

# MAINE STATE LEGISLATURE

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# ACTS AND RESOLVES

OF THE

# FIFTY-FIRST LEGISLATURE

OF THE

# STATE OF MAINE.

1872.

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PUBLIC LAWS  
OF THE  
STATE OF MAINE.  
1872.

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## Chapter 63.

An act to amend chapter twenty-seven of the revised statutes concerning innholders, victuallers and intoxicating liquors.

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

R. S., chap. 27, sect. 2, relating to the form of bond to be given by persons licensed as innholders and victuallers, amended.

SECT. 1. Section two of chapter twenty-seven of the revised statutes is hereby amended by inserting after the word "thereto" in the twelfth line of the form for bond prescribed in said section, and before the word "thereto" in the thirteenth line, the words 'and shall not violate any law of the state relating to intoxicating liquors,' so that said section as amended shall read as follows :

As amended.

'Sect. 2. No person shall receive his license until he has given his bond to the treasurer, to the acceptance of the board granting it, with one or more sureties in the penal sum of three hundred dollars, in substance as follows, namely :

Know all men that we \_\_\_\_\_ as principals, and \_\_\_\_\_, as sureties are holden and stand firmly bound to \_\_\_\_\_ treasurer of the town of \_\_\_\_\_, in the sum of three hundred dollars, to be paid to him, or his successor in said office; to the payment whereof we bind ourselves, our heirs, executors and administrators, jointly and severally by these presents. Sealed with our seals. Dated the \_\_\_\_\_ day of \_\_\_\_\_ in the year eighteen hundred and \_\_\_\_\_.

The condition of this obligation is such that, whereas the above bounden \_\_\_\_\_ has been duly licensed as a \_\_\_\_\_ within the said town of \_\_\_\_\_ until the day succeeding the first Monday of May next; now if in all respects he conforms to the provisions of the law relating to the business for which he is licensed, and to the rules and regulations as provided by the licensing board in reference thereto, and shall not violate any law of the state relating to intoxicating liquors, then this obligation shall be void, otherwise shall remain in full force.'

R. S., chap. 27, sect. 22, relating to sale of intoxicating liquors, and defining what are intoxicating, amended by adding wine and cider.

As amended.

SECT. 2. Section twenty-two of said chapter is hereby amended by inserting after the word "liquors" in the fourth line thereof, the words 'wine and cider,' so that said section as amended shall read as follows :

'Sect. 22. No person shall be allowed at any time to sell, by himself, his clerk, servant or agent, directly or indirectly, any intoxicating liquors except as hereafter provided. Ale, porter, strong beer, lager beer, and all other malt liquors, wine and cider shall be considered intoxicating within the meaning of this chapter, as well as all distilled spirits; but this enumeration shall not prevent any other pure or mixed liquors from being regarded as intoxicating.'

R. S., chap. 27, sect. 25, relating

SECT. 3. Section twenty-five of said chapter is hereby amended by striking out the words, "in any case, nor to wine made from

fruit grown in this state," in the second and third lines, and inserting instead thereof the words, 'by the manufacturer,' so that said section as amended, shall read as follows :

to sale of wine and cider, amended.

*Sect. 25.* 'The provisions of this chapter shall not extend to the manufacture and sale of unadulterated cider by the manufacturer, nor to the sale by agents appointed under the provisions of this chapter, of pure wine for sacramental and medicinal uses.'

As amended.

*SECT. 4.* Section thirty-two of said chapter is hereby repealed and the following enacted instead thereof :

R. S., chap. 27, sect. 32, defining who are not common sellers, repealed.

'*Sect. 32.* Every wife, child, parent, guardian, husband or other person who shall be injured in person, property, means of support or otherwise, by any intoxicated person, or by reason of the intoxication of any person, shall have a right of action in his or her own name against any person or persons who shall by selling or giving any intoxicating liquors, or otherwise have caused or contributed to the intoxication of such person or persons ; and in any such action the plaintiff shall have a right to recover actual and exemplary damages. And the owner or lessee or person or persons renting or leasing any building or premises, having knowledge that intoxicating liquors are sold therein in violation of law, shall be liable, severally or jointly with the person so selling or giving intoxicating liquors as aforesaid. And in every action by any wife, husband, parent or child, general reputation of the relation of husband and wife, parent and child, shall be prima facie evidence of such relation, and the amount recovered by every wife or child shall be his or her sole and separate property.

An action may be maintained for injuries received from an intoxicated person, or by reason thereof, against any person causing or contributing to the intoxication of such person.

Owner or lessee of building in which intoxicating liquors are sold, liable in certain cases.

Proof of relationship.

*SECT. 5.* Section thirty-five of said chapter is hereby amended by adding after the word " liquor " in the fifteenth line, the words following, to wit : 'or shall have reason to believe such person has concealed them about his or her person,' so that said section as amended shall read as follows :

R. S., chap. 27, sect. 35, relating to warrant of search and seizure, amended.

'*Sect. 35.* If any person competent to be a witness in civil suits shall make complaint upon oath or affirmation before any judge of any municipal or police court or trial justice, that he believes intoxicating liquors are unlawfully kept or deposited in any place in the state by any person or persons, and that said liquors are intended for sale within this state in violation of law, such magistrate shall issue his warrant directed to any officer having power to serve criminal process, commanding such officer to search the premises described and specially designated in such complaint and warrant, and if said intoxicating liquors are there found, to seize the same with the vessels in which they are contained, and them safely keep until final action on the same, and make immediate return of said warrant. The name of the person so keeping as aforesaid, said liquors, if known to the complainant, shall be stated in such complaint, and the officer shall be commanded by said

As amended.

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warrant if he shall find said liquors, or shall have reason to believe such person has concealed them about his or her person, to arrest such person or persons and have him or them forthwith before such magistrate for trial. If the name of the person keeping such liquors is unknown to the complainant, he shall so allege in his complaint, and such magistrate shall thereupon issue his warrant as provided in the first clause of this section. If upon trial, the court upon the evidence adduced shall be of the opinion that the liquors were so as aforesaid kept and intended for unlawful sale by the person or persons named in said complaint, or by any other person or persons with his or their knowledge or consent, he or they shall be found guilty thereof, and sentenced to pay a fine of fifty dollars and costs of prosecution, and in default of payment thereof to be imprisoned thirty days in the county jail, or instead of such fine shall be imprisoned in the county jail three months.'

Approved February 29, 1872.

**Chapter 64.**

An act to abolish solitary imprisonment in the state prison.

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

Solitary imprisonment in the state prison is hereby abolished excepting for prison discipline.

Approved February 29, 1872.

Solitary imprisonment abolished except for prison discipline.

**Chapter 65.**

An act additional to chapter twelve of the revised statutes respecting reserved lands.

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

SECT. 1. When in the grant of any townships or parts of townships certain portions are reserved for public uses, and such portions have not been located in severalty prior to the incorporation of same into a town, the supreme judicial court in the county where the land lies, on application of the assessors of the town, may appoint three disinterested persons of the county, and issue its warrant under seal of the court to them, requiring them as soon as may be to locate such reserved portion according to the terms of the grant, and if the use or purpose of the reservation is prescribed in the grant, they shall set off and locate the lots

Location of lots reserved for public uses by a committee appointed by the supreme judicial court.