

MAINE STATE LEGISLATURE

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THE
REVISED STATUTES

OF THE
STATE OF MAINE,

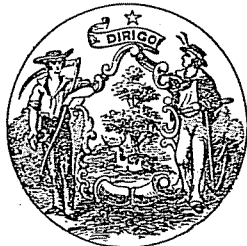
PASSED JANUARY 25, 1871;

TO WHICH ARE PREFIXED
THE CONSTITUTIONS

OF THE
UNITED STATES AND OF THE STATE OF MAINE:

WITH AN APPENDIX.

BY AUTHORITY OF THE LEGISLATURE.



PORTLAND:
PUBLISHED BY BAILEY & NOYES.

SEC. 32. The jury after hearing the testimony and making all needful inquiries, shall draw up and deliver to such judge or justice, their inquisition under their hands, in which they shall find and certify, when, how, and by what means, such fire was caused. Said inquisition and testimony, thus subscribed, shall be filed by said judge or justice, with the clerk of the courts for said county, within one week thereafter.

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Duty of jury after hearing. 1860, c. 149, § 6. Papers to be filed with clerk of courts.

SEC. 33. The fees of said judge or justice, and the expenses of said inquisition shall be the same as for coroner's inquests; and the amount thereof shall be added to the county tax of the town where the fire occurred, and be paid and collected as other county taxes.

Fees of justice, and expenses, regulated. To be added to tax of town. How collected. 1860, c. 149, § 7.

CHAPTER 27.

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53. Selectmen to notify agents not to sell to certain persons.

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INNOLDERS AND VICTUALERS.

SEC. 1. The municipal officers, treasurer, and clerk of every town shall annually meet on the first Monday of May, or on the succeeding day, or both, and at such time and place in said town as they appoint by posting up notices in two or more public places therein, at least seven days previously, stating the purpose of the meeting; and at such meeting may license under their hands as many persons of good moral character, and under such restrictions and regulations as they deem necessary, to be innholders and victualers in said town, until the day succeeding the first Monday in May of the next following year, in such house or other building, as the license specifies. And at any meeting notified and held as above named, they may revoke licenses so granted if in their opinion there is sufficient cause therefor.

Licenses to innholders and victualers, when and by whom granted.
R. S. c. 27, § 1.
14 Me. 439.

License may be revoked.
1870, c. 80.

SEC. 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, viz.:

Persons licensed to give bond; form.
R. S. c. 27, § 2.

"Know all men, that we, —, as principal, 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 18—. 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, then this obligation shall be void, otherwise remain in full force."

SEC. 3. The licensing board may, at any other time, at a meeting specially called, and notified as aforesaid for the consideration of any application therefor to them made, grant such license on the like conditions; but all such licenses shall expire on the day aforesaid.

Licenses may be granted for a part of the year.
R. S. c. 27, § 3.

SEC. 4. Every person licensed shall pay to the treasurer, for the

Fee for license,

CHAP. 27. use of such board, one dollar; and the clerk shall make a record of and record of all licenses granted.

R. S. c. 27, § 4.

Duty of innholders to provide entertainment.

R. S. c. 27, § 5.

Innkeepers to provide means of escape from fires when required.

1858, c. 28, § 1.

Time allowed.

1858, c. 28, § 2.

Penalty for neglect.

Duties of victualers.

R. S. c. 27, § 6.

10 Me. 438.

16 Me. 121.

Innholders and victualers to keep up signs.

R. S. c. 27, § 7.

Innholders and victualers to allow no gambling on their premises.

1862, c. 111, § 1.

Penalty.

Reveling, disorderly conduct, and drunkenness prohibited.

R. S. c. 27, § 9.

Penalty for being a common innholder or victualer without a license.

R. S. c. 27, § 10.

Duty of licensing board to prosecute.

R. S. c. 27, § 11.
12 Me. 204.

SEC. 5. Every innholder shall, at all times, be furnished with suitable provisions and lodging for strangers and travelers, and with stable room, hay, and provender for their horses and cattle; and with pasturing, if required by the terms of his license; and he shall grant such reasonable accommodations as occasion requires, to strangers, travelers, and others.

SEC. 6. The municipal officers may require the owner or keeper of any public house, where travelers are lodged, to provide suitable and sufficient ladders and fire escapes from the different stories of such house, easily accessible to each lodger in case of fire.

SEC. 7. If such officers give notice to any such owner, or keeper, to provide such ladders and fire escapes, sixty days shall be allowed to provide the same; and any owner or keeper who neglects to comply with such requirement within sixty days after notice from such officers, shall forfeit not less than fifty nor more than three hundred dollars for each month he so neglects, to be recovered in the name and to the use of such town, in an action of debt.

SEC. 8. Every victualer shall have all the rights and privileges and be subject to all the duties and obligations of an innholder, except furnishing lodging for travelers, and stable room, hay, or provender for cattle.

SEC. 9. Every innholder and victualer shall, at all times, have a board or sign affixed to his house, shop, cellar, or store, or in some conspicuous place near it, with his name at large thereon, and the employment for which he is licensed.

SEC. 10. No innholder or victualer shall have or keep for gambling purposes about his house, shop, or other buildings, yards, gardens, or dependencies, any dice, cards, bowls, billiards, quoits, or other implements used in gambling; or suffer any person resorting thither to use or exercise for gambling purposes any of said games, or any other unlawful game or sport therein; and every person who shall use or exercise any such game or sport for gambling purposes in any place herein prohibited, shall forfeit five dollars.

SEC. 11. No innholder or victualer shall suffer any reveling, riotous or disorderly conduct in his house, shop, or other dependencies; nor any drunkenness or excess therein.

SEC. 12. No person shall be a common innholder or victualer without a license, under a penalty of not more than fifty dollars.

SEC. 13. The licensing board shall prosecute for any violations of the foregoing sections that come to their knowledge, by complaint, indictment, or action of debt, in any court of competent jurisdiction; and all penalties recovered shall be for the use of the town where the offence is committed.

STATE AGENCY FOR SALE OF SPIRITUOUS LIQUORS.

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SEC. 14. The governor, by the advice and consent of the council, shall appoint a commissioner to furnish municipal officers of towns in this state and duly authorized agents of other states, with pure, undiluted intoxicating liquors, to be kept and sold for medicinal, mechanical and manufacturing purposes. Said commissioner shall reside and have his place of business in this state and hold his office during the 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 officers of this state except such as have been tested by a competent assayist and found to be pure. He shall not take of said officers, for such liquors sold to them, more than seven per cent. above the cost thereof at the place where they were by him purchased. He shall, before entering upon the duties of his office, give a bond to the treasurer of state, in the penal sum of not less than ten thousand dollars, for the benefit of such towns as may be injured by a breach of the conditions, for the faithful performance of his duties and compliance with such regulations and conditions as the governor and council may prescribe. In case of his resignation, removal from office, or decease, and the appointment of a successor, the stock of liquors remaining on hand at the time of his resignation, removal or decease, shall be taken at cost by the new commissioner, and he shall be required, before entering upon his office, to pay for the same in cash, or to settle for the same to the satisfaction of his predecessor or his legal representatives.

Commissioner, how appointed, 1862, c. 130, § 1. 1863, c. 299.

Term of office of.

To sell no impure, untested liquors.

Commission allowed to.

Bond of.

Condition of bond.

Liquor commissioner, resignation, removal or decease of.

Liquors transferred to successor, who is required to pay for same.

SEC. 15. Immediately after appointing such commissioner, the governor shall issue to the municipal officers of the towns of this state, a notice of the name and place of business of said commissioner, and such municipal officers shall purchase such intoxicating liquors, as they may keep on sale for the purpose specified herein, of such commissioner or of such other municipal officers as have purchased such intoxicating liquors of him, and of no other person or persons, except as provided in section twenty-three.

Notice of appointment and place of business of, to municipal officers. 1862, c. 130, § 2. 1869, c. 51, § 2.

Intoxicating liquors, of whom to be purchased.

SEC. 16. 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 preceding section, or if he or they or any person or persons in his or their employ, or by his or their direction, shall sell or offer for sale any such liquors that have been decreed to be forfeited under this chapter, or shall adulterate or cause to be adulterated, any intoxicating, spirituous, or malt liquors which he or they may keep for sale under this chapter, 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

Penalty for purchasing liquors contrary to law. 1862, c. 130, § 3. 1870, c. 125, § 6.

Or for adulterating the same.

CHAP. 27. expose for sale such liquor 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 not less than twenty nor more than one hundred dollars, to be recovered by indictment.

How recovered.

Commissioner to keep record of sales.
1862, c. 130, § 4.

Report annually to governor and council.

Quarterly statement to be made to towns, &c.
1870, c. 152, § 2.

City, town and plantation agents required to keep record of sales.
1862, c. 130, § 5.

To be open for inspection.
Failure or neglect to keep, penalty for.

How recovered.

Fines, to whom paid.

False representation to agent.

Penalty, how recovered.

Credit of state not pledged for payment of liquors.
1862, c. 130, § 6.

Traveling liquor peddlers and dealers prohibited.
1862, c. 130, § 7.
1870, c. 152, § 1.

Penalty, how recovered.

SEC. 17. Said commissioner shall keep a record of the names of the towns to which liquors are sold, of the persons purchasing for said towns, the kind and quantity of liquor sold to each, and the price paid for the same, and shall make report thereof to the governor and council annually in the month of December, to the last day of the preceding month, to be by them laid before the legislature. And said commissioner shall furnish a printed quarterly statement, under oath, commencing June first, eighteen hundred and seventy, of all liquors purchased by them, enumerating the different kinds and the quantity of each kind, the price paid and the terms of payment; also, the names of the parties of whom the liquors were purchased, and their place of business and date of purchase, which statement shall be sent by mail at the end of each quarter, to each city, town or plantation, who are purchasers at his establishment.

SEC. 18. The agents of towns authorized 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 liquors sold by them, the date of sale and the price, the name of the purchaser and the price for which it was sold; specifying in case such sale is made to the municipal officers of any other town, the name of such, which shall be open to inspection. And if such agent fails 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, to the use of his town. And if any person knowingly misrepresents to the said agent the purposes for which he purchases the intoxicating liquors, he shall for such offence be fined twenty dollars, to be recovered on complaint or indictment before any court competent to try the same, to the use of his town.

SEC. 19. No contract made by the provisions of this chapter shall pledge the credit of the state for the payment of any sum to said commissioner, or for the payment of any liquors purchased by him.

SEC. 20. 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 not less than

twenty nor more than one hundred dollars for each offer to take an order, and for each order taken and for each sale so made, to be collected on complaint or by indictment before any court competent to try the same; one-half of such fine to the complainant, and the other half to the county in which the offence is committed.

SEC. 21. Municipal and police judges and trial justices within their counties, shall have concurrent jurisdiction with the supreme judicial court in all offences arising under the last seven preceding sections, and may punish by fine when the penalty does not exceed the sum of twenty dollars.

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To whom accrues.

Municipal and police judges and trial justices have concurrent jurisdiction with S. J. C. 1867, c. 130, § 8.

DRINKING HOUSES AND TIPPLING SHOPS.

SEC. 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, shall be considered intoxicating liquors 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.

Sale of intoxicating liquors. 1858, c. 33, § 1. 16 Me. 241.

Ale, porter, &c. to be deemed intoxicating liquors. 1864, c. 275. See c. 17, §§ 1, 2, 3, 4. 6 Me. 412. 33 Me. 496, 558. 37 Me. 156. 54 Me. 501. 55 Me. 355, 419.

SEC. 23. No person shall manufacture any intoxicating liquor, for unlawful sale. Any manufacturer of intoxicating liquors shall be allowed to sell intoxicating liquors manufactured by him within this state, to municipal officers authorized by law to purchase the same, provided he shall first give a bond in the sum of five thousand dollars, with good and sufficient sureties resident in this state, payable to the treasurer of the city or town within which the manufactory shall be established, or his successors, and shall file the same with such treasurer, and to the satisfaction and approval of the aldermen of such city, or the selectmen of such town, conditioned that he will not sell any intoxicating liquors except of his own manufacture; that he will not, by himself or another, in any mode adulterate such liquors, either by coloring matter, or any other drug or ingredient; nor mix the same with other liquor of different kind or quality, nor with liquor of any kind not manufactured by himself, nor with water; that all casks and vessels containing liquors sold by him shall at the time of sale be plainly and conspicuously marked with the name of the manufacturer, the place of manufacture, and the name, quality and strength of the liquor; that he will not sell any intoxicating liquors in quantities less than thirty gallons delivered in a single vessel, and carried away at one time, and that he will not sell any intoxicating liquors to any person except to such persons as are authorized by this chapter to purchase the same. The foregoing provisions shall not authorize the manufacture, for sale, of any intoxicating liquors except pure rum and alcohol. The manufacture for sale, of all other kinds of intoxicating liquors, except cider, is hereby pro-

Manufacturer may sell in certain cases. 1858, c. 33, § 2. To give bond.

Bond, how filed and approved.

Condition of bond. Not to adulterate or mix liquors.

Casks &c. to be marked.

Not to sell less than thirty gallons.

Nor to persons not authorized.

Manufacture of liquor, how restricted. 1867, c. 130, § 5.

CHAP. 27. hibited; and any person convicted thereof shall be punished the same as is provided in the following section.

Penalty for
selling with-
out giving
bonds.
1858, c. 33, § 3.
See § 44.

Duty of alder-
men and se-
lectmen on
breach of
bond.

Cider and
wine.
1858, c. 33, § 4.
1868, c. 218, § 1.

Selectmen and
mayor and al-
dermen to
purchase.
1858, c. 33, § 5.
See § 15.
48 Me. 551.
51 Me. 254.
Agents to be
appointed to
sell for certain
purposes.
42 Me. 299.

Compensation
and duty.

Term of office.

Vacancy, how
filled.

Not to be in-
terested.

May sell to
municipal
officers.
See § 51.

Shall have a
certificate.
1858, c. 33, § 6.
40 Me. 303.
Shall give
bond.

Amount.
50 Me. 78.

Form of bond.

SEC. 24. Any person who shall sell within this state any intoxicating liquors manufactured by him within this state, without first giving the bond provided in the preceding section shall be punished by imprisonment two months in the county jail, and by fine of one thousand dollars; and if any person who has given such bond shall commit any breach of the conditions thereof, it shall be the duty of the aldermen and selectmen, respectively, of the city or town within which such manufactory shall be established, to cause the same to be put in suit and prosecuted to final judgment and satisfaction.

SEC. 25. The provisions of this chapter shall not extend to the manufacture and sale of unadulterated cider in any case, nor to wine made from fruit grown in this state, nor to the sale by agents appointed under the provisions of this chapter, of pure wine for sacramental and medicinal uses.

SEC. 26. The selectmen of any town, and mayor and aldermen of any city, shall, on the first Monday of May, annually, or as soon thereafter as may be convenient, purchase such quantity of intoxicating liquors as may be necessary to be sold under the provisions of this chapter, and shall appoint some suitable person as the agent of said town or city to sell the same at some convenient place within said town or city, to be used for medicinal, mechanical and manufacturing purposes, and no other; and such agent shall receive such compensation for his services, and in the sale of such liquors shall conform to such regulations, not inconsistent with the provisions of law, as the board appointing him shall prescribe, and he shall hold his situation one year unless sooner removed by them or their successors in office. Vacancies occurring during the year are to be filled in the same manner as original appointments are made. No such agent shall have any interest in such liquors, or in the profits of the sale thereof. Such agent may sell to such municipal officers, intoxicating liquors, to be by said officers disposed of in accordance with the provisions of this chapter.

SEC. 27. Such agent shall receive a certificate from the board by which he is appointed, authorizing him as the agent of such town or city to sell intoxicating liquors for medicinal, mechanical and manufacturing purposes only; but such certificate shall not be delivered to the person so appointed until he shall have executed and delivered to said board a bond, with two good and sufficient sureties, in the sum of six hundred dollars, in substance, as follows:

Know all men, that we, —, as principal, and —, as sureties, are holden and stand firmly bound to the inhabitants of the town of —, (or city as the case may be) in the sum of six hundred dol-

lars, to be paid them, to which payment we bind ourselves, our heirs, CHAP. 27.
executors and administrators, firmly by these presents.

Sealed with our seals, and dated this — day of — A. D. —.

The condition of this obligation is such, that whereas the above bounden — has been duly appointed an agent for the town (or city) to sell intoxicating liquors for medicinal, mechanical and manufacturing purposes and no other, until the — of — A. D. —, unless removed from said agency. Now if the said — shall in all respects conform to the provisions of the law relating to the business for which he is appointed, and to such regulations as now are or shall be from time to time established by the board making the appointment, then this obligation to be void; otherwise to remain in full force.

Condition of bond.

SEC. 28. If any person, by himself, clerk, servant or agent, shall at any time sell any intoxicating liquors in violation of the provisions of this chapter, he shall forfeit and pay on the first conviction a fine of thirty dollars and the costs of prosecution, or instead of such fine, in the discretion of the court imposing sentence, shall be imprisoned in the county jail thirty days; on the second conviction he shall pay twenty dollars and the costs of prosecution; and in addition thereto shall be imprisoned in the county jail sixty days; on the third and every subsequent conviction, he shall pay twenty dollars and the costs of prosecution, and shall be imprisoned in the county jail three months, and in default of the payment of the fines and costs prescribed by this section for the first conviction, the convict shall not be entitled to the benefit of chapter one hundred and thirty-five until he shall have been imprisoned two months; in default of fines and costs provided for the second conviction he shall not be entitled to the benefit of said chapter until he shall have been imprisoned three months; and in default of payment of fine and costs provided for the third and every subsequent conviction, he shall not be entitled to the benefit of said chapter until he shall have been imprisoned four months. And if any clerk, servant, agent or other person in the employment or on the premises of another, shall violate the provisions of this section, or aid and assist therein, he shall be held equally guilty with the principal, and, on conviction, shall suffer like penalty.

Selling liquors in violation. 1853, c. 33, § 7. 1867, c. 130, § 1. First conviction. See § 44.

Second conviction.

Third conviction.

Fine not paid, effect. 28 Me. 60. 33 Me. 496. 34 Me. 210. 45 Me. 320, 435. 53 Me. 536. 55 Me. 92.

Clerks and others liable.

SEC. 29. No person shall be a common seller of intoxicating liquors. Any person convicted of a violation of this section, shall be punished by fine of one hundred dollars and costs of prosecution, and in default of the payment thereof, he shall be imprisoned sixty days in the county jail, or instead of such fine, he may be imprisoned in the county jail three months. On a second conviction and every subsequent conviction, he shall be punished by a fine of two hundred dollars and costs of prosecution and imprisonment four months in the county jail; and in default of the payment of the fine and costs, he shall be punished by four months additional imprisonment.

Common sellers. Punishment. 1853, c. 33, § 8. 1867, c. 130, § 2. 1868, c. 224, § 1. See § 44. Second and subsequent convictions. 53 Me. 536.

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Who are not
common sel-
lers.
1858, c. 33, § 9.
Drinking
house prohib-
ited.
1858, c. 33, § 10.

Who deemed
guilty of keep-
ing.
48 Me. 217.
See c. 17, §§ 1,
2, 3, 4.
See § 44.
Penalty.
1867, c. 130, § 3.
1868, c. 224, § 1.
45 Me. 435.
48 Me. 217.
53 Me. 536.

Persons sell-
ing liable for
injuries.
1858, c. 33, § 11.

Possession or
deposit with
intent to sell
prohibited.
1858, c. 33, § 12.

Liquors kept
for unlawful
sale forfeited.
1858, c. 33, § 14.
54 Me. 36.
47 Me. 427.
50 Me. 91, 92.
When officers
may seize
liquors with-
out a warrant.
1870, c. 125, § 2.
33 Me. 558.
55 Me. 419.

Warrants of
search and
seizure may be
granted on
complaint.
1858, c. 33, § 14.
1870, c. 125, § 1.
See § 44.
33 Me. 527, 558,
564.
38 Me. 287.
42 Me. 299.
46 Me. 525.
47 Me. 357, 388,
426.
48 Me. 576.
49 Me. 285.

SEC. 30. Persons selling by authority and according to the provisions of the twenty-third and twenty-sixth sections, are not common sellers.

SEC. 31. No person shall keep a drinking house and tippling shop within this state. If any person shall sell any intoxicating liquors, in any building, vessel or boat, in this state contrary to the provisions of law, and the same are there drank, he shall be deemed and held to be guilty of keeping a drinking house and tippling shop. Any person convicted of keeping a drinking house and tippling shop within this state, shall be punished by a fine of one hundred dollars and costs of prosecution, and in default of payment thereof, by imprisonment in the county jail three months, or instead of such fine shall be imprisoned in the county jail three months on the first conviction, and on every subsequent conviction he shall be imprisoned six months in addition to the fine and costs.

SEC. 32. If any person, not authorized as aforesaid, shall sell any intoxicating liquors to any person, he shall be liable for all the injuries which such person may commit while in a state of intoxication arising therefrom, in an action on the case in favor of the person injured.

SEC. 33. No person shall deposit or have in his possession any intoxicating liquors with intent to sell the same in this state in violation of law, or with intent that the same shall be so sold by any person, or to aid or to assist any person in such sale. (a)

SEC. 34. All intoxicating liquors kept and deposited in this state, intended for unlawful sale in this state, and the vessels in which they are contained, are hereby declared contraband and forfeited to the cities, towns and plantations in which they are so kept at the time when they are seized by virtue of any of the provisions of this chapter. And in all cases where by any of the provisions of this chapter, an officer is authorized to seize intoxicating liquors or the vessels containing them, by virtue of a warrant therefor, he may seize the same without a warrant, and keep them in some safe place for a reasonable time until he can procure such warrant.

SEC. 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 this 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 intoxicat-

(a) 47 Me. 426; 48 Me. 576; 50 Me. 506; 56 Me. 88.

ing liquors are there found, to seize the same with the vessels in which they are contained, and then safely keep until final action on the same, and make immediate return of said warrant. The name of the person so as aforesaid keeping said liquors, if known to the complainant, shall be stated in such complaint, and the officer shall be commanded by said warrant, if he shall find said liquors, 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 will 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 opinion that the liquors were so as aforesaid kept, deposited 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.

SEC. 36. When liquors and vessels are seized as provided in the preceding section, it shall be the duty of the officer who made such seizure, immediately to libel the liquors and vessels so seized by him by filing with the magistrate before whom such warrant is returnable, a libel against such liquors and vessels, setting forth their seizure by him, describing the liquors and their place of seizure, and that they were deposited, kept and intended for sale within the state in violation of law, and pray for a decree of forfeiture of said liquors and vessels, and such magistrate shall thereupon fix a time for the hearing of such libel, and shall issue his monition and notice of such libel, to all persons interested, citing them to appear at the time and place appointed, and show cause why said liquors and the vessels in which they are contained should not be declared forfeited, by causing a true and attested copy of said libel and monition to be posted in two public and conspicuous places in the town or place where such liquors were seized, ten days at least before the day to which said libel is returnable.

SEC. 37. If no claimant shall appear, such magistrate shall, on proof of notice as aforesaid, declare the same forfeited to the city, town or plantation in which they were seized. If any person shall appear and claim such liquors, or any part thereof, as having a right to the possession thereof at the time when the same were seized, he shall file with such magistrate such claim in writing, stating specifically the right so claimed, and the foundation thereof, the items so claimed, and the time and place of the seizure, and the name of the officer by whom the same were seized, and in it declare that they were not so kept or deposited for unlawful sale, as alleged in said libel

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53 Me. 172.
54 Me. 33.
56 Me. 88.

Name to be
stated in com-
plaint.
1867, c. 181, § 1

Penalty if
found guilty.
1867, c. 131, § 1.
1867, c. 130, § 4.
1868, c. 224, § 1.

Duty of officer
on seizure.
1858, c. 33, § 15.
33 Me. 553, 564.
47 Me. 396.
48 Me. 186, 576.
53 Me. 172.
54 Me. 33.
Libel to be
filed, what to
set forth.

Proceeding of
magistrate in
case of libel.

Notice of hear-
ing.

In case no
claimant ap-
pear.
1858, c. 33, § 16.
48 Me. 576.
49 Me. 235.
Claimant how
to proceed.

CHAP. 27.	and monition, and also state his business and place of residence, and shall sign and make oath or affirmation to the truth of the same before said magistrate. If any person shall so make claim, he shall be admitted as a party to the process; and the said magistrate shall proceed to determine the truth of the allegations in said claim and libel, and may hear any pertinent evidence offered by the libelants or claimants. If the magistrate shall, upon the hearing, be satisfied that the said liquors were not so kept or deposited for unlawful sale, and that the claimant is entitled to the custody of any part of the same, he shall give to such claimant an order in writing, directed to the officer having the same in custody, commanding him to deliver to the said claimant the liquors to which he is so found to be entitled, within forty-eight hours after demand.
What shall be stated in claim.	
Declaration.	
Oath.	
Claimant to be admitted as a party.	
Trial.	
Duty of magistrate if claimant entitled.	
If claimant not entitled, judgment for costs, liquors forfeited.	If the magistrate shall find the claimant entitled to no part of said liquors, he shall render judgment against him for the libelant for costs, to be taxed as in civil cases before such magistrate, and issue execution thereon, and shall declare said liquors forfeited to the city, town or plantation where seized. The claimants may appeal and shall be required to recognize with sureties as on appeals in civil causes from said magistrate.
Appeal.	
Dwelling house not to be searched except in certain cases. 1867, c. 131, § 2.	SEC. 38. No warrant shall be issued to search a dwelling house occupied as such, unless it, or some part of it, is used as an inn or shop, or for purposes of traffic, or unless the magistrate before whom the complaint shall be made, is satisfied by evidence presented to him, and so alleges in said warrant, that intoxicating liquor is kept in such house or its appurtenances, and that said liquor is intended for sale in this state, in violation of law.
Liquors, &c., forfeited, how disposed of by the court. 1858, c. 33, § 18, 1870, c. 125, § 3.	SEC. 39. All liquors declared forfeited by any court by virtue of the provisions of this chapter, shall, by order of the court rendering final judgment thereon, be destroyed by any officer competent to serve the process on which they were forfeited, and he shall make return accordingly to such court or magistrate. And such liquors shall be destroyed by pouring the same upon the ground. All vessels forfeited under the provisions of law may be sold by said officers at public or private sale, and the proceeds thereof paid into the treasury of such city, town or plantation.
How disposed of.	
Warrant to be issued against claimant under oath. 1858, c. 33, § 19.	SEC. 40. If complaint shall by any person be made upon oath to any magistrate against any person, who is a claimant under the provisions of this chapter, alleging that the liquors so claimed by him were, prior to, and at the time when the same were seized, kept or deposited by said claimant, or by some person by his authority, and intended for unlawful sale in this state, either by such person, or the said claimant, the magistrate shall issue his warrant against such claimant so charged, and he shall be arrested thereon, and be brought before such magistrate, and if found guilty of the offence therein charged, he shall be punished by a fine of fifty dollars and costs of
Arrest.	
Trial.	
Punishment if found guilty. 1863, c. 224, § 1. 1867, c. 130, § 4.	

prosecution, and stand committed until the same be paid or he be otherwise discharged by due course of law; or instead thereof may be punished by imprisonment in the county jail three months on the first conviction; and on every subsequent conviction he shall be imprisoned three months in addition to fine and costs.

SEC. 41. If any officer having a warrant, issued under this chapter, committed to him, directing him to seize any liquors and to arrest the owner or keeper thereof, shall be prevented from seizing the liquors by their being poured out or otherwise destroyed, he shall arrest the alleged owner or keeper named in the warrant, and bring him before the magistrate, and make return upon the warrant that he was prevented from seizing said liquors by their being poured out or otherwise destroyed, as the case may be, and in his return he shall state the quantity so poured out or destroyed, as nearly as may be, and the magistrate shall put the owner or keeper so arrested upon trial; and if on the trial it shall appear by competent testimony that such liquors were so poured out or destroyed, and that the liquors so poured out or destroyed were such as were described in the warrant, and they were so kept or deposited and intended for unlawful sale, and if the person so arrested shall be found to be owner or keeper thereof, he shall be fined and sentenced in the same manner as he would have been, if the liquors described in the warrant and in the return had been seized on the warrant and brought before the magistrate by the officer.

SEC. 42. If any deputy sheriff,* after having executed such a warrant by a seizure shall die or go out of office before final execution in the proceedings be done, the liquors shall be held in the custody of the sheriff or another deputy. If any other officer shall die or go out of office under like circumstances, it shall be the duty of the magistrate before whom the proceedings were commenced, to designate in writing some officer lawfully authorized to execute such a warrant, who shall hold such liquors in his custody until final judgment and order of the court thereon.

SEC. 43. Liquors seized as hereinbefore provided, and the vessels containing them, shall not be taken from the custody of the officer by a writ of replevin or other process while the proceedings herein provided are pending; and final judgment in the proceedings herein provided, shall in all cases be a bar to all suits for the recovery of any liquors seized or the value of the same, or for damages alleged to arise by reason of the seizure and detention thereof.

SEC. 44. All prosecutions against persons for manufacturing liquors in violation of law, for keeping drinking houses and tippling shops, and for being common sellers of intoxicating liquors, shall be by indictment; and in all other prosecutions under this chapter, judges of municipal and police courts and trial justices shall have jurisdiction, by complaint, original and concurrent with the supreme

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Officer having a warrant, duty of when prevented.
1858, c. 33, § 20.

Arrest the alleged owner.

How to make return in such cases.
47 Me. 357.

Trial of owner.

Penalty if found guilty.

Deputy sheriff dying, &c.
1858, c. 33, § 21.

Other officer dying, duty of magistrate.

Liquors, &c. seized, not repleviable pending proceedings.

Final judgment bar to all suits.
1858, c. 33, § 22.

Prosecutions how commenced and conducted.
1867, c. 130, § 6.
1858, c. 33, § 23.
8 Me. 118.
54 Me. 564.

CHAP. 27. judicial court. All prosecutions in the supreme judicial court shall be by indictment. The magistrates aforesaid, in cases not within their jurisdiction, may examine and hold to bail. And in all appeals from any judgment or sentence before any such magistrate, the penal sum in every recognizance shall be two hundred dollars. No recognizance, before any such magistrate, shall be in a less sum than two hundred dollars; nor in the supreme judicial court less than five hundred dollars.

Complaints and indictments to allege previous convictions.
1867. c. 130, § 7.

SEC. 45. Every trial justice, recorder and judge of a municipal or police court, and every county attorney, having knowledge of any previous conviction of any person accused of violating this chapter, in preparing complaints, warrants or indictments, shall allege such previous conviction therein, and after an indictment in any such case is entered in court, no county attorney shall dismiss or fail to prosecute the same, except by special order of said court.

County attorney to cause sentence of court to be rendered.
1870, c. 125, § 5.

SEC. 46. When a person has been found guilty, in the supreme judicial court, of a violation of any of the provisions of this chapter, relating to spirituous liquors, the county attorney shall have him sentenced at the same term, unless for reasons satisfactory to the court, the case may be continued for sentence one term, but no longer.

Appeal, proceedings in case of.
1853, c. 33, § 24.
Jury, find specially.

SEC. 47. If any party shall appeal, the proceedings in all matters shall be the same in the appellate court as they would be upon the same matters in the court of the magistrate, and said proceedings shall be conducted in said court by the attorney for the state in the county where the proceedings are pending. The jury shall find specially, under the direction of the court, on all facts necessary to determine the adjudication of the court; and if a claimant or other respondent shall fail to appear for trial in the appellate court, the judgment of the court below, if against him, shall be affirmed. In case of appeal from a sentence of imprisonment under the twenty-eighth section, the penal sum of the recognizement shall be two hundred dollars; and in all other appeals from any other judgment or sentence of a magistrate in proceedings under this chapter, relating to drinking houses and tippling shops, the penal sum of the recognizance shall be one hundred dollars. No portion of the penalty of any recognizance taken in such case shall be remitted by any court in any suit thereon, nor shall any surety in any such recognizance be discharged from his liability therein by a surrender of his principal in court, after he has been defaulted upon his recognizance. The appeals of claimants provided for in the thirty-seventh section shall be entered as all other appeals in criminal cases, and subject to the same requirements of law appertaining to them.

Respondent failing to appear, judgment affirmed.

Appeal from sentence, penal sum of recognizance.
33 Me. 564.
37 Me. 156.
48 Me. 576.
49 Me. 285.
54 Me. 381.

Penalty not to be remitted.

Surety not discharged by surrender of principal.

Of claimants, how to be entered.

Custom house certificates &c. not evidence,
1858, c. 33, § 25.
49 Me. 285.

SEC. 48. Custom house certificates of importation, and proofs of marks on the casks and packages corresponding thereto, shall not be received as evidence that the identical liquors contained in said casks

and packages were actually imported in said casks and packages, in any proceedings under this chapter. CHAP. 27.

SEC. 49. Any person hereafter found intoxicated in any of the streets or highways, or being intoxicated in his own house, or in any other building or place, who shall become quarrelsome, or in any other way disturb the public peace, or that of his own or any other family, so as to render it necessary for the police or peace officers to interfere, may be taken into custody by any sheriff, deputy sheriff, constable, marshal, deputy marshal, police officer or watchman, and committed to the watch house or restrained in some other suitable place, till a complaint can be made and warrant issued in due form, upon which he may be arrested and tried, and if found guilty of being intoxicated in the streets or highways, or of being intoxicated in his own house or any other building or place, and becoming quarrelsome and disturbing the public peace, or that of his own or any other family, he shall be punished by imprisonment in the common jail, not exceeding thirty days; but said judge or justice may remit any portion of said punishment, and order the prisoner discharged, whenever he shall become satisfied that the objects of this law, and the good of the public and the prisoner would be advanced thereby.

Persons found intoxicated and disturbing the peace may be taken into custody. 1858, c. 33, § 26. 47 Me. 462. See c. 124, § 36.

Arrest and trial on complaint.

Punishment.

May be remitted in certain cases.

SEC. 50. No action shall be maintained upon any claim or demand, promissory note, or other security contracted or given for intoxicating liquors, sold in violation of the provisions of this chapter, or for any such liquors purchased out of the state with intention to sell the same or any part thereof in violation of this chapter; but the provisions of this section shall not extend to negotiable paper in the hands of any holder for a valuable consideration and without notice of the illegality of the contract. (a)

Action not maintainable for liquors sold or kept in violation of law. 1858, c. 33, § 27.

Exception.

SEC. 51. No such liquors owned by any city, town or plantation, or kept by any agent of any city, town or plantation, as is provided by law, shall be protected against seizure and forfeiture, under the provisions hereof, by reason of such ownership, unless all the casks and vessels in which they are contained shall be at all times plainly and conspicuously marked with the name of such city, town or plantation, and of its agent. When any such liquors shall be seized, bearing such marks as are herein required to be upon liquors owned by cities, towns or plantations, if such liquors are in fact not owned by any such city, town or plantation, such false and fraudulent marking shall be conclusive evidence that the same are kept or deposited for unlawful sale, and render them liable to forfeiture under the provisions of this chapter. The liquors kept for sale by such agents shall not be adulterated or factitious, and shall not be protected from seiz-

Liquors owned by towns or kept by agents, casks and vessels to be marked. 1858, c. 33, § 28.

—seized bearing marks.

—false marks conclusive evidence, liquors forfeited.

—adulterated or factitious, not protected

(a) 44 Me. 51; 46 Me. 526; 47 Me. 58, 120, 471; 48 Me. 186, 551; 50 Me. 78; 51 Me. 254; 55 Me. 540, 355, 419.

CHAP. 27. ure and forfeiture by reason of being kept for sale by such agents, if so adulterated or made factitious and they have knowledge of the fact.

Agents not to sell to minors or others described.
1858, c. 33, § 29.

SEC. 52. No person authorized as aforesaid to sell intoxicating liquors, shall sell such liquors to any minor without the direction in writing of his parent, master or guardian, to any Indian, to any soldier in the army, to any drunkard, to any intoxicated person, or to any such persons as are described in the fourth section of the sixty-seventh chapter, as being liable to guardianship, knowing them respectively to be of the condition herein prescribed; nor to any intemperate person, of whose intemperate habits he has been notified by the relatives of such person, or by the aldermen, selectmen or assessors, respectively of any city, town or plantation. And proof of notice so given by aldermen, selectmen or assessors or by their authority, shall be conclusive of the fact of the intemperate habits of such person, in any prosecution or suit under this chapter; and notice so given by the relatives of such person shall be presumptive evidence of such habits.

—notice of selectmen or relatives, sufficient evidence.

Selectmen &c., to give notice to agents on information.
1858, c. 33, § 30.

SEC. 53. It shall be the duty of the aldermen, selectmen and assessors aforesaid, whenever they shall be informed by the relatives of any person that he is of intemperate habits, and shall be satisfied that such is the fact, forthwith to give notice thereof, to all persons authorized to sell intoxicating liquors within their respective cities, towns and plantations, and in such adjoining places as they may deem expedient.

Persons authorized to sell, violating provisions, how punished.
1858, c. 33, § 31.

SEC. 54. Any person, authorized as aforesaid, who shall violate any of the provisions of section twenty-two shall be punished, on conviction thereof, by a fine of twenty dollars for every such offence, and shall also be liable, notwithstanding such conviction and punishment, to a suit upon his bond given as aforesaid; and it shall be the duty of the aldermen, selectmen and assessors, respectively, of the city, town or plantation to which such bond was given, to cause the same to be put in suit and prosecuted to judgment and satisfaction to the use of the city, town or plantation. The court by which judgment shall be rendered upon any such bond, or upon any bond required to be given by the provisions of this chapter relating to spirituous liquors, shall have such chancery powers therein, as the supreme judicial court now has in cases of forfeiture of penalties to the state. And whenever any such conviction shall be obtained or judgment recovered as aforesaid, all the authority of such person to sell intoxicating liquors shall be absolutely vacated; and it shall be the duty of the aldermen, selectmen and assessors, respectively, to revoke such authority whenever they shall be satisfied of any violation of the conditions of the same.

Liable also on bond.

Duty of selectmen, &c., to put bond in suit.

Chancery powers of court.

Authority to sell, to cease on conviction, &c.

Aldermen, &c. to revoke on violation.

Delivery, evidence of sale.
1858, c. 33, § 32.

SEC. 55. Whenever an unlawful sale is alleged, and a delivery proved, it shall not be necessary to prove a payment, but such deliv-

ery shall be sufficient evidence of sale. A partner in business shall be liable for the unlawful keeping or selling of his copartner, done in the copartnership business, or by any other person, in any shop, store, or any other place of business, of such copartnership, with his knowledge or assent. A principal and his agent, clerk and servant, may all be included in the same complaint and process. The mayor or aldermen, selectmen or assessors, may cause a suit to be commenced on any bond or recognizance given under the provisions of this chapter relating to spirituous liquors, in which his city, town or plantation is interested, and the same shall be prosecuted to final judgment unless paid in full with costs. It shall also be the duty of the mayor and aldermen, selectmen, assessors and constables respectively, in every city, town and plantation, to make complaint and prosecute any violations of the said provisions of this chapter, and to promptly enforce the laws against drinking houses. If any municipal officer of any city, town or plantation, after being furnished with a written notice of a violation of any provisions of this chapter, signed by two persons competent to be witnesses in civil suits, and containing the names and residences of the witnesses to prove such offence, willfully neglects or refuses to institute proceedings therefor, he shall be liable to a fine of not less than twenty nor more than fifty dollars, to be recovered by indictment. The oath required of any such officer to the complaint may be in substance that from a written notice signed by two persons competent to be witnesses in civil suits, he believes the complaint signed by him to be true.

If any execution or other final process, issued in any civil or criminal suit instituted under the said provisions of this chapter, shall be placed in the hands of any proper officer to be by him executed, and he shall unreasonably neglect or refuse so to do, an action may be commenced against him by any voter in the county for such neglect, and prosecuted to final judgment, which shall be for the full amount of the judgment and interest on such execution; and if it be a process that requires him to take and commit an offender to prison, the damages shall not be less than fifty dollars nor more than five hundred dollars.

Selectmen of towns herein mentioned shall be construed to include assessors of plantations. The word town shall in all cases used herein be construed to include plantations.

In any suit, complaint or indictment, or other proceeding against any person for a violation of any of the provisions of this chapter relating to spirituous liquors, other than for the first offence, it shall not be requisite to set forth particularly the record of a former conviction, but it shall be sufficient to allege briefly, that such person has been convicted of a violation of any particular provision or as a common seller, as the case may be, and such allegation in any criminal

CHAP. 27.
Partner liable.
54 Me. 562.

Who may be
included in
complaint.

Mayor, alder-
men, &c., may
commence suit
on bond.

Duty to pros-
ecute for vio-
lation.
1868, c. 222.

Penalty for
municipal offi-
cers neglect-
ing to prose-
cute.
1870, c. 125, § 4.

What the
judgment
shall be.

Assessors of
plantations.
"Town," what
to include.

Allegation of
previous con-
viction suffi-
cient.

—may be
amended.

CHAP. 27.

Any process
may be amend-
ed.

Persons en-
gaged in un-
lawful traffic
not to sit upon
jury.
1858, c. 33, § 33.

—duty of
court to in-
quire.

False answer,
effect of.

—may decline,
effect.

Forms deemed
sufficient.

Costs taxable.

process, legally amendable in any stage of the proceedings, before final judgment, may be amended, without terms, and as a matter of right. Any process, civil or criminal, legally amendable, may, in any stage of the proceedings, be amended in any matter of form, without costs, on motion at any time before final judgment.

SEC. 56. No person engaged in the unlawful traffic in intoxicating liquors shall be competent to sit upon any jury in any case arising under this chapter; and when information shall be communicated to the court that any member of any panel is engaged in such traffic, or that he is believed to be so engaged, the court shall inquire of the jurymen of whom such belief is entertained; and no answer which he shall make shall be used against him in any case arising under this chapter; but if he shall answer falsely, he shall be incapable of serving on any jury in this state; but he may decline to answer, in which case he shall be discharged by the court from all further attendance as a jurymen.

SEC. 57. The forms herein set forth, 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 foregoing provisions, 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.

Form of indictment in case of common seller.

STATE OF MAINE.

Form of in-
dictment.

—, 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 laws for the suppression of drinking houses and tippling shops, in said county of —. A true bill:

— —, *County Attorney.*

— —, *Foreman.*

Form of complaint for single sale.

CHAP. 27.

STATE OF MAINE.

—, ss.—To — esquire, a trial justice within and for the county of —.

Form of complaint for single sale.

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.

A. B.

On the — day of — aforesaid, the said —, makes oath, that the above complaint, by — subscribed, is true.

Before me,

Trial Justice.

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 in said county,

Form of warrant for same.

GREETING.

[I. s.] Whereas, A. B. of —, on the — day of —, in the year of our Lord one thousand eight hundred and —, in behalf of said state, on oath complained to me, the subscriber, one of the trial justices 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 liquors 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 trial justice 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 —.

Trial Justice.

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Form of a recognizance in case of a single sale.

Form of recognizance in same.

Be it remembered, that at a justice court held by me, the subscriber, one of the trial justices 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 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,

Trial Justice.

Form of mittimus.

STATE OF MAINE.

Form of mittimus.

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 trial justices in and for the county of —, on the complaint of —, who, on his (or their) oath complain 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 CHAP. 27.
—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.)

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., *Trial Justice.*

Form of complaint in case of seizure.

STATE OF MAINE.

—, ss.—To A. B., esquire, one of the trial justices within and Form of complaint in case of seizure.
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 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 by the said — for sale in 47 Me. 426. 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)

A. B.
C. D.
E. F.

(a) Complaint may be made by one person. See § 35.

CHAP. 27. —, 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.
 Oath. Before me, Trial Justice.

Form of warrant in case of seizure.

STATE OF MAINE.

Form of warrant in case of seizure.

—, 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.

[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 trial justices 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 trial justice within and for said county, to answer to said complaint, and to do and receive such sentence as may be awarded against him.

Form of recognizance in case of seizure.

Witness, — esquire, at — aforesaid, this — day of —, in the year eighteen hundred and —.

Trial Justice.

Form of recognizance in case of seizure.

Be it remembered, that at a justice court held by me, the subscriber, one of the trial justices 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 :

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 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 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.

Trial Justice.

Form of libel.

STATE OF MAINE.

Form of libel.

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

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.)

CHAP. 28.

Form of monition and notice.

STATE OF MAINE.

Form of monition and notice.

County of —, ss.

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

The libel of C. D., hereunto annexed, this day filed with me, A. B., a trial justice, in and for said county, shows 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 show 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 —, in the year of our Lord one thousand eight hundred and —.

Trial Justice.

CHAPTER 28.

SALE OF POISONS.

Poisons, regulations concerning sale; to kill wolves, &c., not to be deposited near highways, or improved land. Penalty.

Poisons, regulations concerning sale; to kill wolves not to be deposited near highways or improved lands. Penalty. R. S. c. 28.

If any druggist or other person sells any arsenic, corrosive sublimate, nux vomica, strychnine, or prussic acid, except on the prescription of a physician in regular standing in his profession, without labeling each parcel sold with the name of the article, and the word "poison" legibly written or printed thereon, and recording such sale in a book kept for that purpose, open to the inspection of all persons, specifying the kind and quantity, when and to whom sold; or if any person for the purpose of killing wolves, foxes, dogs or other animals, and not for the destruction of insects or vermin, in a building, leaves or deposits any such poisons within two hundred rods of a highway, pasture, field or other improved land, he shall be punished by a fine not less than twenty, nor more than fifty dollars; or by imprisonment not less than thirty, nor more than sixty days.