

# 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.

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BY AUTHORITY OF THE LEGISLATURE.



PORTLAND:  
PUBLISHED BY BAILEY & NOYES.

## CHAPTER 125.

## GAMBLING.

- SEC. 1. Punishment for keeping a gambling house or suffering persons to gamble in in the same.
2. Penalty for gambling.
  3. Penalty for winning more than three dollars at one time.

## RECOVERY OF MONEY LOST BY GAMBLING.

- SEC. 4. Loser may recover of the winner money lost by gambling within three months, or any other person may recover three times the amount so lost in an action on the case.
5. Loser when plaintiff may be a witness, and the winner also.

## SECURITIES GIVEN FOR GAMBLING DEBTS, VOID.

- SEC. 6. All securities given for gambling debts, void, except in the hands of bona fide purchasers or holders without notice.

## SEARCH FOR IMPLEMENTS OF GAMBLING.

- SEC. 7. Justices of the peace may issue warrants to search for implements of gambling and to arrest the keeper of the place where they are found.
8. Gambling tools and other implements, how disposed of.

## GAMBLING.

SEC. 1. If any person or corporation keeps a house, shop, or other place resorted to for the purpose of gambling; or permits any person to gamble in any way in any house, shop, or place under his care and control, such offender shall be punished by fine not less than twenty, nor more than one hundred dollars, to the use of the prosecutor; and the municipal officers and constables of towns and cities, and assessors of plantations, are required to promptly enforce the laws of the state against gambling rooms, and to make complaint against any person or corporation in their respective municipalities, when there is probable cause to believe such person or corporation guilty of a violation of the provisions of this section.

Punishment for keeping a gambling house, &c.  
R. S. c. 125, § 1.  
1868, c. 222, § 15 Me. 233.  
23 Me. 43.

SEC. 2. Whoever gambles, or bets on any person gambling, shall be punished by fine not less than one, nor more than twenty dollars, to be recovered by complaint or indictment to the use of the prosecutor.

Penalty for gambling.  
R. S. c. 125, § 2.

SEC. 3. Whoever is convicted, by indictment found within six months, of winning, at one time or sitting, by gambling, or betting on persons gambling, any money or goods of the value of three dollars or more, and of receiving or taking security therefor, shall forfeit, to the use of the town where the offence is committed, double the value of the property so won and received.

Penalty for winning more than three dollars at one time.  
R. S. c. 125, § 3.

## CHAP. 125.

## RECOVERY OF MONEY LOST BY GAMBLING.

Loser may recover of the winner money lost, &c.  
R. S. c. 125, § 4.  
18 Me. 337.  
19 Me. 335.  
21 Me. 26.  
48 Me. 319.

SEC. 4. Whoever, by gambling, or betting on persons gambling, loses to any person so gambling or betting any money or goods, and pays or delivers any part thereof, may sue for and recover the same of the winner in an action on the case, brought within three months thereafter; and if the loser does not, without covin or collusion within said time prosecute therefor with effect, any other person may sue for and recover of the winner treble the value of the same in such action, half to his own use, and half to the use of the town.

Loser may be a witness, and the winner also.  
R. S. c. 125, § 5.

SEC. 5. In any such action brought by the loser against the winner, the plaintiff may offer to make oath, that such money or goods were lost by gambling with the defendant, and the court shall thereupon render judgment for the plaintiff for the amount thereof, unless the defendant will make oath, that he did not obtain any part thereof by gambling, and if he so discharges himself, he shall recover his costs; or the plaintiff may prove his case in any other legal mode.

## SECURITIES GIVEN FOR GAMBLING DEBTS, VOID.

Securities given for gambling debts, void, &c.  
R. S. c. 125, § 6.

SEC. 6. All notes, bills, bonds, mortgages, securities, or conveyances, given in whole or in part for money or goods won by gambling or betting on persons gambling, or to repay any money lent or advanced for gambling or betting, or at the time and place thereof, shall be utterly void against all persons, except bona fide subsequent purchasers of real estate, and holders of negotiable paper for a valuable consideration without notice.

## SEARCH FOR IMPLEMENTS OF GAMBLING.

Justices may issue warrants to search for implements of gambling, &c.  
R. S. c. 125, § 7.

SEC. 7. When any person makes oath before a trial justice that he has reason to suspect and does suspect, that any house or building, naming in the complaint the house or building and the occupant, is unlawfully used as a common gambling house, and that idle or dissolute persons resort there for that purpose, such justice shall issue his search warrant to search for all implements used for gambling; and if any such are found there, for the arrest of the occupant or keeper of such house or other building, and said implements and keeper shall be carried before him to be dealt with according to law.

Tools and implements for gambling. Counterfeiting &c. how disposed of.  
1861, c. 28.

SEC. 8. All tools, machines, dies, plates or materials provided for making counterfeit or spurious coin, or for forging bank notes or other instruments; all burglars' tools, or implements prepared or designed for committing the crime of burglary; all lottery tickets or materials for a lottery or procured for the purpose of a lottery; all gaming apparatus or implements used, procured, or kept to be used in gambling when the same are found and taken by virtue of a search warrant, or found in the possession or under the control of any person arrested for forgery, counterfeiting, burglary, selling lottery tickets,

or gambling, shall be safely kept by the direction of the court or CHAP. 126. magistrate having cognizance of the case, so long as may be necessary for their being used as evidence on any trial, and as soon as may be afterward, they shall be burnt or otherwise destroyed by order of such court or magistrate, or of a justice of the supreme judicial court.

## CHAPTER 126.

### CHEATING BY FALSE PRETENCES; FRAUDS AND CONSPIRACIES.

#### FALSE PRETENCES AND FRAUDS.

- SEC. 1. Cheating by false pretences.
2. Penalty for forging receipts of deposits of goods.
  3. Parties to fraudulent conveyances, or to the use thereof.
  4. Gross frauds at common law.
  5. Circulating advertisements and shop bills in the similitude of bank bills.
  6. Counterfeiting of stamps, labels and trade marks, and sale of goods with such thereon, prohibited. Penalties.
  7. Any person using trade mark is entitled to its sole use.
  8. Penalty for violation.
  9. No person shall assume or continue the name of another or his business without consent.
  10. Remedy by injunction.

#### SUPPRESSION OF WILLS.

- SEC. 11. Suppression of last wills and testaments.

#### MARITIME FRAUDS.

- SEC. 12. Fraudulent destruction of vessels, and fitting them out for that purpose.
13. Making false bills of lading and other exhibits of property shipped.
  14. False affidavits and protests.

#### BURNING PROPERTY FOR THE INSURANCE.

- SEC. 15. Persons burning their own property to defraud insurers.

#### CONSPIRACIES.

- SEC. 16. Conspiracies to prosecute an innocent person.
17. Conspiracies in other cases.

#### FALSE PRETENCES AND FRAUDS.

- SEC. 1. Whoever, designedly and by any false pretence or privy or false token, and with intent to defraud, obtains from another any money, goods, or other property, or his signature to any written instrument, the false making of which is forgery, or whoever knowingly, and with intent to defraud, sells to another any personal property on which there is an existing mortgage, or to which he has no

Cheating by  
false pretences.  
R. S. c. 126, § 1.  
1860, c. 150.  
33 Mc. 498.