 31 the Clerks respectively shall make a record of
 32 all licenses granted; and said Selectmen, or
 33 Treasurer and Clerk, or Aldermen and Clerk,
 34 may at any other time, at a meeting held for
 35 that purpose, license any person suitably qualified
 36 as aforesaid, and all licenses shall expire on the
 37 first Monday in September, after granting the
 38 same. All licenses now granted shall continue for
 39 the time for which they were granted.

SECT. 3. *Be it further enacted,* That all
 2 Innholders shall at all times be furnished with
 3 suitable provisions and lodgings for the refresh-
 4 ment and entertainment of travellers, and stable
 5 room, hay and provender for their horses and
 6 cattle, on pain of incurring the forfeiture of the
 7 penalty of their bond. And every licensed Inn-
 8 holder, shall at all times, have a board or sign
 9 affixed to his or her house, or in some conspicu-
 10 ous place near the same, with his or her name
 11 at large thereon, and the particular employment
 12 for which he or she is licensed—and if any Inn-
 13 holder enjoined by law, to be suitably provided
 14 to receive and entertain strangers, travellers or
 15 others, as occasion may require, shall be con-
 16 victed of refusing to make suitable provisions
 17 when desired, for the receiving of strangers,
 18 travellers, and their horses and cattle, or for
 19 any public entertainment, such person upon be-
 20 ing convicted thereof in any Court of competent
 21 jurisdiction shall forfeit the penalty of their bond
 22 as aforesaid.

SECT. 4. *Be it further enacted,* That no
 2 Innholder or Victualler shall have or keep in or
 3 about their houses, shops, yards, gardens or de-

4 pendencies, any dice, cards, bowls, billiards,
 5 quoits or any other implements used in gaming;
 6 nor shall suffer any person or persons resorting
 7 into any of their houses or shops to use or exer-
 8 cise any of the said games, or any other unlaw-
 9 ful game or sport within their said houses, shops,
 10 or any of the dependencies as aforesaid, or places
 11 to them belonging, on pain of forfeiting the sum
 12 of ten dollars for every such offence, and every
 13 person convicted of playing as aforesaid in any
 14 such house, shop or dependencies thereof, shall
 15 forfeit the sum of five dollars.

SECT. 5. *Be it further enacted,* That no
 2 Innholder or Victualler, shall suffer any revelling,
 3 riotous or disorderly conduct in his house, shop
 4 or dependencies thereof, and no Innholder or
 5 Victuallers, shall suffer any person to drink to
 6 excess in his or her house any wine, brandy,
 7 rum, or any strong liquors or suffer any minor
 8 or servant to sit drinking there, any of the li-
 9 quors aforesaid, or to have any strong drink there
 10 under the pain of incurring the forfeiture of their
 11 said bond and also of being indicted at common
 12 law.

SECT. 6. *Be it further enacted,* That the
 2 Selectmen, Treasurer and Town Clerk of each
 3 Town, the Assessors, Treasurer and Clerk
 4 of each Plantation, and the Aldermen and City
 5 Clerk of each City, are hereby empowered, and
 6 it shall be their duty in every instance which
 7 shall come to their knowledge of a violation of
 8 any of the provisions of this Act, by any Inn-
 9 holder or Victualler, to revoke and make void
 10 the license of such Innholder or Victualler, and
 11 to cause the bond of such Innholder or Victualler
 12 to be prosecuted, after complaint made and hear
 13 ing thereon.

SECT. 7. *Be it further enacted,* That no
 2 action for a debt contracted in the purchase of
 3 ardent spirits, nor any action for a debt on note
 4 or account, the whole or a part of which note
 5 or account is for ardent spirits, shall be sustained
 6 in any one of the Courts of this State; and
 7 whenever any such action shall be brought in
 8 any one of said Courts, it shall be the duty of
 9 the presiding Justice therein to direct that such
 10 action be abated, and in every such case no costs
 11 shall be allowed to either party.

SECT. 8. *Be it further enacted,* That any
2 creditor of one who has purchased ardent spirits
3 may sue for and recover of any individual
4 who has sold the same, the money paid for
5 said ardent spirits, in an action of the case, in
6 any Court of competent jurisdiction to try the
7 same, and in any such suit the debtor of such
8 creditor shall be received as a competent wit-
9 ness for either party; and the amount of the
10 debt or damage recovered in said action to be
11 credited by the plaintiff in such action to his said
12 debtor.

SECT. 9. *Be it further enacted,* That this
2 Act shall take effect and be in force from and af-
3 ter the first Monday of September next, and an
4 Act entitled “An Act for the regulation of Inn-
5 holders, Retailers, and Common Victuallers,”
6 passed March 13, A. D. 1834, together with
7 all other acts or parts of acts inconsistent with
8 the provisions of this Act, be and they hereby
9 are repealed, from and after the time aforesaid.

STATE OF MAINE.

In SENATE, March 11, 1836.

Ordered that 300 copies of the foregoing Bill be printed for the use of the Legislature.

[Extract from the Journal.]

Attest,

WILLIAM TRAFTON, *Secretary.*