

# MAINE STATE LEGISLATURE

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# ACTS AND RESOLVES

PASSED BY THE

## FORTY-FIRST LEGISLATURE

OF THE

### STATE OF MAINE.

1862.

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Published by the Secretary of State, agreeably to Resolves of June 28, 1820,  
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1862.

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PUBLIC LAWS

OF THE

STATE OF MAINE.

1862.

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and the governor with the advice of the council is hereby authorized to draw his warrant upon the treasury for the same.

CHAP. 129.

SECT. 8. This act shall take effect when approved by the governor.

[Approved March 18, 1862.]

### Chapter 129.

An act to amend section eight of chapter ninety of the revised statutes, relating to mortgages.

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

SECT. 1. Section eight of chapter ninety of the revised statutes is hereby amended by striking out the first sentence thereof and inserting the following in its stead: The conditional judgment shall be that if the mortgageor, his heirs, executor or administrator pay the sum the court shall adjudge to be due and payable with interest within two months from the time of entering up judgment, and such further sum or sums, if any, as the court may adjudge to become due and payable at any future time or times within two months from the time such further sum or sums shall become due and payable, no writ of possession shall issue and the mortgage shall be void, otherwise a writ of possession in due form of law shall issue.

Chap. 90, Sec.  
8, R. S.,  
amended.

Form of condi-  
tional judg-  
ment, &c.

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

[Approved March 19, 1862.]

### Chapter 130.

An act to regulate the agencies for and to prevent imposition in the sale of intoxicating liquors.

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

SECT. 1. The governor by the advice and consent of the council is hereby authorized to appoint a commissioner to furnish the mayor and aldermen of the several cities, the selectmen of the several towns and the assessors of the several plantations with pure unadulterated intoxicating liquors to be kept and sold for medicinal, mechanical and manufacturing purposes, according to the laws of this state. Said commissioner shall hold his office during the

Commissioner,  
how appointed.

—term of office  
of.

## CHAP. 130.

—to sell no impure untested liquors.

Commission allowed to.

—bond of.

Conditions of bond.

Notice of appointment and place of business of, to municipal officers.

Intoxicating liquors, of whom to be purchased.

Commissioner to be citizen of Maine.

Penalty for purchasing liquors contrary to law.

—or for adulterating the same.

—how recovered.

pleasure of the governor and council, and until another is appointed in his stead. He shall not sell any spirituous, intoxicating or fermented liquors to any municipal officer or officers of the several cities, towns and plantations of this state except such as have been tested by a competent assayest and found to be pure. He shall not take of said municipal officers, for such liquors sold to them, more than seven per cent. above the costs of such liquors at the place where said liquors were by him purchased. He shall before entering upon the duties of his office, give a bond to the treasurer of this state, in the penal sum of not less than ten thousand dollars, for the benefit of such cities, towns or plantations as may be injured by a breach of the conditions, for the faithful performance of the duties of his appointment, with such regulations and conditions as the governor and council may prescribe.

SECT. 2. Immediately after appointing such commissioner, the governor shall issue to the municipal officers of the several cities, towns and plantations of this state, a notice of the name and place of business of said commissioner, and it shall be the duty of such municipal officers, to purchase such intoxicating liquors as they may keep on sale for the purpose specified in this act, of such commissioner or of such other municipal officer as have purchased such intoxicating liquors of said commissioner, and of no other person or persons; *provided*, that nothing in this act shall be construed to prohibit the mayor and aldermen, the selectmen or assessors of the several cities, towns or plantations from purchasing liquors from the state commissioner of the State of Massachusetts. *Also provided*, that the commissioner appointed under the provisions of this act shall be a citizen of Maine, and shall keep his place of business in this state.

SECT. 3. If any municipal officer or officers shall purchase any intoxicating liquors, to be sold according to the provisions of the laws of this state, of any other person or persons except those specified in the second section of this act, or if he or they, or any person or persons in his or their employ, or by his or their direction, shall adulterate or cause to be adulterated any intoxicating, spirituous or malt liquors which he or they may keep for sale under this act, by mixing with the same any coloring matter, or any drug or ingredient whatever, or shall mix the same with other liquors of a different kind or quality or with water, or shall sell or expose for sale, such liquors so adulterated, knowing it to be such, he or they shall forfeit for such offence to the town, city or plantation to which he or they may belong, and for the use of said city, town or plantation a sum of not less than twenty nor more than one hundred dollars, to be recovered in the same way and manner as the penalties under the "act for the suppression of drinking houses

and tipping shops," approved March twenty-fifth, eighteen hundred and fifty-eight, are recovered.

SECT. 4. The commissioner mentioned in the first section of this act shall be required to keep a record of the names of the cities, towns and plantations to which liquors are sold; of the person purchasing for said city, town or plantation; the kind and quantity of liquor sold to each; together with the price paid for the same; and shall make report of the same to the governor and council annually in the month of December, to be by them laid before the Legislature. The report shall be made up to the last day of the preceding month.

Commissioner to keep record of sales.

—report annually to governor and council.

SECT. 5. The agents of the several cities, towns and plantations of the state authorized by law to sell intoxicating liquors, shall keep a record in a book kept for that purpose, of the amount of intoxicating liquors purchased by them, specifying the kind and quantity of each, the price paid, and of whom purchased, and they shall also keep a record of the kind and quantity of the liquors sold by them, the date of sale and the price, the name of the purchaser and the purpose for which it was sold; specifying in case such sale is made to the municipal officers of any other city, town or plantation, the name of such; which record shall be open to inspection. And if such agent shall fail to keep such a record, he shall forfeit and pay for every such offence a sum not less than ten nor more than twenty dollars, to be recovered on complaint or indictment before any court competent to try the same; which fine shall be paid into the treasury of the city, town or plantation where he may hold his agency, for the benefit of said city, town or plantation. And if any person shall knowingly misrepresent and falsely state to the said agent the purpose for which he purchases of said agent the intoxicating liquors, he shall for every such offence be fined twenty dollars, to be recovered on complaint or indictment before any court competent to try the same; which fine shall be paid into the treasury of the city, town or plantation where the offence may be committed.

City, town and plantation agents required to keep record of sales.

—to be open for inspection.

—failure or neglect to keep, penalty for.

—how recovered. Fines, to whom paid.

False representation to agents.

Penalty for, how recovered.

SECT. 6. No contract made by the provisions of this act shall pledge the credit of the state for the payment of any sum to the commissioner provided for by this act, or for the payment of any liquors purchased under its provisions.

Credit of state not pledged for payment of liquors.

SECT. 7. No person shall travel from town to town, or from place to place, in any city, town or plantation in this state on foot, or by any kind of land or water, public or private conveyance whatever, carrying for sale, or offering for sale, or offering to obtain, or obtaining orders for the sale or delivery of any spirituous, intoxicating or fermented liquors, in any quantity, under a penalty of twenty dollars for each offer to take an order, and for each order

Travelling liquor pedlers and dealers prohibited.

Penalty, how recovered.

## CHAP. 131.

—to whom  
accrues.

Municipal and  
police judges  
and trial  
justices have  
concurrent  
jurisdiction  
with S. J. C.

Acts inconsis-  
tent, repealed.

taken, and for each sale so made, to be collected on complaint or indictment before any court competent to try the same, one-half of such fine shall be for the benefit of the complainant and the other half for the benefit of the county in which the offence may be committed.

SECT. 8. Municipal and police judges and trial justices within their respective counties, shall have concurrent jurisdiction with the supreme judicial court in all offences arising under this act, and may punish by fine when the penalty does not exceed the sum of twenty dollars.

SECT. 9. All acts and parts of acts inconsistent with this act are hereby repealed.

SECT. 10. This act shall take effect and be in force from and after its approval by the governor.

[Approved March 19, 1862.]

### Chapter 131.

An act additional to chapter ninety-one of the revised statutes relating to mortgages and liens.

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

Chap. 91, sec.  
16, R. S.,  
amended.

Lien to attach  
to building if  
debtor has no  
title to land.  
—how enforced.

SECT. 1. The sixteenth section of chapter ninety-one of the revised statutes is amended by adding the following words: And if the debtor has no title or legal interest in the lot of land on which said house or other building has been erected, said lien shall attach to said house or other building, and may be enforced by attachment in the manner prescribed by this chapter; and such lien shall exist, and may be enforced, although the owner of such land, or house, or other building may be a minor, or a married woman, if the contract for erecting or repairing such house or building was made with such minor or married woman, and such minority or coverture, shall be no bar to a recovery in any suit brought to enforce such lien.

Suits to enforce  
liens to have  
precedence.

—and be main-  
tained if debtor  
is deceased.

Executors and  
administrators  
held to answer.

SECT. 2. Section twenty-one is amended so that the same shall read as follows: Suits to enforce any of the liens before named in this chapter, shall have precedence of all attachments, and incumbrances made after the lien attached, and not made to enforce a lien, and may be maintained, although the employer or debtor is deceased and his estate represented insolvent; and his executor or administrator may be summoned and held to answer to an action brought to enforce said lien. And in all cases where the house or