

# 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  
26, 1840, and March 16, 1842.  
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**AUGUSTA:**  
STEVENS & BLAINE, PRINTERS TO THE STATE.

1855.

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PUBLIC LAWS

OF THE

STATE OF MAINE.

1855.

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Chapter 173.

CHAP. 173.

An act relating to lotteries.

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

SECT. 1. If any person or persons shall make or aid in making any lottery or scheme for the distribution of any property, real or personal, or of any right, interest or claim therein by any mode depending upon chance, raffle or lot, or shall advertise or offer for sale or for negotiation, or disposition in any way whatever, any ticket or part of ticket, or tickets, or any share or shares, or any certificate or other representative of any share or shares in any such lottery or scheme ; or shall sell or give away, negotiate, or in any manner dispose of any such ticket, part of ticket, share, certificate or other representative of any share, or shares, or interest in such lottery or scheme ; or shall have in his possession any such ticket, part of ticket, share, certificate or other representative of any share or shares, or interest in such lottery or scheme with intent to sell, or dispose of the same on his own account, either in whole or part, or as agent for any other person or persons, or corporation, he shall be punished by a fine not less than one hundred dollars and not exceeding one thousand dollars, to be recovered by indictment or action in any court of competent jurisdiction, one-half thereof to the use of the person who shall inform, and prosecute or sue for the same, and the other half to the use of the town in which the offense shall have been committed; and such offender shall not be entitled to any of the provisions of the one hundred and forty-eighth chapter of the revised statutes for the relief of poor debtors; and if convicted on indictment, he shall be further punished by imprisonment in the county jail thirty days on the first conviction, sixty days on the second conviction, and three months on every subsequent conviction.

Lotteries prohibited.

Penalty for violation.

SECT. 2. If any person shall print or publish, or circulate, or knowingly aid in printing, publishing or circulating any hand-bill or other notice of any such lottery or scheme ; or shall print, or publish, or circulate or knowingly aid in printing, publishing, or circulating any such ticket, certificate or representative of any share or shares, or interest as specified in the preceding section, he shall be liable to the same penalty and punishment as are provided for the offenses in said section.

—for printing or publishing notices, tickets, &c.

SECT. 3. Any publisher, proprietor, or editor of any newspaper or other periodical, and any other person connected therewith, who shall knowingly publish, aid in publishing or suffer to be published

Publishers of newspapers, &c., liability of.

CHAP. 173. in such newspaper or periodical, or upon any cover or paper attached thereto, any advertisement or notice of any such lottery, scheme, ticket, tickets, share or shares, shall be liable to the same penalty and punishment as are provided for the offenses specified in the first section of this act.

Payment or compensation for tickets, &c., may be recovered from the seller, &c.

SECT. 4. If any payment or compensation shall hereafter be made for or on account of any such ticket or tickets, certificate, share or shares, or other representative of any share, or for or on account of any other property, right, interest, or privilege, in any way connected with such lottery or scheme, or with such ticket or tickets, certificate, share or shares, the whole amount so received shall be held and considered to have been so received in violation of law and without consideration; and the same may be recovered from the seller, his clerk, agent or attorney, by or for whom the same shall have been received, by the purchaser, his guardian, executors, or administrators, or by any of his creditors, in the same manner and with the same liabilities as to costs, as is provided in chapter two hundred and five of the public laws of one thousand eight hundred and forty-six, with regard to payments made for liquors sold in violation of law.

Lotteries deemed unlawful, &c.

SECT. 5. Every lottery, scheme, or device of chance, in the nature of a lottery, by whatever name it may be called, shall be deemed unlawful, and a common and public nuisance.

—application for an injunction to restrain.

SECT. 6. Whenever it shall be made to appear to the attorney general, that any such lottery, or scheme, as is specified in section one of this act, shall have been formed, or published or advertised in this state, or that any measures have been adopted for the purpose of forming any such lottery or scheme, or that any person or persons are engaged in the issuing, sale, negotiation, or distribution of any such tickets, shares, certificates, or other representatives of any share or interest in such lottery or scheme, whether such lottery or scheme shall have originated in this state or elsewhere, it shall be his duty without unreasonable delay, to make in the name and in behalf of the inhabitants of said state, an application or complaint to some one of the justices of the supreme judicial court, to issue an injunction to restrain any person or persons from further proceeding with any of the unlawful business specified in this section. And said justice on being satisfied that there is good reason to believe the allegations in the complaint to be well founded, shall forthwith issue such process, and after a full hearing may dissolve, or modify, or make perpetual the same; such application or complaint may be made to, and such injunction issued by said justice, in court or at his chambers; and when such injunction shall be

Proceedings, if injunction be issued.

issued, the said justice shall issue his notice to the adverse party, to appear and answer to said complaint at his chambers, or at a law term to be next held after the expiration of fourteen days, in the judicial district in which the offense shall be alleged to have been committed. The notice shall be served in the same manner as other summonses. The justices of said law court shall have full power, in open court, and severally at chambers, to make all such orders and decrees as may be needful in the premises, according to the course of chancery proceedings, in order effectually to restrain, prohibit and suppress the unlawful business specified in this section. And if the adverse party shall neglect to appear in answer to the aforesaid summons of the justice of said court, or if the final decree of the court shall be against him, the court shall render judgment against him for all costs, fees and expenses, incurred in the process, and proceedings, and such compensation for the services and expenses of the attorney general as to the court may seem reasonable.

CHAP. 174.

Justices of law court, powers of.

If adverse party neglect to appear, judgment shall be rendered against him.

[Approved March 16, 1855.]

**Chapter 174.**

An act additional concerning the supreme judicial court and its jurisdiction.

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

SECT. 1. The supreme judicial court for the purpose of hearing and determining all questions of law and equity, and for the trial of capital offenses, shall consist of four justices to be designated from the members thereof by the governor with the advice and consent of the council, or appointed and commissioned in the manner provided for in the constitution. The chief justice, however, shall always be one of said four justices. Said justices shall hear and determine all questions of law and equity, which may arise in any mode now provided by law, and shall also try all indictments found for crimes, the punishment of which is death. And shall hold the law terms of said court at Augusta, in the county of Kennebec, in and for the Middle District, on the first Tuesday of January, and the second Tuesday of June: At Portland, in the county of Cumberland, in and for the Western District, on the second Tuesday of May: and at Bangor, in the county of Penobscot, in and for the Eastern District, on the second Tuesday of July. And at the said term to be held at Augusta on the first Tuesday of January, any cause, pending in any county in the state, and in readiness for a hearing upon

Justices of law court, number of, and how designated, &c.

—duties of.

Time and place of holding court.

Cases pending in any county in the state may be heard at the January term at Augusta.