

# MAINE STATE LEGISLATURE

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THE  
REVISED STATUTES

OF THE  
STATE OF MAINE,

PASSED APRIL 17, 1857;

TO WHICH ARE PREFIXED

THE CONSTITUTIONS

OF THE  
UNITED STATES AND OF THE STATE OF MAINE:

WITH AN

APPENDIX.

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PUBLISHED BY AUTHORITY OF THE LEGISLATURE.

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BANGOR:  
WHEELER & LYNDE.

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1857.

## CHAPTER 128.

## OFFENCES AGAINST THE PUBLIC HEALTH, SAFETY AND POLICY.

## UNWHOLESOME PROVISIONS AND DRINKS.

- SEC. 1. Selling unwholesome provisions and drinks. Penalty for selling veal of calf less than four weeks old.

## FIRE WORKS.

2. Penalty for selling, giving away or firing fire works without license.

## LOTTERIES.

3. Lotteries prohibited, and penalty for being in any way concerned in them.  
 4. Attorney general may apply to court and have injunction to restrain any lottery.  
 5. All payments and securities for lotteries void and may be recovered back.

## UNWHOLESOME PROVISIONS AND DRINKS.

SEC. 1. Whoever sells any diseased, corrupted, or unwholesome provision for food or drink, knowing it to be such, without informing the buyer; or fraudulently adulterates, for the purpose of sale, any substance intended for food, or any wine, spirits, or other liquors intended for drink, so as to render them injurious to health, shall be punished by imprisonment not more than five years, or by fine not exceeding one thousand dollars; and whoever knowingly sells or offers for sale as food any veal killed before the calf was four weeks old, without informing the buyer, shall be punished by a fine of not more than twenty dollars, or by imprisonment not more than thirty days.

Selling unwholesome provisions and drinks. Penalty for selling veal of a calf less than four weeks old.  
 R. S., c. 163, § 1, 2.  
 1857, c. 17.

## FIRE WORKS.

SEC. 2. Whoever sells, offers for sale, or gives away any crackers, squibs, rockets, or other fire works, or fires or throws the same in any town, without the license of the municipal officers thereof, shall be punished by fine not exceeding ten dollars, to the use of such town.

Penalty for selling, giving away or firing fire works without license.  
 R. S., c. 163, § 3.

## LOTTERIES.

SEC. 3. Every lottery, scheme, or device of chance, of whatever name or description, is prohibited and declared a nuisance; and whoever is concerned therein, directly or indirectly, by making, advertising, purchasing, receiving, selling, offering for sale, giving away, disposing of, or having in his possession with intent to sell or dispose of, any ticket, certificate, share or interest therein; by printing, publishing, or circulating the same, or any hand bill, advertisement or notice thereof, or by knowingly suffering the same to be published in any newspaper or periodical under his charge, or on any cover or paper attached thereto; or in any manner aids therein or is connected therewith, shall be punished by fine not less than one hundred, nor more than one thousand dollars, to be recovered by indictment or action of debt, one-half to the use of the prosecutor, and the other to the

Lotteries prohibited, and penalty for being in any way concerned in them.  
 R. S., c. 163, § 4.  
 1855, c. 173, § 1, 2, 3, 5.

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town where the offence is committed; and if by action of debt, he shall not be entitled to the provisions of law for the relief of poor debtors, and if by indictment, he shall further be punished by imprisonment for thirty days on the first conviction; sixty, on the second; and ninety, on the third.

Attorney general may have injunction to restrain any lottery.  
1855, c. 173, § 6.

SEC. 4. When it appears to the attorney general that any person has formed or published any such lottery; taken any measures for that purpose; or is engaged in selling or otherwise distributing any tickets, certificates, shares, or interests therein, whether it originated in this state or not, he shall immediately make complaint in the name of the state to some justice of the supreme judicial court, in or out of term time, for an injunction to restrain such person from any further proceedings therein; and on being satisfied that there is sufficient ground therefor, such justice shall forthwith issue such injunction; and thereupon he shall order notice, to be served like other summonses, on the adverse party to appear and answer to said complaint. Such justice, after a full hearing, may dissolve, modify, or make perpetual such injunction; make all orders and decrees, according to the course of chancery proceedings, necessary to restrain and suppress all such unlawful proceedings, and if the adverse party neglects to appear, or the final decree of the court is against him, judgment shall be rendered against him for all costs, fees, and expenses incurred in the case, and for such compensation to the attorney general, for his services and expenses, as the court deems reasonable.

All payments and securities for lotteries void and may be recovered back.  
1855, c. 173, § 4.

SEC. 5. All payments, compensations, and securities of every description, made directly or indirectly, in whole or in part, for any such lottery or ticket, certificate, share or interest therein, shall be considered as received without consideration and against law and equity, and may be recovered back.

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## CHAPTER 129.

### LIBELS.

- SEC. 1. Definition of a libel and of a publication.  
 2. Punishment for making or publishing a libel.  
 3. What persons shall be responsible for libels printed or published in their offices, newspapers, &c., unless on negative proof.  
 4. How far the truth of a publication is a justification.  
 5. Jury judges of the law and the facts.

Definition of a libel and of a publication.  
R. S., c. 165, § 1, 7.

SEC. 1. A libel is the malicious defamation of a living person, made public by any printing, writing, sign, picture, representation or effigy, tending to provoke him to wrath, expose him to public hatred, contempt or ridicule, or to deprive him of the benefits of public confidence and social intercourse; or of a deceased person, thus made public, designed to blacken and vilify his memory, and tending to scandalize or provoke his relatives or friends;