

MAINE STATE LEGISLATURE

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PUBLIC ACTS

OF THE

STATE OF MAINE,

PASSED BY THE

FOURTEENTH LEGISLATURE,

At its Session, held in January, 1834.

PUBLISHED AGREEABLY TO THE RESOLVE OF JUNE 28, 1820.

AUGUSTA :

I. BERRY & CO., PRINTERS TO THE STATE.

1834.

therefor, the other half to the use of the town within which the forfeiture was incurred.

[Approved by the Governor, March 12, 1834.]

Chapter 141.

AN ACT for the regulation of Innholders, Retailers, and Common Victuallers.

Spirituos li-
quors not to be
retailed by inn-
holders, &c. in
less quantity
than 28 gallons,
unless licensed,
under penalty of
\$50—

and \$10 for
each offence.

Selectmen, As-
sessors, Alder-
men, &c. to
meet annually
for the purpose
of granting li-
censes.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in Legislature assembled,* That no person shall be allowed to be a common victualler, innholder, or seller of wine, brandy, rum, or any strong liquors, by retail or in 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 spirituous liquors, or any mixed liquors, part of which is spirituous, without license therefor, duly had and obtained according to law, he shall forfeit and pay for each offence, the sum of Ten 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, innholders, or sellers of wine, brandy, rum, or other strong liquors by retail in such town, plantation, or city for one year from that date, as many persons of sober life and conver-

sation 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 :

Persons licensed to give bonds in the sum of \$300.

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 Lord one thousand eight hundred and

Form of Bond.

The condition of this obligation is such, that whereas the above named having been duly licensed as an Innholder, (or 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, retailers, 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.

Condition.

And each of the persons who shall be so licensed, shall pay to the selectmen, treasurer and town clerk of towns, or to the assessors and clerk of plantations, or to the aldermen and city clerk (as the case may be) the sum of One Dollar as a fee for granting such license; and the clerks respectively shall make a record of all licenses granted; and said selectmen, or treasurer and clerk or aldermen and clerk, may at any other time, at a meeting held for that purpose, license any person suitably qualified as aforesaid, 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.

Fee for granting licenses.

Record to be kept.

Licenses to expire 1st Monday in September.

SECT. 3. *Be it further enacted,* That all innholders shall at all times be furnished with suitable

Innholders to be at all times provided with suitable provisions.

Forfeiture for neglect.

To have board or sign designating his or her occupation.

Penalty for refusing to make suitable provisions for travellers.

Innholders prohibited to keep in their premises any instruments used in gaming nor suffer any person to gamble in their houses.

Penalty for so doing.

provisions and lodgings for the refreshment and entertainment of travellers, pasturing and stable room, hay and provender, (saving that in populous towns, stable room, hay, and provender only are required) for their horses and cattle, on pain of incurring the forfeiture of the penalty of their bond. 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 in any Court of competent jurisdiction shall forfeit the penalty of their bond as aforesaid.

SECT. 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.

SECT. 5. *Be it further enacted,* That no innholder, victualler or retailer, shall suffer any reveling, riotous or disorderly conduct in his house, shop, or dependencies thereof—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, or servant to sit drinking there, or to have any strong drink there under the pain of incurring the forfeiture of their said bond.

Penalty for disorderly conduct, drunkenness, &c.

SECT. 6. *Be it further enacted,* That it shall be the duty of the selectmen of each town, the assessors of each plantation and the aldermen of each city to deliver to each innholder and retailer by them licensed, at the time of granting such license and as often afterwards as any case shall occur the name of every person known by them to be addicted to intemperate use of strong liquors, and every innholder or retailer who shall sell or in any manner furnish to any such person any wine, spirituous or mixed liquors, part of which is spirituous shall forfeit the penalty of their bond.

Selectmen and Assessors to deliver list of intemperate persons to innholders, &c.

SECT. 7. *Be it further enacted,* That whenever any person shall by idleness or excessive drinking of spirituous liquors, so misspend, 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 spirituous 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 and plantations to sell to any of said misspenders of time and estate any spirituous 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 misspender 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 year aforesaid; in such case the selectmen of such town or the assessors of such plantation shall renew the

Selectmen and Assessors may prohibit the sale of spirit to certain persons.

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 incur the penalty of his said bond.

Penalty for selling when prohibited.

SECT. 8. *Be it further enacted,* That the selectmen, treasurer and town clerk of each town, the assessors, treasurer and clerk of each plantation and the aldermen and city clerk of each city, are hereby empowered, and it shall be their duty, in every instance which shall come to their knowledge, of a violation of any of the provisions of this Act, by any innholder, retailer or victualler, to revoke and make void the license of such innholder, retailer or victualler, and to cause the bond of such innholder, victualler or retailer to be prosecuted, after complaint made and hearing thereon.

Selectmen, Treasurer, &c. empowered to revoke licenses in certain cases.

SECT. 9. *Be it further enacted,* That whenever the selectmen of any town, the assessors of any plantation, or the aldermen of any city, shall have forbidden licensed persons from selling to any person addicted to the intemperate use of strong liquors, or to any misspenders of their time and estate, any spirituous 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 spirituous or strong liquors; and if any person or persons shall purchase, procure, or sell, or shall cause to be purchased, procured or sold, any spirituous 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 purchasing spirituous liquors for the use of intemperate persons.

SECT. 10. *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

Fines, forfeitures and penalties, how recovered and disposed of.

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 forfeitures or penalties exceeding Twenty Dollars whether on bond or otherwise, shall be recovered by action of debt in any court competent to try the same. And the whole of such forfeitures and penalties shall be for the use of the town where the offence was committed. It shall be the duty of the selectmen, treasurer, town clerk of towns, the assessors, treasurer and clerk of plantations, and the aldermen and city clerk of cities to prosecute each and every person who without being duly licensed shall presume to be a common victualler, innholder or retailer, upon their obtaining evidence thereof.

SECT. 11. *Be it further enacted,* That this Act shall take effect and be in force from and after the first Monday of September next; and all acts and parts of acts relating to the subject of innholders, retailers and common victuallers, be, and the same are hereby repealed from and after the time aforesaid.

[Approved by the Governor, March 13, 1834.]

When this act shall take effect.

Repeal of former acts.
Ch. 133, vol. 2, p. 535—ch. 253, vol. 3, p. 81—ch. 278, vol. 3, p. 105—ch. 436, vol. 3, p. 278—ch. 482, vol. 3, p. 330.—1832, ch. 37, p. 36—1833, ch. 77, p. 79.