

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)

PUBLIC ACTS

OF THE

STATE OF MAINE,

PASSED BY THE

TENTH LEGISLATURE,

AT ITS

SESSION HELD IN JANUARY, 1830.

—◆—
Published agreeably to the Resolve of the 28th June, 1820.
—◆—

Portland :

DAY & FRASER.....PRINTERS TO THE STATE.
1830.

CHAPTER CCCCLXXXI.

AN ACT requiring a Bond from the Secretary of State.

BE it enacted by the Senate and House of Representatives, in Legislature assembled, That every person chosen to the office of Secretary of State, shall give bond to the State of Maine, in such sum as the Governor and Council shall direct, with good and sufficient sureties; conditioned that he will faithfully appropriate according to law, all monies belonging to the State, which may come to his hands by appropriations, and that he will render annually a true account thereof to the Governor and Council.

Secretary of State
to give bond, &c.

[*Approved by the Governor, March 18, 1830.*]



CHAPTER CCCCLXXXII.

An additional ACT respecting Innholders, Retailers and common Victuallers.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in Legislature assembled, 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 said 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, under their hands, license to be victuallers, innholders or retailers, with the right to sell wine, brandy, rum and other spirituous liquors by retail, as many persons of sober life and conversation and suitably qualified, as they may deem necessary; and if they shall be thereto authorized*

Selectmen, treasurer and clerk shall meet on 2nd Monday of Sept. giving 7 days notice, and may grant licenses to innholders, &c.

Penalty for selling
rum, &c. to be
drank in shop with-
out permission in-
serted in license.

Proviso.

Selectmen, &c. may
grant license for
part of year.

by their respective towns and plantations as is provided in the second section of this act, may authorize as many of the persons aforesaid to sell wine, rum and other spirituous liquors to be drank in the stores or shops of such persons as they may deem necessary ; and such permission shall be inserted in their said licenses. And every person who shall sell any wine, rum or other spirituous liquors to be drank in his store or shop, or shall suffer any to be drank in his store or shop without such permission being inserted in his license, shall forfeit and pay five dollars for each offence. And each and every person who may apply to be licensed as aforesaid, shall, before being so 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 every person who may apply to be licensed as an innholder, and also as a victualler or retailer in his store or shop, shall pay for the use aforesaid six dollars for each license. *Provided*, That the sum to be paid for being licensed as an innholder, retailer or common victualler, without permission to sell wine, rum and other spirituous liquors, to be drank in the house, store or shop, shall be three dollars for the use of the town or plantation, and twenty five cents for the use of the clerk ; and it shall be stated in every innholder's license, whether he is, or is not, permitted under such license, to sell wine, rum, and other spirituous liquors in his house. And the clerk shall make a record of all the licenses granted, in a book, to be kept for that purpose. And said selectmen or assessors with the 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, a sum proportioned to the time for which such license may be granted, with twenty five cents to the clerk. And all licenses shall expire on the second Monday of September after

granting the same. And if any clerk shall neglect to make any record as herein required, he shall forfeit for each neglect five dollars.

Expiration of licenses.
Penalty for neglect of Clerk to make record.

SECT. 2. *Be it further enacted,* That the inhabitants of any town or plantation, at the annual town or plantation meeting in the months of March, April or September in each year, may by vote empower the town or plantation officers aforesaid, on application to be made in writing, to authorize, and to insert in the licenses of so many persons being suitably qualified, as they may deem necessary, permission to sell wine, rum and other spirituous liquors to be drank in their respective stores or shops.

Inhabitants in town meeting may, by vote, authorize selectmen, &c. to insert in licenses permission to sell, &c. to be drank in shops &c.

SECT. 3. *Be it further enacted,* That no victualler, innholder or retailer, licensed as aforesaid nor any other person, shall directly or indirectly, sell, give or furnish to any Indian, any wine, rum or spirituous liquors of any kind, under a penalty of ten dollars for each offence, to be recovered on complaint as for a criminal offence with costs of prosecution, before any Justice of the Peace of the county, in which the offence is committed, one half to the use of the county, and the other half to the use of the complainant. *Provided,* That this act shall not extend to cases where wine or spirituous liquors of any kind are furnished to said Indians for the use of the sick under the direction of a regular practising physician.

Penalty for selling rum, &c. to Indians.

Proviso.

SECT. 4. *Be it further enacted,* That the second section of an act entitled "An Act for the regulation of innholders, retailers and common victuallers," passed the twentieth day of March, in the year of our Lord one thousand eight hundred and twenty one; also so much of the first section of the same act as prohibits the sale by retail of beer, ale and cider; also the first section of an Act entitled "An additional Act for the regulation of innholders, retailers and common victuallers," passed the third day of March, one thousand eight hundred and twenty nine, be re-

2d Sec. of chapter 133, part of 1st sec. of same chapter, & 1st sec. of chapter 456 repealed after Sept. 12, 1830, when this act shall take effect.

pealed from and after the day next preceding the second Monday of September next, at which time this act shall take effect. And all persons who shall be licensed under the provisions of this act, shall be holden to observe all the duties and requirements, and be subject to all the penalties and liabilities contained in the remaining sections of the acts to which this is additional, in the same manner as is provided for persons licensed in virtue of those acts.

Forfeitures & penalties how appropriated.

SECT. 5. *Be it further enacted,* That all forfeitures and penalties arising under this act, shall be recovered and appropriated in the manner provided in the Acts to which this is additional, except such as are otherwise provided for in this Act.

[*Approved by the Governor, March 18, 1830.*]



CHAPTER CCCCLXXXIII.

AN ACT regulating the payment of the salaries of Registers of Probate in certain cases.

BE it enacted by the Senate and House of Representatives, in Legislature assembled, That whenever the Register of Probate for any county in this State, shall be unable from sickness, or from any other cause, shall neglect to do the duties of his office, it shall be the duty of the Judge of Probate for said county, upon application of the surety or sureties of said Register, to certify to the county treasurer, that the Register of Probate has ceased to perform the duties of his office, and the time when he so ceased; and the said treasurer shall not pay to said Register, his executors, administrators or assigns, any salary that may accrue from the time that said Register shall so cease to perform his duties, until such time as he shall

County Treasurer to be notified by Judge of Probate when the register has ceased, by reason of sickness, &c. to perform the duties of his office, and the salary shall be paid to the person appointed to perform the duties of the office, *pro tem.*