

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

THIRTY-SEVENTH LEGISLATURE

OF THE

STATE OF MAINE,

1858.

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Published by the Secretary of State, agreeably to Resolves of June 28, 1820, February  
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1858.

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PUBLIC LAWS

OF THE

STATE OF MAINE.

1858.

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CHAP. 48. be placed in the roof of the fire box, when a fire box is used; and in all cases, shall be placed in the part of the boiler fully exposed to the action of the fire, and as near the top of the water line, as any part of the fire surface thereof; and for this purpose it shall be lawful to use Ashcroft's "protected safety fusible plug."

Ch. 17, sec. 18,  
R. S. amended.

SECT. 2. Section eighteen of said chapter is hereby amended by inserting after the word "days," in the fourth line, the words "or manufactures or sells," so that said section as amended shall read, as follows:

Penalty for violation.

SECT. 18. If any person without just and proper cause removes from the boiler the safety plug, or substitutes any material more capable of resisting the action of the fire, or if any person or corporation uses or causes to be used, for six consecutive days, or manufactures, or sells a steam boiler unprovided with such safety fusible plug, the offender shall be punished by a fine not exceeding one thousand dollars.

[Approved March 27, 1858.]

### Chapter 48.

An act to establish forms of proceedings which may be used in prosecutions under an act entitled "an act for the suppression of drinking houses and tippling shops," approved March twenty-fifth, eighteen hundred and fifty-eight.

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

Forms deemed sufficient.

SECT. 1. The forms set forth in this section, with such changes as will adapt them for use in cities, towns and plantations, shall be deemed sufficient in law, for all the cases arising under the aforesaid act, to which they purport to be adapted; and the costs to be taxed and allowed for the libel, shall be fifty cents; for entering the same, thirty cents; for trying the same, one dollar; for monition, fifty cents; for posting notices and return, one dollar; order to restore or deliver, twenty-five cents; executing the order, fifty cents.

Costs taxable.

Form of indictment in case of common seller:

#### STATE OF MAINE.

Form of indictment.

—, ss.—At the supreme judicial court begun and holden at —, within and for the county of —, on the — Tuesday of —, in the year of our Lord one thousand eight hundred and —.

The jurors for said state, upon their oath present, that A. B. of — in said county, at — in said county of —, on the —

day of —, in the year of our Lord one thousand eight hundred and —, and on divers other days and times between said — day of — aforesaid, and the day of the finding of this indictment, without any lawful authority, license or permission, was a common seller of intoxicating liquors, against the peace of said state, and contrary to the form of the statute in such case made and provided, (in case of a former conviction add,) and the jurors aforesaid, upon their oaths aforesaid, do further present, that the said —, has been — before convicted as a common seller under the act for the suppression of drinking houses and tippling shops, approved March twenty-fifth, in the year of our Lord one thousand eight hundred and fifty-eight, in said county of —.

A true bill :

— —, *County Attorney.* — —, *Foreman.*

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, on the — day of —, in the year of our Lord one thousand eight hundred and —, in behalf of said state, on oath complains, that —, of —, in said county, on the — day of —, aforesaid, at said — in said county of —, without any lawful authority, license or permission therefor, did then and there sell a quantity of intoxicating liquors, to wit: one — of intoxicating liquor 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.

Form of complaint for single sale.

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.

[L. S.] Whereas, A. B. of —, on the — day of —, in the year of our Lord one thousand eight hundred and —, in

Form of warrant for same.

## CHAP. 48.

behalf of said state, on oath complained to me, the subscriber, one of the justices of the peace within and for said county of —, that — of —, in said county, on the — day of —, at said —, in said county of —, without any lawful authority, license or permission therefor, did sell a quantity of intoxicating liquors, to wit: one — of intoxicating liquor 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 —, in the year of our Lord one thousand eight hundred and —.

*Justice of the Peace.*

Form of a recognizance in case of a single sale.

Form of recog-  
nizance in  
same.

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 —, personally appeared — and —, 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 — charging him, the said — with having sold at said —, one — of intoxicating liquors to one —, without any lawful authority, license or permission therefor, 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 —, in the year of our Lord one thousand eight hundred and —.

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 of —, and to the keeper of the jail in —, in our said county,

GREETING.

[L. s.] 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 offence he, the said E. F. is sentenced to pay a fine to the use of the state of — 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, 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.*

Form of complaint in case of seizure.

STATE OF MAINE.

—, ss.—To A. B., esquire, one of the justices of the peace within and for the county of —.

A. B., C. D., and E. F. of —, in said county, and competent to be witnesses in civil suits, on the — day of —, in the year

Form of complaint in case of seizure.

## CHAP. 48.

eighteen hundred and —, in behalf of said state, on oath complain, that they 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 then and there authorized by law to sell said liquors within said —; and that said liquors then and there were, and now are intended for sale in this state in violation of law, against the peace of the state and contrary to the form of the statute in such case made and provided.

We therefore pray, that due process be issued to search the premises hereinbefore mentioned, 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.

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.*

Form of warrant in case of seizure :

## 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.

Form of warrant in case of seizure.

[L. S.] Whereas, A. B., C. D., and E. F. of —, in said county, and competent to be witnesses in civil suits, on the — day of —, in the year eighteen hundred and — 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 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 follows a precise description of the place to be searched,) and that said — then and there intended and now intends to sell the same in this state, in violation of law as fully appears by the complaint hereunto annexed, and prayed that due process be issued to search the premises hereinbefore mentioned, 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.

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 the same; 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 of the peace 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 —.

*Justice of the Peace.*

Form of recognizance 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 office in said —, on the — day of —, in the year of our Lord one thousand eight hundred and —, 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 :

Form of recognizance in case of seizure.

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 —, all competent witnesses in civil suits, 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 intent to sell the same in said —, in violation of law; said — not being then and there 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

## CHAP. 48.

of the same, and been sentenced to ——. And the said —— having appealed from said sentence to the supreme judicial court, next to be holden at ——, within and for said county of ——, on the —— Tuesday of ——, in the year of our Lord one thousand eight hundred and —— :

Now therefore, if the said —— shall appear at the court afore-said, 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.

*Justice of the Peace.*

Form of libel :

## STATE OF MAINE.

County of ——, ss.—To A. B., a justice of the peace, in and for said county :

Form of libel.

The libel of C. D., of ——, shows that he has by virtue of a warrant duly issued by —— of ——, seized certain intoxicating liquors and the vessels in which the same were contained, described as follows : —— (here follows a description of the liquors,) because the same were kept and deposited at —— (describing the place) in the county of ——, and were intended for sale within this state, in violation of law. Wherefore he prays for a decree of forfeiture of said liquors and vessels, according to the provisions of law in such case made and provided.

Dated at ——, in said county, this —— day of ——, in the year of our Lord one thousand eight hundred and ——.

(Signed.)

Form of monition and notice :

## STATE OF MAINE.

County of ——, ss.

[L. s.] To all persons interested in —— (here insert the description of the liquors, as in the libel.)

Form of monition and notice.

The libel of C. D., hereunto annexed, this day filed with me, A. B., a justice of the peace, in and for said county, shews that he has seized said liquors and vessels, because (insert as in the libel,) and prays for a decree of forfeiture of the same according to the provisions of law in such 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 and the vessels in which they are contained should not be declared forfeited.

Given under my hand and seal at —, on the — day of —, CHAP. 49.  
in the year of our Lord one thousand eight hundred and —.

*Justice of the Peace.*

[Approved March 27, 1858.]

### Chapter 49.

An act additional to an act approved February seventeenth, eighteen hundred and fifty-eight, altering the time for holding the May term of the supreme judicial court, for the county of Lincoln.

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

SECT. 1. All writs and other processes hitherto made returnable to the supreme judicial court, at Wiscasset, within and for the county of Lincoln, on the third Tuesday of May, in the year of our Lord eighteen hundred and fifty-eight, shall be held valid and returnable to and have day at the term of said court, to be held at said Wiscasset, on the first Tuesday of May, in the year of our Lord eighteen hundred and fifty-eight.

Writs and processes, when returnable.

SECT. 2. This act shall take effect when approved by the governor.

[Approved March 27, 1858.]

### Chapter 50.

An act to ascertain the will of the people concerning the sale of intoxicating liquors.

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

SECT. 1. The aldermen of cities, selectmen of towns, and assessors of plantations, shall on or before the twenty-fourth day of May, in the year of our Lord one thousand eight hundred and fifty-eight, issue their warrants notifying the inhabitants of their respective cities, towns and plantations, qualified to vote for the choice of state officers, to assemble in ward, town and plantation meetings, on the first Monday of June, in the year of our Lord one thousand eight hundred and fifty-eight, to give in their votes in relation to an act entitled "an act to restrain and regulate the sale of intoxicating liquors, and

Aldermen, &c. to issue warrants for meetings to be held on the first Monday in June, 1858.

Object of meetings.