

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

THIRTY-FOURTH LEGISLATURE

OF THE

STATE OF MAINE,

1855.

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Published by the Secretary of State, agreeably to Resolves of June 28, 1820, February  
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1855.

PUBLIC LAWS

OF THE

STATE OF MAINE.

1855.

An act for the suppression of drinking houses and tippling shops.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:

Intoxicating liquors, sale of, &c., restricted.
—term, meaning of.

SECT. 1. The manufacture, sale, keeping or depositing for sale of intoxicating liquors, is prohibited except as is hereinafter provided. The term intoxicating liquor used in this act, means and includes every liquid preparation that will produce intoxication. No such liquors shall be sold except for medicinal and mechanical uses, by agents duly appointed for that purpose, as in this act is provided. Such agents may sell to the selectmen of towns, the mayor and aldermen of cities, and to the assessors of plantations, for the supply of agencies as established by this act, in their respective cities, towns and plantations. No other person shall sell such liquors for any purpose. Agents may be appointed under this act by the mayor and aldermen of cities, the selectmen of towns, and the assessors of plantations, in their respective cities, towns and plantations, as soon after the first day of May next as may be, who shall hold their office until others are appointed under this act in their places, unless sooner removed, as by this act is provided. No more than one such agent shall be appointed in any city or town for the same term of time. Such agent may be appointed by the mayor and aldermen of cities, and the selectmen of towns, and assessors of plantations, as soon after the annual March meeting in each year, as may conveniently be done. He shall hold his office one year, and until another is appointed in his place, unless sooner removed. The appointing board have the power of removal. Vacancies by removal or otherwise, shall be filled as soon as may be. His compensation shall be such as the board shall prescribe. He shall conform to such rules and regulations in the sales of liquors as this act provides, and as the board shall in writing prescribe, not inconsistent with this act; which rules and regulations, and also his appointment, shall be in writing, and shall within seven days after the appointment, be recorded in the records of such city or town. He shall sell only for cash, and shall keep an accurate account of all purchases made for him by the selectmen, assessors, or mayor and aldermen of his city, town or plantation, with the date, the quantity and price of each purchase or parcel; also, of every sale by him made, with the name of the purchaser, the purpose for which purchased, the quantity, price and date of the sale, which account shall always be open to the inspection of the appointing board. He shall annually on the first day of December, make

Agents may be appointed for sale of.

—term of office, &c.

—to conform to the regulations of appointing board.

—to keep account of purchases and sales.

—annual report.

a report, by him signed and sworn to, to the board appointing him, of the quantity of each kind of liquor sold by him under this act for the year ending that day, and of the amount of money received for the same, and the said board shall, before the twentieth day of said December, transmit a certified copy of the same to the secretary of state to be by him laid before the legislature. He shall sell to no one unless he knows him to be an inhabitant of his city, town or plantation. He shall not sell to any minor, servant or apprentice, without the written order of his parent, guardian or master, nor to any intemperate person, nor to any Indian. He shall not sell to any person by reason of having himself prescribed the medical use of the liquors sold. He shall have no interest in the liquors sold, or in the profits of the agency. He shall be a person of sober life, and not addicted to the use of intoxicating liquors. No one who has been convicted of selling liquor contrary to law shall be appointed such agent. No innholder, tavern keeper or trader, shall be appointed such agent. He shall, whenever requested by any justice of the peace of his county, exhibit to him his said appointment, and the said accounts of the purchases and sales, and permit him to take minutes or copies of the same. If the justice find that he has violated any of the provisions of this act, he may require the appointing board to inquire into the charge, and to remove him if sufficient cause appear, and to put his bond in suit. If such agent knowingly violate any of the provisions or restrictions of this section, he shall be liable to be indicted and punished as a common seller. Before entering upon the duties of his office, he shall give a bond to the city, town or plantation, with two good and sufficient sureties, in a sum not less than six hundred dollars, which bond shall be in substance as follows :

CHAP. 166.

Selling to minors,
&c., restricted.

Agent, character
of.

—to exhibit
amount of pur-
chases and sales.

—penalty for
violation.

—bond and
form of.

Know all men, that we, — as principal, and — and — as sureties, are holden and stand firmly bound to the inhabitants of the town of —, (or city, as the case may be,) in the sum of — hundred dollars, to be paid to them, to which payment we bind ourselves, our heirs, executors and administrators, firmly by these presents. Sealed with our seals, and dated this — day of —, A. D. —.

The condition of this obligation is such, that whereas the above bounden — has been duly appointed an agent for the town (or city) of — to sell within, and for and on account of said town (or city) intoxicating liquors for medicinal and mechanical purposes and no other, until the — of —, A. D. —, unless sooner removed from said agency.

Now if the said — shall in all respects conform to the provi-

CHAP. 166. sions of the law relating to the business for which he is appointed, and to such rules and regulations as now are or shall be from time to time established by the board making the appointment, then this obligation to be void; otherwise to remain in full force.

The mayor and aldermen of any city, and the selectmen of any town, and assessors of any plantation whenever complaint shall be made to them that a breach of the conditions of the bond given by any person appointed under this act, has been committed, shall notify the person complained of, and if upon a hearing of the parties, it shall appear that any breach has been committed, they shall revoke and make void his appointment. And whenever any breach of any bond given to the inhabitants of any city or town in pursuance of any of the provisions of this act, shall be made known to the mayor and aldermen, or selectmen, or shall in any manner come to their knowledge, they or some one of them shall, at the expense and for the use of said city or town, cause the bond to be put in suit in any court proper to try the same.

Bond, breach of.

SECT. 2. If any person shall, by himself, clerk, servant or agent, at any time, sell any intoxicating liquors in violation of the provisions of this act, he shall, for the first conviction, pay a fine of twenty dollars and costs, and be imprisoned thirty days; for the second conviction, he shall pay a fine of twenty dollars and costs, and be imprisoned sixty days; for the third conviction, he shall pay a fine of twenty dollars and costs, and be imprisoned ninety days; for the fourth and every subsequent conviction, he shall be deemed a common seller, and he shall pay a fine of two hundred dollars and costs, and be imprisoned six months in the common jail or house of correction; and in default of the payment of the fines and costs prescribed by this section, for the first and second and third convictions, the convict shall not be entitled to the benefit of chapter one hundred and seventy-five of the revised statutes, until he shall have been imprisoned two months; and in default of payment of fines and costs provided for in the fourth and every subsequent conviction, he shall not be entitled to the benefit of said chapter one hundred and seventy-five of the revised statutes, until he shall have been imprisoned four months after the said six months. And if any clerk, servant, agent or other person in the employment or on the premises of another, shall violate any of the provisions of this section, he shall be held equally guilty with the principal, and on conviction, shall suffer the same penalty.

Penalty for illegal sale of intoxicating liquors.
 —first offense.
 —second offense.
 —third offense.
 —fourth offense.

Liability of clerks, agents, &c.

SECT. 3. No person shall be allowed to be a manufacturer of any intoxicating liquor, on pain of forfeiting on the first conviction, the sum of two hundred dollars and costs of prosecution and six

—manufacturers.

months imprisonment in the common jail or house of correction; and on the second conviction, the person so convicted shall pay the sum of four hundred dollars and costs of prosecution, and shall be imprisoned nine months in the common jail or house of correction; and on the third and every subsequent conviction, shall pay the sum of one thousand dollars and costs, and shall be imprisoned one year in the state prison; said penalties to be recovered by indictment in any court of competent jurisdiction.

SECT. 4. No apothecary or druggist shall keep or use any such liquors for any other purpose than the preparation of medicines ordered by a physician of sober life and not addicted to the use of intoxicating liquors, whose name shall be subscribed to the prescription to be put up or prepared by such druggist or apothecary, in his own shop; and he shall not suffer any such liquor to be drank on his premises, or to be carried away to be drank or used elsewhere. No druggist, apothecary, artist or manufacturer shall keep or use such liquors for any other purposes than the common uses made thereof in his art or manufactory, and he shall not suffer any such liquors to be drank on his premises or to be carried away therefrom. If any apothecary or druggist, artist or manufacturer, shall violate any of the provisions of this section, he shall, on conviction for the first offense, be punished by a fine of one hundred dollars and costs, and three months imprisonment in the common jail or house of correction; and for the second and every subsequent conviction by a fine of two hundred dollars and costs, and imprisonment in the common jail or house of correction, six months.

Druggists, &c., prohibited from keeping or using liquors except for certain purposes.

Penalty for violation.

SECT. 5. No person shall travel from place to place in this state, conveying with him personally or in any carriage or vehicle, any intoxicating liquors, including every kind of beer, cordials, and liquid preparations, purporting to be medicinal, a part of which is composed of intoxicating liquors, with the intention to sell or use the same, in any manner forbidden by this act, under a penalty for the first conviction of a fine of twenty dollars and costs, and thirty days imprisonment; for the second conviction, twenty dollars and costs, and sixty days imprisonment; for the third conviction, a fine of twenty dollars and costs and ninety days imprisonment, and for the fourth and every subsequent conviction, he shall be deemed a common seller, and punished by a fine of two hundred dollars and costs, and six months imprisonment in the common jail or house of correction. Any person offending against the provisions of this section, shall be liable to be arrested on a warrant on the complaint on oath of any citizen of the state, on which warrant his person, carriage or vehicle may be searched, and such liquors, if found

Pedlars, liability of.

Penalty for violation.

Offenders liable to arrest.

CHAP. 166. thereon seized. Such complaint and warrant, and the subsequent proceedings thereon, shall be substantially the same in form and substance as in this act is provided in cases of arrest, search, and seizure of liquors kept and deposited in the manner forbidden by this act.

Liquors in transitu not to be deposited more than twenty-four hours.

SECT. 6. All such liquors brought into this state for the purpose of being conveyed through this state to places beyond its borders, shall not be kept or deposited in any city or town in this state, for the space of more than twenty-four hours, the hours of Sunday excepted, except in case of inevitable accident, and if so kept, shall be liable to be seized and forfeited, under the provisions of this act, as being kept and deposited for unlawful sale; and if such liquors shall be seized on a warrant, and proceeded with as this act requires and directs, and the respondent shall allege in defense against such process, that such liquors were in transitu, and not intended for sale in this state, it shall be sufficient to show on the other side that such liquors were kept or deposited in any city or town in the state, for the space of more than twenty-four hours. Whenever any such liquors shall be seized, and on trial the owner or keeper shall claim that they were in transitu, and therefore exempt from seizure, he shall set forth in the claim the name of the place, to which they were about to be carried, and if on trial it shall appear, that the liquors are of such description, as to the quantities of the casks or packages in which they are contained, or in other respects as are by the revenue or other laws of the province or state to which they were so to be carried, prohibited to be introduced therein, that fact shall be sufficient evidence that they were kept and deposited for unlawful sale within this state.

Proceedings in case of violation.

Common carriers, &c., liability of.

SECT. 7. No stage driver, express-man, common carrier, teamster, or other agent shall carry from place to place within this state any such liquors, except for agencies provided for in this act, under a penalty of a fine of twenty dollars and costs for the first conviction, twenty dollars fine and costs and thirty days imprisonment for the second conviction, two hundred dollars fine and costs and three months imprisonment for the third conviction, and four hundred dollars fine and six months imprisonment for the fourth and every other subsequent offense. Such carrying shall be prima facie evidence of intention to violate the provisions of this section, subject however to such evidence as may be adduced on the part of the defendant to show that he had no such intention.

Complaint.

SECT. 8. If three persons who are competent to be witnesses in civil suits, resident within the county within which the complaint shall be made, shall make complaint upon oath or affirmation before

any judge of a municipal or police court or justice of the peace, that they have reason to believe and do believe, that intoxicating liquors are kept or deposited in any building or place, other than a dwelling house, no part of which is used as a shop, or for purposes of traffic, by a person or persons named in said complaint, or by a person or persons unknown, not authorized by law to sell the same, within the city, town or plantation where they are alleged to be so kept or deposited, and that said liquors are intended for sale within this state in violation of law, such magistrate shall issue his warrant, directed to any sheriff, deputy sheriff, marshal, deputy marshal, constable or police officer, having power to serve such process, commanding such officer to search the premises described in said complaint, which premises shall also be described in said warrant; also to search any yard or building, (other than such dwelling house,) adjoining the premises described in said warrant, if occupied by the same person occupying the premises described in said warrant; and if any such intoxicating liquors are there found, to seize the same, with the vessels in which they may be contained, and to convey them to some proper place of security to be there kept until final action upon such complaint. And the officer having such warrant shall be authorized by virtue thereof to make the search directed by such warrant to be made, and to seize and dispose of any such liquors as in this act is provided. And such officer shall in his return on such warrant, designate and describe the liquors by him so seized, and the vessels in which they are contained, with reasonable certainty. And if the name of the person or persons by whom such liquors are alleged to be so kept or deposited, shall be stated in said complaint, the officer shall be commanded in and by said warrant, if he find such liquors, to arrest such person or persons, and have them forthwith before the judge or justice by whom such warrant was issued, to answer to said complaint, and show cause why said liquors should not be forfeited. Any such person so arrested and brought before such judge or justice may plead not guilty to such complaint, and may shew in defense thereto that said liquors were not so kept and deposited intended for sale contrary to law, or that they were imported under the laws of the United States, and in accordance therewith; that they are contained in the original packages in which they were imported, and in quantities not less than the laws of the United States prescribe. And such defense being established, the judge or justice may order such liquors to be restored to the defendant, if satisfied that he is the lawful owner or keeper thereof. But custom house certificates of importation, and proofs of marks on the casks and packages corresponding thereto,

Warrant and seizure.

Return on warrant to designate liquors, &c., seized.

Persons named in complaint subject to arrest.

—defense of.

Liquors to be restored if defense be established.

CHAP. 166. shall not be received as evidence that the identical liquors contained in said packages and casks were actually imported therein. And if upon the trial neither of the said grounds of defense shall be established, and if in the opinion of the court, upon the evidence produced, said liquors were kept or deposited by such person or persons for purposes of sale contrary to law, such person or persons being found guilty shall each be punished by a fine of twenty dollars and costs, and thirty days imprisonment, and also shall be imprisoned thirty days in default of payment of the fine and costs. And the liquors so seized with the vessels in which they are contained, shall be declared forfeited, and such adjudication shall be a bar to any claim for the recovery of the same, or the value thereof, and they shall on the written order of said judge or justice be destroyed. And the officer to whom such order is directed, shall make return thereon of his doings in the premises. If, however, upon trial the judge or justice shall find the person or persons so charged in the complaint, not guilty, or if it shall appear that he is not the lawful owner or keeper thereof, he shall, if satisfied that the liquors so seized, were so as aforesaid kept and deposited for unlawful sale by some person or persons not named in the complaint, decline to order them to be restored, and shall proceed therewith as is hereinafter provided.

Proceedings in case grounds of defense be not sustained.

—in case persons charged in complaint not found guilty.

Liquors seized to be libelled.

SECT. 9. When any intoxicating liquors shall be seized or taken upon a warrant, under any of the provisions of this act, and the person keeping or depositing the same named in the warrant, shall not be arrested, or if the name of the person keeping or depositing the liquors, or from whom the same are taken, is not inserted in said warrant, or if such liquors shall not under some of the provisions of this act be restored to the person from whose keeping or possession the same were taken, the officer who served the warrant on which they were taken or who made the seizure, if they were taken without warrant, shall proceed to libel them, in substance as follows :

Form of libel.

To A. B., a Justice, &c. The libel of C. D. of ——— shews that he has seized certain intoxicating liquors, described as follows: ——— because the same were kept and deposited at or in (describing the place of seizure) intended for sale within this State, in violation of law, or because the same were found in a tent or shanty, &c. ———. Wherefore he prays for a decree of forfeiture of the same, and that the same may be ordered to be destroyed according to the provisions of the statute in such case made and provided.

(Date.)

(Signed.)

And thereupon the said justice shall issue his monition in CHAP. 166.
substance as follows :

State of Maine. County of — ss.

} L. S. } To all persons interested in (here insert the description Monition.
of the liquors, as in the libel.) The libel of C. D. of
—— this day filed with me, A. B., Justice, &c. ——
shews that he has seized said liquors, because, &c. (as in the libel)
and prays for a decree of forfeiture, and that the same may be
ordered to be destroyed, according to the provisions of the statute, in
that case made and provided.

You are, therefore, hereby notified thereof, that you may appear
before me the said justice, at —— on ——, and then and
there shew cause why said liquors should not be decreed forfeited
and ordered to be destroyed.

Given under my hand and seal, &c., &c.

(Signed.)

The time for the hearing shall not be less than one nor more than Time of hearing.
two weeks from the date of said monition, and service shall be
made thereof by posting up an attested copy of the same in some
public and conspicuous place, in the town or place where the seizure
was made, at least seven days before said day of hearing. If no
claimant shall then appear, the justice shall, on proof of notice as
aforesaid, by a proper return of the same upon the monition, If no claimant
appear liquors
to be declared
forfeited, &c.
adjudicate on the premises and declare the liquors so seized, and the
vessels in which they are contained, to be forfeited, and order the
same to be destroyed; and such adjudication shall be a bar to any
claim for the recovery of the same or the value thereof.

And if any person shall then appear and claim the said liquors, or If claimant
appear.
any part thereof, as his own property, he shall make said claim in
writing, in substance as follows :

E. F., of —— comes and avers that he is the lawful owner of Form of claim.
(here insert the particular liquors or parcels claimed, as set forth in
the libel) in the libel in that behalf mentioned; and he avers that
the same were not kept or deposited for the purpose or with the
intent of unlawful sale within the state of Maine, as in said libel is
set forth. Wherefore he prays that the same may be restored to him.

(Date.)

(Name.)

CHAP. 166. And he shall verify his claim by oath, by him signed and sworn to, in substance as follows :

Claim to be verified by oath.

Form of oath.

I, E. F., do swear to the truth of the claim, by me above interposed.
(Date.) (Name.)

Subscribed and sworn before me.

A. B., Justice of the Peace.

If claimant be a resident in this state, shall make oath, &c., to claim.

SECT. 10. If the claimant be a resident within this state, he shall, personally, in presence of the court, sign and make oath to his claim, unless in case of actual bodily disability, in which case the claim may be signed and sworn to before any justice of the peace within the state.

—not a resident of this state, proceedings in case of.

If the claimant be not a resident of this state, the claim and verification may be made, in substance as above, by the person in whose custody said liquors were kept and deposited, at the time of the original seizure, on the warrant or otherwise. If there be more claimants than one, each shall set forth and verify his claim, in

If more than one claimant, &c.

Bond for cost.

substance as aforesaid. Such claimant in behalf of persons not residing in the state, shall, before a hearing is had, deliver to the said justice, a bond by him signed, with two good and sufficient sureties, inhabitants of the state, in a sum not less than two hundred dollars, conditioned to pay all such costs as shall be recovered against him on final judgment in the case, and thereupon proofs may be introduced; and the claimant shall be held to show affirmatively, that the liquor by him claimed, was kept and deposited for a lawful purpose, and not for unlawful sale or use; and may be heard by himself and counsel or either; and the libellant shall have

Proof may be by testimony of witnesses or by depositions.

the closing argument. The proof introduced on either side, may be by testimony of witnesses before the court, or by deposition taken according to law. It shall be a sufficient cause for the taking of such deposition, that it is to be used in the trial of a libel for liquors seized, before (here insert the name of the justice, &c.,) in which the said (here insert the name of the claimant) is claimant. And if upon the hearing, the court shall consider and adjudge that the said liquors or any part thereof, were so kept or deposited for the purposes of unlawful sale or use within this state, judgment shall be entered accordingly, that the said liquors and the vessels in which they are contained, shall be forfeited and destroyed, and for costs against such claimant; and if the court shall consider and adjudge that the said liquors or any part thereof, were not so kept or deposited, with any intent of unlawful sale or use within this state, judgment shall be entered accordingly; and if

Proceedings if court adjudge the liquors kept for unlawful sale, &c.

the claimant shall show to the satisfaction of the court that he is the owner or lawful agent of the owner for this purpose, the court shall order the same to be restored to the claimant; but no costs shall be allowed him, unless the court shall certify that there was no probable cause for the seizure; and no cost shall in any event be allowed to any claimant, if the judgment of the court shall be, that any part of the liquor seized on the said warrant, was kept or deposited with any intention of unlawful sale or use within this state. In the costs so to be taxed and paid by the claimant, shall be included, in addition to court, officer and witness fees, all reasonable costs and expenses of seizing, removing and taking care of said liquor until final judgment. The order to destroy such liquor, may be in substance as follows :

CHAP. 166.

Liquors to be restored in certain cases.

Claimant not entitled to cost.

Costs to be taxed, &c.

State of Maine, ——— ss.

(Date.)

To A. B.; having in custody the liquor described in the libel filed before me, dated ——— 185— signed by ———

Form of order to destroy liquor.

You are hereby commanded in performance of the final judgment of the court in said case, to destroy (here describe all packages and parcels to be destroyed) by pouring the same out upon the ground; and also to destroy the vessels in which the same are contained; and you are to take with you as witnesses thereof, A. B. and C. D., and to make due return of this order, with their certificate that they witnessed its full execution, endorsed thereon, within twenty-four hours from the date hereof.

(Signed.)

And if the final judgment shall be, that the liquors be restored to the complainant, the order shall be the same, in substance, as before, except, that it shall be to restore (here describe each parcel to be restored) to E. F., the claimant of the same, on reasonable request, at the place where the same are by you now held in keeping, and take his receipt for the same, and make due return of this order within twenty-four hours thereafter.

—to restore liquors.

If the said liquor shall not be demanded of the said officer within three months after the date of such order, the officer shall without further precept, destroy the same and make return thereof on the said order.

Liquors to be destroyed if not demanded within three months.

And if the whole or any part of the liquors described in such libel, shall not be claimed by any person as aforesaid, the said court shall consider and adjudge that the same be forfeited and destroyed, and shall issue an order for this purpose, in substance as is before provided. And these proceedings shall be a bar to any claim for the recovery of the same or the value thereof.

—described in libel, if not claimed, to be destroyed.

The claimant may appeal. The libellant also may appeal.

Right of appeal.

CHAP. 166.

Liability of claimant.

Any such claimant in his own right or as the agent of the owner, shall be liable to be arrested upon a warrant duly issued, and tried for keeping or depositing such liquors, contrary to the provisions of this act, either before or after the trial or final judgment and order on such libel.

Certain premises exempt from search.

SECT. 11. No warrant shall issue for the search of any dwelling house in which a family resides, or in which or part of which a shop is not kept or other place is not kept for the sale of such liquors, unless it shall first be shown to the magistrate, before a warrant is issued for such search, by the testimony of witnesses upon oath, that there is reasonable ground for believing that such liquors are kept or deposited in such dwelling house or its appurtenances, intended for unlawful sale in such dwelling house or elsewhere, which testimony the magistrate shall reduce to writing, and cause to be signed and verified by oath or affirmation of such witnesses, and upon such testimony so produced and verified, he may, upon complaint of three persons competent to be witnesses in civil suits, resident in the county, issue his warrant in like manner and form as is provided in the eighth section of this act, commanding the officer to search such dwelling house and its appurtenances, and if any such liquors are found therein, to seize the same together with the vessels in which they are contained, and also to arrest the owner or keeper thereof, if named in said complaint, and the subsequent proceedings shall be conformable to the requirements of the eighth, ninth and tenth sections of this act, as the case may be. No dwelling house, inn, tavern, or other building, in which, or a part of which, a shop is kept for traffic, or office, bar or other place, is kept for the sale of liquors, shall be entitled to the protection from search, provided in this section, but shall be liable to be searched in the manner provided in the eighth section of this act.

—liable to be searched.

False testimony, penalty for.

And any of the said witnesses, who shall be convicted of giving false testimony, knowingly and wilfully, in the statements so subscribed and verified, shall be punished therefor by imprisonment in the State Prison for the term of two years. The finding of such liquors, upon search in a dwelling house, shall not of itself be evidence that they are kept or deposited therein, intended for unlawful sale.

Liquors found in dwelling houses not evidence of being kept for illegal sale.

If liquors be destroyed, officer shall arrest the owner, &c.

SECT. 12. If any officer having a warrant issued under this act, committed to him, directing him to seize any such liquors and to arrest the owner or keeper thereof, shall be prevented from seizing the liquors by their being poured out or otherwise destroyed, he shall arrest the owner or keeper and bring him before the magistrate, and he shall make return upon the warrant that he was prevented from

seizing the liquors by their being poured out or otherwise destroyed, as the case may be, and in his return he shall state the quantity so poured out or destroyed, as nearly as may be, and the magistrate shall put the owner or keeper so arrested upon trial; and if on trial it shall appear by competent testimony that such liquors were so poured out or destroyed, and that the liquors so poured out or destroyed were such as were described in the warrant, and that they were so kept or deposited intended for unlawful sale, and if the person so arrested shall be found to be the owner or keeper thereof, he shall be fined and sentenced in the same manner he would be if the liquors described in the warrant and in the return, had been seized on the warrant and brought before the magistrate by the officer. CHAP. 166.

SECT. 13. It shall be the duty of any mayor, alderman, selectman, assessor, city marshal or deputy, or constable, or police officer, of any place if he shall have information that any intoxicating liquors are kept for sale or sold in any tent, shanty, hut or place of any kind for selling refreshments in any public place, or near the ground of any camp-meeting, cattle show, agricultural exhibition, military muster, or public occasion of any kind, and shall believe said information to be true, forthwith to enter a complaint before some judge of a municipal or police court or justice of the peace, against the keeper or keepers of such place, alleging in said complaint that he has reason to believe, and does believe, that such liquors are so kept in such place (describing the same) by such keeper or keepers, contrary to law. And upon such complaint, the said judge or justice shall issue his warrant, commanding the officer who may serve the same, to search the place described in said complaint, and which shall be described in said warrant.

Sale of intoxicating liquors at places of public resort prohibited.

Complaint.

Warrant.

And if he shall find upon said premises any such liquors, to seize the same with the vessels in which they may be contained, and to arrest the keeper or keepers thereof, and have said keeper or keepers with the liquors and vessels so seized, as soon as may be, before said judge or justice, to be dealt with according to law.

Seizure of liquors, &c.

And the officer to whom said warrant may be committed, shall forthwith execute the same, and said keeper or keepers when arrested shall be tried thereon, in due course of law, and upon proof that said liquors are intoxicating, that they were found in the possession of the accused, in a tent, shanty, hut, or other place, as aforesaid, he or they shall be found guilty, and sentenced to be punished by imprisonment in the county jail for thirty days, and to pay all costs of such proceedings, and the liquors and vessels so seized shall be destroyed by order of the court, in the manner before provided in

Penalty.

CHAP. 166.

Liquors may be held in custody until warrant be issued.

Appeal.

Judgment against the appellant, penalty, &c.

Same subject.

this act. Any mayor or alderman, selectman, assessor, city marshal or his deputy, constable, police officer, or watchman, in his city or town, or plantation, may take into his custody any such liquors, and the vessels in which they are contained, which he shall find at any place, by day or night, if he have reason to believe they are kept or deposited and intended for unlawful sale in this State, and detain the same until a warrant can be procured, under which proceedings shall be had against such liquors, and the owner or keeper, in like manner as is provided in case of such liquors taken in a tent, shanty, hut or other place. If any person arrested, tried, and sentenced, as set forth in this section, shall appeal from such sentence, the judge or justice shall grant the appeal, and order him to recognize in the sum of one hundred dollars, with sufficient sureties for his appearance, and for prosecuting his appeal, and he shall stand committed till the order is complied with; and the judge or justice, whose judgment is appealed from, shall furnish full copies of all the proceedings in the case, at the expense of the appellant. And if judgment is rendered against the appellant in the appellate court, he shall be punished and the liquors seized and vessels dealt with as is above provided in this section; and if said appellant shall fail to appear and prosecute his appeal, or to abide and perform the judgment of the appellate court, the recognizance shall be forfeited, and the liquors and vessels shall be disposed of as aforesaid by order of the court.

SECT. 14. If any person shall appeal from any sentence of such judge or justice, as set forth in the eighth and tenth preceding sections, the judge or justice shall grant his appeal and order him to recognize in the sum of two hundred dollars with sufficient sureties for his appearance and for prosecuting his appeal; and he shall stand committed till the order is complied with. And the judge or justice whose judgment is appealed from, shall furnish a full copy of all the papers and proceedings in the case, at the expense of the appellant. And if judgment is rendered against the appellant in the appellate court, he shall be punished and the liquors seized, with the vessels in which they are contained, shall be dealt with and disposed of as before is provided. And if such appellant shall fail to appear and prosecute his appeal, or to abide and perform the order and judgment of the appellate court, the recognizance shall be forfeited, and the liquor shall be disposed of as aforesaid, by libel or otherwise, by order of said court.

Casks, &c., to be conspicuously marked.

SECT. 15. No such liquors owned by any city, town or plantation, or kept by any agent of any city, town or plantation, as is

provided in this act, or by any such chemist, artist or manufacturer, shall be protected against seizure and forfeiture, under the provisions of this act, by reason of such ownership, unless all the casks and vessels in which they are contained shall be at all times plainly and conspicuously marked with the name of such city, town or plantation, and of its agent, or as the case may be, with the name, residence and business of every such chemist, artist, and manufacturer. If any such agent shall knowingly and willfully, with intent to prevent the same being seized on any such warrant, or to cause the same to be released, having been seized on such warrant, make claim to any such liquors as being the property of the city, town or plantation, for which he is such agent, when in fact such liquors were not the property of such city, town or plantation, he shall on conviction, be sentenced to pay a fine of one hundred dollars and costs, and shall be removed from his office, with forfeiture of his bond. Whenever any such liquors shall be seized, bearing such marks as are by this act required to be put upon liquors owned by cities, towns or plantations, or by chemists, artists or manufacturers, when such liquors are in fact not owned by any such city, town or plantation, or by any such chemist, artist or manufacturer, such false and fraudulent marking shall be conclusive evidence that the same are kept or deposited for unlawful sale, and render them liable to forfeiture under the provisions of this act. The liquors kept for sale, by such agent, shall not be adulterated or factitious; and if the liquors so kept, are adulterated or factitious, they shall not be protected from seizure and forfeiture by reason of being kept for sale by such agents.

Fraudulent marking and claiming of liquors, penalty for.

Factitious liquors liable to seizure.

SECT. 16. Whenever an unlawful sale is alleged, and a delivery proved, it shall not be necessary to prove a payment, but such a delivery shall be sufficient evidence of sale. Whenever an unlawful sale is made by one person, a delivery by another, and payment received by a third, each shall be liable to the penalties of this act for the offense. A partner in business shall be liable for the unlawful keeping or selling of his copartner, done in the copartnership business, or by any other person, in any shop, store or other place of business of such copartnership, with his knowledge and assent. A principal and his agent, clerk and servant, may all be included in the same complaint and process. The name of the owner and the kind and quantity of liquors to be seized, need not be set forth in the complaint and warrant, provided the description is sufficiently certain to show what is intended to be seized; the process may be amended in any matter legally amendable at any time before final judgment. Any mayor or alderman, selectman or assessor, may

Delivery, evidence of sale.

Sale, delivery, &c., by different persons, each liable.

Name of owner, &c., not necessary to be set forth in complaint and warrant.

CHAP. 166. cause a suit to be commenced on any bond or recognizance given under this act in which his city, town or plantation is interested, and the same shall be prosecuted to final judgment unless paid in full with costs. If any execution or other final process, issued in any civil or criminal suit instituted under this act, shall be placed in the hands of any proper officer to be by him executed, and he shall unreasonably neglect or refuse so to do, an action may be commenced against him by any voter in the county, for such neglect, and prosecuted to final judgment; which shall be for the full amount of the debt, costs, and interest on such execution; and if it be a process that requires him to take and commit an offender to prison, the damages shall not be less than fifty dollars nor more than five hundred dollars. Such suit shall be an action on the case, in the name of the city, town or place, in which the original offense, on account of which said process was issued, was committed.

Suit on bond may be commenced and prosecuted.

Processes, penalty for neglect to execute, &c.

Writ of error shall not lie to quash proceedings in certain cases.

Fees.

SECT. 17. No writ of error, or other process, shall lie to quash or make void the doings of any such magistrate, under this act, by reason of any defect or want of sufficiency in any complaint, warrant, or other process, under this act, which might before final judgment have been amended on motion. In addition to the fees allowed by law, there shall be paid to such judge or justice, for taking any bond, fifty cents; for making the order for the destruction of liquors and vessels, fifty cents; to the officer for seizing the liquors and vessels, one dollar; for removing and keeping the same, fifty cents and reasonable expenses; for executing and making return of an order to destroy the liquors and vessels one dollar; all of which fees shall be taxed in the costs to be paid by the defendant.

Intoxicated persons may be taken into custody.

SECT. 18. Any person hereafter found intoxicated in any of the streets or highways, or being intoxicated in his own house, or in any other building or place, and who, in such house, building or place, shall become quarrelsome, or in any way disturb the public peace, or that of his own or any other family, so as to render it necessary for the police or peace officers to interfere, may be taken into custody by any sheriff, deputy sheriff, constable, marshal, deputy marshal, police officer or watchman, and committed to the watch house or restrained in some other suitable place, till a complaint can be made and warrant issued in due form, upon which he may be arrested and tried, and if found guilty of being intoxicated in the streets or highways, or of being intoxicated in his own house or any other building or place, and becoming quarrelsome and disturbing the public peace, or that of his own or any other family, he shall be punished by imprisonment in the common jail for thirty days; but said judge or justice may remit any portion of said punishment,

—may be discharged.

and order the prisoner to be discharged whenever the person so arrested shall make such disclosures or furnish such evidence as will authorize a warrant to be issued, for an offense against some of the provisions of this act, against the person of whom he procured or received the liquors whereby he became intoxicated.

SECT. 19. Any penalties or forfeitures, the recovery of which is not otherwise provided for in this act, may be recovered by complaint or indictment in any court proper to try the same. All bonds and recognizances given by appellants or other persons, shall be to the State of Maine, except as otherwise provided in this act. In all cases of appeal from the judgment of a judge of a municipal or police court or justice of the peace, the appellant, if convicted by the jury, shall be sentenced to pay and suffer the same fines, penalties and imprisonment which might be awarded against him by such judge or justice, with additional costs. The appellate court shall have power to make any adjudication or order, or to pass any sentence which the court appealed from might have made or passed.

Penalties, &c., how recovered.

Bonds, &c.

Penalties and costs in cases of appeal.

Appellate court, powers of.

SECT. 20. If any person shall claim an appeal from the sentence of such judge or justice, except as in this act is otherwise provided, the judge or justice shall grant his appeal and order him to recognize in the sum of one hundred dollars, with sufficient sureties for his appearance and for prosecuting his appeal; and he shall stand committed till the order is complied with. And no recognizance shall be taken in cases arising under this act, except by the judge or justice before whom the trial was had, and if the recognizances mentioned in this section, shall not be given within twenty-four hours after judgment; the appeal shall not be allowed.

Appellant to recognize in the sum of \$100.

Recognizance, when made.

SECT. 21. No person engaged in the unlawful traffic in intoxicating liquors, shall be competent to sit upon any jury in any case arising under this act; and when information shall be communicated to the court that any member of any panel is engaged in such traffic, or that he is believed to be so engaged, the court shall inquire of the jurymen of whom such belief is entertained; and no answer which he shall make shall be used against him in any case arising under this act; but if he shall answer falsely, he shall be incapable of serving on any jury in this state; but he may decline to answer, in which case he shall be discharged by the court from all further attendance as a jurymen.

Certain persons prohibited from sitting as jurymen.

SECT. 22. All cases arising under this act, by indictment or complaint, which shall come before a superior court, either by appeal or original entry, shall take precedence in said court of all other business, except those criminal cases in which the parties are actually under arrest, awaiting a trial; and the court and prosecut-

Cases arising under this act to take precedence of other business in a superior court.

CHAP. 166. ing officer shall not have authority to enter a nolle prosequi, or to grant a continuance in any case arising under this act, either before or after the verdict, except where the purposes of justice shall require it.

Certain debts and contracts, void.

SECT. 23. All payments or compensations for liquors sold in violation of law, whether in money, labor or other property, either real or personal, shall be held and considered to have been received in violation of law and without consideration, and against law, equity and a good conscience; and all sales, transfers and conveyances, mortgages, liens, attachments, pledges and securities of every kind, which either in whole or in part, shall have been for or on account of intoxicating liquors, except such liquors as may be sold according to the provisions of the first section of this act, shall be utterly null and void against all persons and in all cases, except subsequent purchasers of real estate for valuable consideration, without notice, and bona fide holders of negotiable paper without notice, and no rights of any kind shall be acquired thereby; and in any action either at law or equity, touching such real or personal estate, the purchaser of such liquors may be a witness for either party. And no action of any kind shall be maintained in any court in this state, either in whole or in part, for intoxicating liquors sold in any other state or country whatever, nor shall any action of any kind be had or maintained in any court in this state, for the recovery or possession of intoxicating liquors or the value thereof.

Provisions relating to towns applicable to cities and plantations.

All the provisions of this act relating to towns, shall be applicable to cities and plantations; and those relating to selectmen, shall also be applied to the mayor and aldermen of cities and assessors of plantations.

Defendant to appear on the second day of criminal court.

SECT. 24. Whenever a defendant has given a recognizance for his appearance at court, under this act, he shall be called on his recognizance on the first or second day after the jury is empanelled at said court, for the trial of criminal matters, and if he do not appear before the adjournment of the court, on the second day, a default of the recognizance shall be entered, which shall not be taken off unless he come into court before the jury is dismissed, and move to have it taken off, which may be done on such terms as to the court shall seem proper. If not so taken off, judgment shall be entered against the principal and sureties, and an execution or warrant of distress in due form of law shall be issued thereon, without scire facias, and for the full sum or amount of the recognizance.

Exceptions, if frivolous, not to be entertained.

Whenever a verdict is rendered against any defendant tried under any of the provisions of this act, and he shall offer a bill of excep-

tions, if the judge before whom the trial is had, shall be of opinion CHAP. 166.
 that they are frivolous and intended for delay, he shall so certify,
 and shall proceed to pass sentence upon said defendant.

SECT. 25. Whenever judgment has been rendered at any court
 against any such defendant, and he is liable to be sentenced, if he
 be bound by recognizance to appear at such court, he may be called
 upon his recognizance, and if he do not appear, default shall be
 entered against him and his sureties, and judgment shall be duly
 entered thereon, and execution or warrant of distress shall be issued
 in due form, without scire facias or any other intermediate pro-
 ceedings; a warrant shall also be issued, upon which the defendant
 may be arrested and brought in for sentence.

Warrant of
 distress, &c.

SECT. 26. No person shall become surety in any recognizance,
 required by this act, until he has made oath that he is worth above
 and beyond all debts and liabilities, including all former recogni-
 zances, upon which he still remains liable, a sum equal to twice the
 sum named in the recognizance, and he shall, if required by the
 court, furnish a schedule of unincumbered property sufficient in the
 opinion of the court to answer for the amount for which he is so to
 become surety, which, with the oath by him subscribed, shall be
 appended to the recognizance. Such recognizance shall be a lien
 upon all the real estate of the cognizers in the state, in preference
 to all other claims or sales of a subsequent date. The magistrate
 or the clerk of the court, who takes such recognizance, shall forth-
 with personally deliver or send by mail to the register of deeds in
 each county in which real estate of such cognizers is situated, a
 certificate in substance as follows:

Sureties,
 responsibility of.

Recognizance
 shall be a lien on
 real estate of
 cognizers.
 —certificates of,
 to be delivered to
 the register of
 deeds, &c.

State of Maine:—County of _____, ss. On this _____ day of
 _____, A. D. _____,

Certificate, form
 of.

A. B., as principal, and C. D. and E. F., as sureties, have this day
 entered into recognizance to the State of Maine, in the sum of _____
 in the case, state of Maine, vs. A. B.

Signed, G. H., Justice of the peace or clerk.

And the register shall record the same in a book to be kept for
 that purpose. The fees of the clerk or justice shall be ten cents
 and the amount paid by him for postage; and of the register for
 recording, ten cents, to be paid out of the county treasury, and
 taxed in the costs to the parties.

—record of.
 Fees.

SECT. 27. False swearing in any oath or affidavit required to
 be taken by this act, shall be deemed to be perjury, and punished
 accordingly.

False swearing
 to be deemed
 perjury.

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Officers, penalty for neglect of duty.

Every public officer, municipal, civil, or executive, who shall willfully refuse or neglect to do any duty required of him by any of the provisions of this act, shall forfeit and pay for each such refusal or neglect, not less than twenty nor more than one hundred dollars, to be recovered in an action of debt, by any person who shall sue for the same, one-half to the state, the other to the plaintiff in the suit.

Proceedings not void by reason of certain errors.

No proceedings or judgment had or rendered under any of the provisions of this act, shall be set aside or be void by reason of any technical error or defect not affecting the merits, but the same may be amended on motion, any time, when, by such amendment substantial justice will be promoted.

Fines, penalties, &c., where paid.

All fines, penalties and costs, and all sums paid on recognizances as in this act is provided, shall be paid into the county treasuries of the respective counties, for the use of the state.

Penalty for being a common seller.

SECT. 28. The penalty for being a common seller of intoxicating liquors, shall be a fine of two hundred dollars and costs, and six months' imprisonment for the first conviction; for the second and every subsequent conviction, a fine of four hundred dollars and costs, and nine months' imprisonment. Four distinct sales shall be sufficient to constitute the offense of being a common seller. Evidence which shows that the defendant indicted as a common seller, is a dealer in intoxicating liquors as a business or means of livelihood, may be introduced, and he may be convicted on such evidence, without proving four distinct sales. Evidence of the condition and appearance of the place of business of the defendant, or of the premises searched, of the liquors found, of the utensils and conveniences for drinking on the premises, of the conduct of the accused at the time of the search, also evidence that the accused has suffered reveling, riotous or disorderly conduct or drunkenness, by any person in and about his house, or shop, or premises, and any other evidence tending to show the character of the house, shop, or place searched, may be presented to the jury upon the trial of any indictment under this act, as evidence that the defendant is a common seller.

Certain evidence may be introduced.

Cases of appeal, how conducted.

SECT. 29. In all cases of appeal under this act, from the judgment of such judge or justice, they shall be conducted in the appellate court by the prosecuting officer of the government, and said prosecuting officer shall be entitled to receive all costs taxable to the State, in every case where a conviction shall be had under the provisions of this act; but no costs in such cases shall be remitted or reduced by the prosecuting officer or the court. In any suit, complaint or indictment, or other proceeding against any person

for a violation of any of the provisions of this act, other than for the first offense, it shall not be requisite to set forth particularly the record of a former conviction, but it shall be sufficient to allege, briefly, that such person has been convicted of a violation of any particular provision of this act, or as a common seller, as the case may be, and such allegation in any criminal process, legally amendable in any stage of the proceedings, before final judgment, may be amended, without terms, and as a matter of right. Any process, civil or criminal, legally amendable under this act, may, in any stage of the proceedings, be amended in any matter of form, without costs, on motion at any time before final judgment.

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In suits for second and subsequent violations, not requisite to set forth record of former conviction.

Processes may be amended without costs.

SECT. 30. Nothing in this act contained shall be construed to prevent any chemist, artist or manufacturer, in whose art or trade they may be necessary, from keeping at his place of business such reasonable and proper quantity of such liquors as he may have occasion to use in his art or trade, but not for sale; nor to prohibit the manufacture of cider, and sale thereof by the manufacturer; or the manufacture of wine from currants or grapes for the domestic use of the manufacturer, or to be sold for city or town agents, by them to be sold for medicinal or sacramental purposes.

Chemists, &c., may keep liquors.

Cider and wine, manufacture of, not prohibited.

SECT. 31. All purchases of liquors, to be sold by such agents, shall be made by the mayor and aldermen of cities, selectmen of towns, and assessors of plantations.

Purchases of liquor for agents, how made.

The county commissioners shall examine and correct all bills of costs under this act, in the manner provided in the twelfth section of chapter one hundred and fifty-two of the revised statutes, and order the same to be paid. This provision shall apply to bills of cost arising under the acts that are by this act repealed, and which have not been ordered to be paid, as well as to those arising under this act.

Bills of costs, examination and correction of.

The imprisonment under this act shall be in the county jail or house of correction, except where it is otherwise provided.

Imprisonment, where made.

The fees to be charged for the libel, fifty cents; for entering of same thirty cents; for monition, fifty cents; for posting notices and return, one dollar; order to destroy or restore, twenty-five cents; to the officer for executing the order and making return, fifty cents; to the witnesses, twenty-five cents each. Wherever in this act, fine and imprisonment are the punishment provided for the offense charged, it shall be the duty of the justice or court to sentence the convict or convicts to both fine and imprisonment, and the provisions of the fourth section of chapter one hundred sixty-eight of the revised statutes, shall not be applicable to the fines and imprisonments provided for offenses under this act.

Certain fees established.

Punishment by fine and imprisonment, sentence, to, &c.

on oath complain, that they have reason to believe, that on the — day of —, in said year, at said —, intoxicating liquors were, and still are kept and deposited by —, of —, in said county, in — [Here describe with precision the place to be searched,] said — not being authorized by law to sell said liquors within said —; and that said liquors are intended for sale within said state, in violation of law; whereby said liquors and the vessels in which the same are contained, have become forfeited, to be destroyed; and said — by reason of the premises has incurred and become liable to pay a fine of twenty dollars to said state, and costs of prosecution, and to be imprisoned —; and also to be imprisoned thirty days additional in default of payment of said fine and costs.

They therefore pray, that due process be issued to search said — and any yard or building, other than a dwelling house, adjoining the premises herein before mentioned, if occupied by the same person herein described, where said liquors are believed to be deposited, and if there found, that the said liquors and vessels be seized and safely kept until final action and decision be had thereon, and that said — be forthwith apprehended and held to answer to said complaint, and to do and receive such sentence as may be awarded against him, and that said liquors and vessels be declared forfeited, and ordered to be destroyed.

A. B.

C. D.

E. F.

— ss. On the — day of — aforesaid, the said A. B., C. D. and E. F., made oath that the above complaint by them signed is true.

Before me,

— —, *Justice of the Peace.*

STATE OF MAINE.

—, ss. To the sheriff of our said county of —, or either of his deputies, or the constables of the town of —, or either of the towns within said county.

Whereas, A. B., C. D., and E. F., of —, resident in said county, and competent to be witnesses in civil suits, on the — day of —, in the year eighteen hundred and fifty —, in behalf of said state, on oath complained to the subscriber, one of the justices of the peace, within and for said county, that they have reason to believe, and did believe, that on the — day of —, in said year, at said —, intoxicating liquors were and still are deposited and kept by — of —, in said county, in — [Here

Form of warrant.

CHAP. 166. follows a precise description of the place to be searched,] said — not being authorized by law to sell said liquors within said —, and that said liquors are intended for sale within said state, in violation of law; whereby said liquors with the vessels in which the same are contained, became forfeited, to be destroyed, and said —, by reason of the premises, incurred and became liable to pay a fine of twenty dollars to said state and costs of prosecution, and to be imprisoned — days, and also to be imprisoned thirty days in default of the payment of said fine and costs, and prayed that due process be issued to search said — and any yard or building or other than a dwelling house, adjoining the premises herein before mentioned, if occupied by the same person herein described, where said liquors are believed to be deposited, and if there found, that the said liquors and vessels be seized and safely kept until final action and decision be had thereon, and that said — be apprehended and held to answer to said complaint, and to do and receive such sentence as may be awarded against him, and that said liquors and vessels be declared forfeited and ordered to be destroyed.

You are therefore required in the name of the state, to enter the — before named, and therein search for said liquors, and if there found, to seize and safely keep the same with the vessels in which they are contained, until final action and decision be had on said complaint; and to apprehend the said — forthwith, if he may be found in your precinct, and bring him before me, the subscriber, or some other justice within and for said county, to answer to said complaint; and to do and receive such sentence as may be awarded against him.

Witness, — Esquire, at — aforesaid, this — day of —, in the year eighteen hundred and fifty —.

— —, *Justice of the Peace.*

Form of complaint for single sale.

STATE OF MAINE.

—, ss. To —, Esquire, one of the justices of the peace within and for the county of —.

A. B., of —, in said county, yeoman, on the — day of —, in the year of our Lord one thousand eight hundred and fifty —, in behalf of said state, on oath complains that —, of —, in said county, laborer, on the — day of —, aforesaid, at said —, not being appointed by the selectmen of said town as the agent of said town, to sell therein intoxicating liquors, did sell a quantity

Form of complaint for single sale.

of intoxicating liquors therein, to wit: one — of intoxicating liquors to one —, (or if the individual be unknown, to some person to said complainant unknown,) against the peace of said state, and contrary to the form of the statute in such case made and provided. CHAP. 166.
A. B.

On the — day of — aforesaid, the said — makes oath, that the above complaint, by — subscribed, is true.

Before me,

— —, *Justice of the Peace.*

Form of warrant upon the same.

STATE OF MAINE.

—, ss. To the sheriff of our said county of —, or either of his deputies, or either of the constables of the town of —, or either of the towns within said county, GREETING.

Whereas, A. B. of —, on the — day of —, A. D. 185—, Form of warrant.
 in behalf of said state, on oath complained to me the subscriber, one of the justices of the peace within and for the county of —, that — of —, in said county, —, on the — day of —, at said —, not being appointed by the selectmen of said town, as the agent of said town to sell therein intoxicating liquors, did sell a quantity of intoxicating liquors, to wit, one — of intoxicating liquors to one —, against the peace of said state and contrary to the form of the statute in such case made and provided.

Therefore, in the name of the State of Maine you are commanded forthwith to apprehend the said —, if he may be found in your precinct, and bring — before me, the subscriber, or some other justice of the peace within and for said county, to answer to said state upon the complaint aforesaid.

Witness my hand and seal at — aforesaid, this — day of —, A. D. 185—.

— —, *Justice of the Peace.*

Form of a recognizance in case of a single sale.

Be it remembered, that at a justice court held by me, the subscriber, one of the justices of the peace, within and for the county of —, at my office in —, in said county, on the — day of —, in the year of our Lord one thousand eight hundred and fifty—, personally appeared — and —, and severally acknowledged themselves to be indebted to the State of Maine in the respective sums following, to wit: —recognizance.

CHAP. 166.

Form of recog-
nizance.

The said — as principal, in the sum of — dollars, and the said — and — as sureties, in the sum of — dollars each, to be levied of their respective goods, chattels, lands or tenements, and in want thereof, of their bodies, to the use of the state, if default be made in the condition following.

The condition of this recognizance is such, that whereas the said — has been brought before said court, by virtue of a warrant duly issued upon the complaint on oath of —, charging him, the said —, with having sold at —, said —, one — of intoxicating liquors to one —, the said — not being appointed by the selectmen of said town, as the agent of said town to sell intoxicating liquors therein, against the peace of said state, and contrary to the form of the statute in such case made and provided. And said — having pleaded not guilty to said complaint, but having been by said court found guilty of the same, and been sentenced to —; and the said — having appealed from said sentence to the next supreme judicial court, next to be holden at —, within and for said county of —, on the — Tuesday of —:

Now therefore, if the said — shall appear at the court aforesaid, and prosecute his said appeal with effect, and abide the order and judgment of said court, and not depart without license, then this recognizance shall be void; otherwise remain in full force and virtue.

Witness,

— —, *Justice of the Peace.*

Form of recognizance in case of seizure.—in case of
seizure.

Be it remembered, that at a justice court held by me the subscriber, one of the justices of the peace within and for the county of —, at my house in said —, on the — day of —, in the year of our Lord one thousand eight hundred and fifty —, personally appeared A. B., C. D., and E. F., and severally acknowledged themselves to be indebted to the State of Maine, in the respective sums following, to wit:

The said — as principal, in the sum of — dollars, and the said — and — as sureties, in the sum of — dollars each, to be levied of their respective goods, chattels, lands or tenements, and in want thereof, of their bodies, to the use of the state, if default be made in the condition following:

The condition of this recognizance is such, that whereas the said — has been brought before said court, by virtue of a warrant duly issued upon the complaint, on oath, of G. H., I. J. and K. L.,

of said —, all competent witnesses in civil suits, and resident CHAP. 166. within said county, charging him, the said —, with having at —, on the — day of —, kept and deposited certain intoxicating liquors in [here describe the place where the same are deposited] with the intent to sell the same in said —, in violation of law; said —, not being authorized or appointed to sell the same in said —, and a search warrant having been duly issued upon said complaint, and said liquors above described, having been seized thereon; and the said — duly arrested thereon; and said — having pleaded not guilty to said complaint, but having been by said court found guilty of the same, and been sentenced to —. And the said — having appealed from said sentence to the next supreme judicial court, next to be holden at —, within and for said county of —, on the — Tuesday of —.

Now therefore, if the said — shall appear at the court aforesaid, and prosecute his said appeal with effect, and abide the order and judgment of said court, and not depart without license; then this recognizance shall be void, otherwise remain in full force and virtue.

Witness,

— —, *Justice of the Peace.*

Form of mittimus.

STATE OF MAINE.

County of —, ss. To the sheriff of the county of —, or his deputies, or the constables of the town (or city) of —, and to the keeper of the jail in —, in our said county,

GREETING:

Whereas, E. F., of — in our county of —, now stands convicted before me, A. B., one of the justices of the peace, in and for the county of —, on the complaint of —, who, on his (or their) oath complains that — (here insert the substance of the complaint) — against the peace of the state and contrary to the form of the statute in such case made and provided, for which offense he the said E. F., is sentenced to pay a fine to the use of the state of twenty dollars and costs of prosecution, taxed at — [and to stand committed until the sentence be performed, all which sentence the said E. F., now before me, the said justice, fails and refuses to comply with and perform.]

Form of mittimus.

These are, therefore, in the name of the State of Maine, to command you, the said sheriff, deputies, and constables, and each of you, forthwith to convey the said E. F. to the common jail in — in the county aforesaid, and to deliver him to the keeper thereof,

CHAP. 167. together with this precept. And you, the keeper of the said jail in — aforesaid, are hereby in like manner commanded, in the name of the State of Maine, to receive the said E. F. into your custody, in said jail, and him there safely to keep until he shall comply with said sentence, or be otherwise discharged by due course of law.

Given under my hand and seal this — day of — A. D. —.

A. B., *Justice of the Peace.*

When the sentence shall be, in addition to the fine, thirty, sixty or ninety days imprisonment, the substance of the complaint being duly set forth, insert in the mittimus instead of the words included in the foregoing form in brackets, as follows: [and — days imprisonment in the common jail, all which sentence, the said E. F. now being before me, remains to be complied with and performed.] If the fine and costs are paid, insert, [which sentence to — days imprisonment, the said E. F., now being before me, remains to be complied with and performed,] and in like manner in all cases the substance of the complaint being set forth, and the recital of the sentence, conformed to the fact, the same form in substance may be used, and shall be sufficient in law.

SECT. 33. The act entitled An act for the suppression of drinking houses and tipling shops, approved June second, eighteen hundred and fifty-one, and an act entitled An act in addition to chapter two hundred eleven of the statutes of eighteen hundred and fifty-one, approved March thirty-first, eighteen hundred and fifty-three, and all acts and parts of acts inconsistent with this act, are hereby repealed; saving all actions, indictments and other processes pending, and that said acts shall be continued in force for the punishment of all offenses committed under said acts, up to the time when this act shall take effect.

SECT. 34. This act shall take effect on the first day of May, eighteen hundred and fifty-five.

[Approved March 16, 1855.]

Chapter 167.

An act for the regulation of bowling alleys.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:

SECT. 1. No person shall keep a bowling alley, without license, under a penalty of ten dollars for each day that the same is kept and used.

Bowling alleys,
penalty for keep-
ing of, without
license.