

MAINE STATE LEGISLATURE

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L A W S

OF THE

S T A T E O F M A I N E ;

TO WHICH ARE PREFIXED

THE

C O N S T I T U T I O N O F T H E U . S T A T E S

AND OF SAID STATE,

IN TWO VOLUMES,

W I T H A N A P P E N D I X .

.....
VOL. II.
.....

Published according to a resolve of the State, passed
March 8, 1821.

BRUNSWICK.

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.....
1821.

not restore or give notice thereof to the owner (if known) or to one of the fire wards of the town, or bring them into such public place as shall be assigned by the Selectmen of the town within two days after public notice shall be posted in some public place in the town by the Selectmen thereof, for that purpose, the person or persons so offending, and being thereof convicted, shall be deemed guilty of larceny, and punished accordingly.

SEC. 10. *Be it further enacted*, That if any person shall occupy or improve any tenement or building whatever in any part of any maritime town in this State, for the business or employment of a sail maker or rigger or keeper of a livery stable except only in such parts of the town as the Selectmen thereof or a major part of them, shall direct and determine, such sail maker or rigger, so offending, shall forfeit and pay for each offence ten dollars; and such keeper of a livery stable shall forfeit and pay for each offence fifty dollars, for every month so occupying the same, and so in proportion for a longer or shorter time.

Penalty for occupying any building as a sail loft or livery stable except in such places as may be approved by selectmen.

SEC. 11. *Be it further enacted*, That the several fines or forfeitures aforesaid, shall be, two third parts thereof to the use of the poor of the town where the offence shall be committed, and the other third thereof to him or them who shall inform and sue for the same; and shall be recoverable with costs of suit, in any Court proper to try the same.

Fines and penalties how re covered and appropriated.

SEC. 12. *Be it further enacted*, That all persons legally attached to any engine within this State, be and they hereby are excused from being chosen or drawn to serve as jurors in any Court within this State, in all cases where the town to which such engine men belong, shall at a legal meeting of its inhabitants, by vote declare the expediency of excusing such persons from serving as jurors.

Engine men excused from serving as jurors, in case their town so vote.

[Approved March 16, 1821.]

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CHAPTER CXXXIII.

An Act for the regulation of Innholders, Retailers, and common Victuallers.

SEC. 1. *BE it enacted by the Senate and House of Representatives, in Legislature assembled*, That no person shall presume to be a common victualler, innholder, or seller of wine,

Innholders, &c. to be licensed.

beer, ale, cider, brandy, rum, or any strong liquors, by retail, or in a less quantity than twenty eight gallons, and that delivered and carried away all at one time, except such person be duly licensed as is hereinafter provided, on pain of forfeiting the sum of fifty dollars: and if any person shall at any time sell any spiritous liquors, or any mixed liquors, part of which is spiritous, without license therefor, duly had and obtained according to law, he shall forfeit and pay for each offence the sum of ten dollars.

Penalty for selling, &c. without license.

Duty of selectmen, &c. to notify meetings in September for granting licenses;

at such meetings may grant licenses.

Duty to be paid for license.

Clerk to record and return a list of such licenses to C. C. Com. Pleas. Selectmen, &c. may at any other meeting held for that purpose, grant licenses.

Licenses when to expire.

SEC. 2. *Be it further enacted,* That it shall be the duty of the Selectmen, Treasurer, and town Clerk of each town, and the Assessors, Treasurer, and Clerk of each plantation, to meet on the second Monday of September, or the succeeding day annually at such time on either or both of such days, and at the place they shall appoint, by posting notice thereof, at two public places in such town or plantation, seven days before the time of such meeting, and at such meeting may license to be victuallers, innholders, or sellers of wine, beer, ale, cider, brandy, rum, or other strong liquors, by retail in such town or plantation, for one year from that date, as many persons of sober life and conversation, 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, pay to the Treasurer for the use of the town or plantation six dollars, and to the Clerk for his use twenty five cents; and the Clerk shall make a record of all licenses granted, and shall within one month return a list of all such licenses to the Clerk of the Circuit Court of Common Pleas for the same county; and said Selectmen, or Assessors, and Treasurer and Clerk, may at any other time, at a meeting held for that purpose, license any person suitably qualified as aforesaid, on his paying one dollar for their use; and to the Treasurer, for the use of the town or plantation, fifty cents for each month from the time of granting such license, till the expiration thereof; and all licenses shall expire on the first Monday in September after granting the same; all licenses now granted shall continue for the time for which they were granted. If any Clerk

shall neglect to make any record or return, as herein required, he shall forfeit for each offence five dollars.

SEC. 3. *Be it further enacted,* That all innholders shall at all times be furnished with suitable provisions and lodging for the refreshment and entertainment of strangers and travellers, pasturing and stable room, hay and provender, (saving that in populous sea port towns, stable room, hay and provender only are required,) for their horses and cattle, on pain of being deprived of their license. And every licensed innholder, shall at all times, have a board or sign affixed to his or her house, or in some conspicuous place near the same, with his or her name at large thereon, and the particular employment for which he or she is licensed; and if any innholder, enjoined by law to be suitably provided to receive and entertain strangers, travellers or others, as occasion may require, shall be convicted of refusing to make suitable provisions when desired, for the receiving of strangers, travellers, and their horses and cattle, or for any public entertainment, such person upon being convicted thereof before the Circuit Court of Common Pleas, of the county to which such person belongs, shall by the said Justices be deprived of his or her license: and the said Justices shall be, and they are hereby empowered and directed to order the Sheriff of the same county, or his deputy Sheriff to cause the sign of such convicted person to be taken down.

Innholders to be suitably provided, &c.

To have signs.

Punishment for neglect.

SEC. 4. *Be it further enacted,* That no innholder, victualler, or retailer, shall have or keep in or about their houses, shops, yards, gardens, or dependencies, any dice, cards, bowls, billiards, quoits, or any other implements used in gaming; nor shall suffer any person or persons resorting unto any of their houses or shops to use or exercise any of the said games, or any other unlawful game or sport within their said houses, shops, or any of the dependencies as aforesaid, or places to them belonging, on pain of forfeiting the sum of ten dollars for every such offence; and every person convicted of playing as aforesaid, in any such house, shop, or dependencies thereof, shall forfeit the sum of five dollars.

No innholder to keep in or about his houses cards, billiard tables, &c. or suffer gaming therein.

Penalty for violation.

No innholder, &c. to suffer riot, or disturbance, or excessive drinking in his house,

SEC. 5. *Be it further enacted,* That no innholder, victualler, or retailer, shall suffer any revelling, riotous or disorderly conduct in his house, shop, or dependencies thereof, on penalty of five dollars, to be paid by the master or keeper of the said house or shop who shall suffer the same; and the penalty of two dollars to be paid by each person offending in any of the said particulars. And no innholder, victualler, or retailer, shall suffer any person to drink to drunkenness or excess in his or her house or shop, or suffer any minor (travellers excepted) or servant to sit drinking there, or to have any strong drink there, without special allowance of their respective parents, guardians or masters, on pain of forfeiting the sum of five dollars for every offence of that kind.

under penalty.

Common drunkards to be posted in public houses by selectmen, &c.

SEC. 6. *Be it further enacted,* That the Selectmen in each town, and the Assessors in each plantation, shall cause to be posted up in the houses or shops of all innholders, victuallers and retailers as aforesaid, within such towns or plantations; a list of the names of all persons reputed common drunkards, or common tipplers, or common gamesters, mispending their time and estate in such houses, and every keeper of such house or shop, after notice given him as aforesaid, that shall be convicted of entertaining or suffering any of the persons in such list to drink, or tittle, or game, in his or her house or shop, or any of the dependencies thereof, or of selling them spiritous liquor as aforesaid, shall forfeit and pay the sum of five dollars.

Penalty for suffering such persons to tittle or game in the house, &c.

Selectmen, &c. to forbid the sale of spiritous liquors for one year to excessive drinkers, &c.

SEC. 7. *Be it further enacted,* That whenever any person shall by idleness, or excessive drinking of spiritous liquors, so mispend, waste, or lessen his estate, as thereby either to expose himself or his family to want or indigent circumstances, or the town to which he belongs, to a charge or expense for the maintenance or support of him or his family, or shall so indulge himself in the use of spiritous liquors, as thereby greatly to injure his health, or endanger the loss thereof, such Selectmen or Assessors, shall, in writing under their hands, forbid all licensed persons, in their respective towns or plantations, to sell to any of the aforesaid mispenders of time and estate, any spiritous or strong liquors, in this Act mentioned, for the space of one

year, and shall in like manner forbid licensed persons of any other town or plantation to which such mispender may resort for the same. And if any of the persons contained in the said prohibition shall not in the opinion of the said Selectmen or Assessors, or the major part of them have reformed during the said year; in such case, the Selectmen of such town, or the Assessors of such plantations shall renew the prohibition in manner as aforesaid; and if any licensed victualler, innholder, or retailer of spirituous or strong liquors, shall during any such prohibition, sell to any person contained therein, any spirituous liquors in this Act mentioned, he shall forfeit and pay for each offence the sum of five dollars.

And may renew such prohibition.

Penalty for selling, &c. contrary to such prohibition.

SEC. 8. *Be it further enacted,* That whenever the Selectmen of any town, or the Assessors of any plantation, shall have posted up in their town or plantation, the names of any common drunkards, common tipplers, or common gamblers, or whenever they shall have forbidden licensed persons from selling to any mispenders of their time and estate, any spiritous or strong liquors agreeably to the directions of this Act, it shall not be lawful for any person to purchase or procure, for and in behalf of such prohibited person, for his use, any spiritous or strong liquors; and if any person or persons shall purchase, procure or sell, or shall cause to be purchased, procured or sold, any spiritous or strong liquors to, or for the use of any such prohibited person during the continuance of such prohibition, as aforesaid, he shall forfeit and pay the sum of ten dollars.

Penalty for any person procuring spiritous liquors for those drunkards or gamblers who are posted.

SEC. 9. *Be it further enacted,* That any fine, forfeiture or penalty, not exceeding twenty dollars, arising for any of the offences aforesaid, shall be recovered by action of debt, before any Justice of the Peace within the same county, where said offence was committed; one moiety thereof to the use of the person who may sue therefor, and the other moiety thereof to the use of the town where such offence was committed; and all fines, forfeitures and penalties exceeding twenty dollars, shall be recovered upon information or indictment, in any Court competent to try the same; and the whole of such fines, forfeitures or penalties, shall be for the use of the county where the offence was committed. It shall

Penalties, and mode of recovery and appropriation.

be the duty of the several county attornies to file an information against each and every person, who, without being duly licensed shall presume to be a common victualler, innholder, or retailer, upon his obtaining evidence thereof, or he may lay the same before the Grand Jury of the county for their consideration.

[Approved March 20, 1821.]

CHAPTER CXXXIV.

An Act to regulate the sale of Goods at public Vendue.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in Legislature assembled, That no person unless he be licensed by the major part of the Selectmen of the town to which he belongs, shall sell at public vendue or outcry, any goods or chattels whatsoever: and if any person, without such license, shall sell any goods or chattels at public vendue or outcry, he shall forfeit and pay a sum not exceeding six hundred dollars for each offence; and the Selectmen or the major part of them, at a meeting had for that purpose, are hereby empowered, by a writing, under their hands, to license for the term of one year, any suitable person or persons to make sale of goods or chattels, in manner aforesaid; and the Selectmen are hereby directed to record every license, they may so grant, in a book to be by them kept for that purpose.

No auctioneer to sell without license.

Penalty:

Selectmen may license for one year.

If selectmen, unreasonably refuse, Court of Sessions may grant license.

SEC. 2. **BE** it further enacted, That on application in writing of any person to the Selectmen of any town in this State, to be licensed to sell goods or chattels at public vendue, if the Selectmen shall unreasonably neglect or refuse, after such application, to license such person or persons, applying as aforesaid, it shall and may be lawful for such applicant or applicants, first giving ten days notice to the Selectmen, so neglecting, or refusing as aforesaid, to apply to the Court of Sessions for the county where such applicant or applicants reside; which Court or a major part thereof, are hereby authorized and empowered, on hearing the parties, to license said applicant or applicants, if they shall adjudge the same just and reasonable: *Provided*, Such appli-

Proviso.