

# MAINE STATE LEGISLATURE

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FOURTH REVISION.

THE  
REVISED STATUTES

OF THE  
STATE OF MAINE,

PASSED AUGUST 29, 1883, AND TAKING EFFECT JANUARY 1, 1884.

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BY THE AUTHORITY OF THE LEGISLATURE.



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shall be allowed the same fees, and their attendance shall be enforced in the same manner as if they had been served with a subpoena in behalf of the State to attend a magistrate's court. They shall be sworn and their testimony shall be reduced to writing by the officer presiding, or by some person under his direction, and be by them subscribed.

SEC. 37. The jury after hearing the testimony and making all needful inquiries, shall draw up and deliver to such officer, 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 officer with the clerk of the courts for said county, within one week thereafter.

SEC. 38. The fees of the officer shall be the same as prescribed for the coroner in cases of inquest upon dead bodies, and the fees of the jurors shall be two dollars for each juror for every day necessarily employed in said inquest, with the same travelling fees as witnesses in court; and the amount thereof shall be added to the county tax of the town where the fire occurred, and be collected and paid as other county taxes.

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1873, c. 142, § 2.

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#### INNOLDERS AND VICTUALERS.

SEC. 1. The municipal officers, treasurer, and clerk of every town shall meet annually on the first Monday of May, or on the day succeeding, or both, and at such time and place in said town as they appoint, by posting notices in two or more public places therein, at least seven days previously, stating the purpose of the meeting; and at such meeting they 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 year, in such house or other building, as the license specifies. And at any meeting so notified and held, they may revoke licenses so granted, if in their opinion there is sufficient cause.

Licenses to innholders and victualers, when and by whom granted.  
R.S., c. 27, § 1.  
24 Me., 442.

—license may be revoked.

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, namely:

Bond, \$300.  
1872, c. 63, § 1.

“Know all men that we — —, as principal, and — —, and — —, as sureties, are held and stand firmly bound to — —, treasurer of the town” (or city) “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 — —.”

—form.

The condition of this obligation is such that, whereas the above bounden — — has been duly licensed as a — — within said town” (or city) “until the day succeeding the first Monday of May next; now if in all respects he shall conform to the provisions of 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.”

SEC. 3. The licensing board may, at any other time, at a meeting Licenses may be granted for

CHAP. 27. specially called, and notified as aforesaid for the consideration of any application therefor to them made, grant such license on like conditions; but all such licenses expire on the day aforesaid.

a part of the year.  
R.S., c. 27, § 3.  
License fee and record.  
R.S., c. 27, § 4.

SEC. 4. Every person licensed shall pay to the treasurer, for the use of such board, one dollar; and the clerk shall make a record of all licenses granted.

Duty of innholders to provide entertainment.  
R.S., c. 27, § 5.  
71 Me., 19, 316.

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

Liability in case of fire.  
1874, c. 174, § 2.  
74 Me., 229, 262.

SEC. 6. In case of loss by fire, innholders are answerable to their guests only for ordinary and reasonable care in the custody of their baggage or other property.

Liability of innholders for guests' losses.  
1874, c. 174, § 1.  
72 Me., 274.  
74 Me., 229, 262.

SEC. 7. Innholders are not liable for losses sustained by their guests, except for wearing apparel, articles worn or carried upon the person to a reasonable amount, personal baggage, and money necessary for travelling expenses and personal use, unless upon delivery or offer of delivery, by such guests, of their money, jewelry, or other property, to the innholder, his agent or servants, for safe custody.

Losses by negligence of guests.  
1874, c. 174, § 3.  
74 Me., 229, 262.

SEC. 8. An innholder against whom a claim is made for loss sustained by a guest, may in all cases show that such loss is attributable to the negligence of the guest, or to his non-compliance with the regulations of the inn; *provided*, that such regulations are reasonable and proper, and are shown to have been brought to the notice of the guest.

Duties of victualers.  
R.S., c. 27, § 8.  
10 Me., 439.  
16 Me., 122.

SEC. 9. Every victualer has all the rights and privileges and is subject to all the duties and obligations of an innholder, except furnishing lodging for travellers, and stable room, hay, or provender for cattle.

Innholders and victualers to keep up signs.  
R.S., c. 27, § 9.

SEC. 10. 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.

Innholders and victualers to allow no gambling on their premises.  
R.S., c. 27, § 10.

SEC. 11. 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 uses or exercises any such game or sport for gambling purposes in any place herein prohibited, forfeits five dollars.

—penalty.

Nor revelling, drunkenness, &c.  
R.S., c. 27, § 11.  
Penalty for neglecting a license.  
R.S., c. 27, § 12.  
65 Me., 363.  
Licensing board to prosecute.  
R.S., c. 27, § 13.  
12 Me., 204.  
65 Me., 363.

SEC. 12. No innholder or victualer shall suffer any revelling, or riotous or disorderly conduct in his house, shop, or other dependencies; nor any drunkenness or excess therein.

SEC. 13. No person shall be a common innholder or victualer without a license, under a penalty of not more than fifty dollars.

SEC. 14. The licensing board shall prosecute for any violations of the foregoing sections that come to their knowledge, by complaint, indictment, or action of debt; and all penalties recovered shall inure to the town where the offence is committed.

## STATE AGENCY FOR SALE OF INTOXICATING LIQUORS.

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SEC. 15. The governor, with the advice and consent of council, shall appoint a commissioner to furnish municipal officers of towns in this state and duly authorized agents of other states, with pure, unadulterated 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 to municipal officers of this state any intoxicating or fermented liquors except such as have been tested by a competent assayer 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 prescribe. In case of his resignation, removal from office, or death, and the appointment of a successor, the stock of liquors remaining on hand at the time of his resignation, removal or death, shall be taken at cost by the new commissioner, and he shall, before entering upon his office, pay for the same in cash, or settle therefor to the satisfaction of his predecessor or his legal representatives.

SEC. 16. Immediately after appointing such commissioner, the governor shall issue to the municipal officers of towns, a notice of his name and place of business, and such officers shall buy 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 bought such liquors of him, and of no other person.

SEC. 17. If a municipal officer buys any intoxicating liquors to be sold according to law, of any other persons except those specified in the preceding section, or if he or any person in his employment, or by his direction, sells or offers for sale any such liquors that have been decreed to be forfeited, or causes any intoxicating, or malt liquors which he or they keep for sale, to be adulterated, by mixing with the same any coloring matter, drug or ingredient, or mixes the same with other liquors of a different kind or quality, or with water, or sells or exposes for sale such liquor so adulterated, knowing it to be such, such offender forfeits to the town to which he belongs, not less than twenty nor more than one hundred dollars, to be recovered by indictment.

SEC. 18. Said commissioner shall keep a record of the names of the towns to which liquors are sold, and of the persons buying 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 December, to the last day of the preceding month, to be by them laid before the legislature. And said commissioner shall, under oath, on the first days of March, June, September and December, furnish a

State commissioner, how appointed. R.S., c. 27, § 14. 68 Me., 189.

—term of office.

—to sell no impure, untested liquors.

—commission of 7 per cent. allowed him.

—bond.

—condition of bond.

—commissioner, resignation, removal or death of.

—successor to take and pay for liquors.

Notice of appointment, &c., to town officers. R.S., c. 27, § 15. 68 Me., 189.

—liquors, of whom to be bought. 1877, c. 215, § 2.

Penalty for buying liquors contrary to law. R.S., c. 27, § 16. 68 Me., 189, 190.

—or for adulterating or diluting them.

—how recovered.

Commissioner to keep record of sales. R.S., c. 27, § 17.

—to report annually to governor and council.

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—to mail  
quarterly  
statement to  
purchasing  
towns.

Municipal  
agents to  
keep record  
of sales.  
R.S., c. 27, § 18.

—to be  
open for  
inspection.  
—failure or  
neglect,  
penalty for.  
—how  
recovered.  
—fines, to  
whom paid.  
—false repre-  
sentation to  
agent.  
—penalty,  
how  
recovered.

State credit  
not pledged  
to pay for  
liquors.  
R.S., c. 27, § 19.

Municipal  
officers to  
purchase.  
1872, c. 59.  
See § 16.  
48 Me., 553.  
51 Me., 255.  
—agents to be  
appointed to  
sell for  
certain  
purposes.  
42 Me., 307.  
67 Me., 61.  
68 Me., 189.  
—their pay  
and duty.  
—term.  
—vacancy,  
how filled.  
—not to be  
interested.

Agent must  
have a  
certificate.  
R.S., c. 27, § 27.  
40 Me., 310.  
—give bond.  
50 Me., 79.  
67 Me., 61.  
—amount.  
—form.

printed statement of all liquors purchased by him, enumerating the different kinds and the quantity of each kind, the prices 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 town that purchases at his establishment.

SEC. 19. Agents of towns authorized to sell intoxicating liquors, shall keep a record in a suitable book, 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 town, which record shall be open to inspection. And if such agent fails to keep such record, he forfeits to his town for every such offence not less than ten nor more than twenty dollars, to be recovered on complaint or indictment. Whoever knowingly misrepresents to said agent the purposes for which he purchases such liquors, forfeits to his town twenty dollars, to be recovered on complaint or indictment.

SEC. 20. No contract made under 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.

## CITY AND TOWN AGENCIES.

SEC. 21. The selectmen of any town and mayor and aldermen of any city may, on the first Monday of May, annually, or as soon thereafter as convenient, buy such quantity of intoxicating liquors, as is necessary to be sold under this chapter, and may appoint some suitable person agent of said town or city to sell the same at some convenient place therein, to be used for medicinal, mechanical and manufacturing purposes, and no other; such agent shall receive such compensation for his services, and in the sale of such liquors shall conform to such regulations, not inconsistent with law, as the board appointing him prescribes, and shall hold his situation for one year, unless sooner removed by them or their successors. Vacancies occurring during the year shall 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. He may sell intoxicating liquors to such municipal officers, to be by them disposed of in accordance with this chapter.

SEC. 22. 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 it shall not be delivered to such agent until he has executed and delivered to said board a bond, with two sufficient sureties, in the sum of six hundred dollars, in substance, as follows:

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

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

Sealed with our seals, and dated this — day of —, 18—.

The condition of this obligation is such, that whereas the above bounden — — has been duly appointed an agent for said town" (or city) "to sell intoxicating liquors for medicinal, mechanical and manufacturing purposes and no other, until the — of —, 18—, unless removed from said agency: now if said — — shall in all respects conform to the provisions of law relating to the business for which he is appointed, and to such regulations as are or shall be from time to time established by the board making the appointment, then this obligation shall be void; otherwise shall remain in full force."

SEC. 23. No person authorized as aforesaid to sell intoxicating liquors, shall sell the same to any minor without the written direction of his parent, master or guardian, to any Indian, soldier, drunkard, intoxicated person, or to any person described in section four of chapter sixty-seven as being liable to guardianship, knowing either of them to be of the condition herein prescribed; nor to any intemperate person, of whose habits he has been notified by his relatives, or by the aldermen, selectmen or assessors, of any city, town or plantation. And proof of notice so given by said officers or by their authority, is 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 is presumptive evidence of such habits.

SEC. 24. Whenever such municipal officers are informed by the relatives of any person that he is of intemperate habits, and are satisfied that such is the fact, they shall forthwith give notice thereof, to all persons authorized to sell intoxicating liquors within their respective towns, and in such adjoining places as they deem expedient.

SEC. 25. Any person, authorized as aforesaid, who violates section thirty-three shall be fined twenty dollars for every such offence, and shall also be liable, notwithstanding such punishment, to a suit upon his bond; and the aldermen, selectmen or assessors, of the city, town or plantation to which such bond was given, shall cause the same to be sued and prosecuted to judgment and satisfaction in behalf of the city, town or plantation. The court by which judgment is rendered upon any bond required by this chapter, has such chancery powers therein, as the supreme judicial court has in cases of forfeiture of penalties to the State. Whenever such a conviction is obtained or judgment recovered as aforesaid, the authority of such person to sell intoxicating liquors is vacated; and such aldermen, selectmen or assessors, shall revoke such authority whenever they are satisfied of the violation of any of its conditions.

SEC. 26. No such liquors owned by any city, town or plantation, or kept by any agent thereof, as provided by law, are protected against seizure and forfeiture, under the provisions hereof, by reason of such ownership, unless all casks and vessels in which they are contained are at all times conspicuously marked with the name of such municipality, and of its agent. When such liquors are seized, bearing such marks as

—condition of bond.

Agents not to sell to minors, Indians, soldiers, drunkards, &c.  
R.S., c. 27, § 52.

—notice by town officers, sufficient evidence.

—by relatives, presumptive.

Town officers to give notice to agents, on information.  
R.S., c. 27, § 53.

Commissioner, or agents violating law, how punished.  
R.S., c. 27, § 54.  
—liable also on bond.  
—duty of town officers, to sue bond.  
—chancery powers of court.  
—authority to sell, to be revoked on conviction or violation.  
See § 27.

Liquors owned by towns or kept by agents, casks, and vessels to be marked.  
R.S., c. 27, § 51.  
68 Me., 190.

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—not so owned may be seized, although marked.  
—false marks conclusive, and liquors forfeited.  
—adulterated or factitious, not protected.

Unfaithful agents forever disqualified.  
1872, c. 73.  
See § 25.

Manufacturing for sale.  
1877, c. 215, § 2.  
—and sale, punished.  
1877, c. 215, § 3.  
See § 51.  
69 Me., 134.  
Sale of pure cider, regulated.  
1880, c. 247, § 3.  
1881, c. 89.

Travelling liquor pedlars and dealers, punished.  
R.S., c. 27, § 20.  
61 Me., 388.  
64 Me., 425.  
65 Me., 136.  
68 Me., 420.  
—penalty, how recovered.  
—to whom it accrues.

Intoxicating liquors not to be brought into the state for unlawful sale.  
1875, c. 42, § 1.  
—penalty.  
—may be seized while in transit.  
1875, c. 42, § 2.  
74 Me., 563.

Magistrates have concurrent jurisdiction with supreme and superior courts.  
R.S., c. 27, § 21.

are herein required, if such liquors are in fact not owned by any such municipality, such false and fraudulent marking is conclusive evidence that the same are kept or deposited for unlawful sale, and renders them liable to forfeiture under this chapter. The liquors kept for sale by such agents shall not be adulterated or factitious; and they shall not be protected from seizure and forfeiture by reason of being kept for sale by such agents, if they have knowledge that the same are adulterated or factitious.

SEC. 27. If an agent appointed under section twenty-one to sell intoxicating liquors is convicted of a violation of this chapter, he is forever thereafter disqualified from holding such office.

## MANUFACTURE OF INTOXICATING LIQUORS FOR SALE.

SEC. 28. Whoever manufactures for sale any intoxicating liquor, except cider, and whoever sells any intoxicating liquor manufactured by him in this state, except cider, shall be imprisoned two months and fined one thousand dollars.

SEC. 29. This chapter does not apply to the sale of unadulterated cider, unless the same is sold to be used as a beverage or for tippling purposes, nor extend to the manufacture and sale of unadulterated cider in any case, when sold in quantities of five gallons or upwards, delivered and taken away at one time. (a)

## LIQUOR PEDDLING AND LIQUORS IN TRANSIT.

SEC. 30. No person shall travel from town to town, or from place to place, in any city, town or plantation, on foot or by public or private conveyance either by land or water, carrying for sale, or offering for sale, or obtaining or offering to obtain, orders for the sale or delivery of any 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 recovered on complaint or by indictment; half to the complainant, and half to the county in which the offence is committed.

SEC. 31. No person shall knowingly bring into the state, or knowingly transport from place to place in the state, any intoxicating liquors, with intent to sell the same in the state in violation of law, or with intent that the same shall be so sold by any person, or to aid any person in such sale, under a penalty of fifty dollars for each offence. All such liquors intended for unlawful sale in the state may be seized while in transit and proceeded against, the same as if they were unlawfully kept and deposited in any place.

SEC. 32. Municipal and police judges and trial justices within their counties, have concurrent jurisdiction with the supreme judicial and superior courts in all offences arising under sections fifteen to twenty three inclusive and section thirty, and may punish by fine when the penalty does not exceed twenty dollars.

(a) 62 Me., 262; 69 Me., 134.

UNLAWFUL SALE OF LIQUORS. COMMON SELLERS. DRINKING HOUSES  
AND TIPPLING SHOPS. SEARCH AND SEIZURE. DRUNKENNESS.

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SEC. 33. No person shall at any time, by himself, his clerk, servant or agent, directly or indirectly, sell any intoxicating liquors, of whatever origin, except as hereinbefore provided; wine, ale, porter, strong beer, lager beer, and all other malt liquors, and cider when kept or deposited with intent to sell the same for tippling purposes, or as a beverage, unless in quantities of five gallons or more, delivered and taken away at one time, as well as all distilled spirits, are declared intoxicating within the meaning of this chapter; but this enumeration shall not prevent any other pure or mixed liquors from being considered intoxicating. (a)

SEC. 34. Whoever by himself, clerk, servant or agent, at any time sells any intoxicating liquor in violation of this chapter, forfeits on the first conviction thirty dollars, or he may be imprisoned thirty days; on the second conviction he forfeits twenty dollars, and shall also be imprisoned sixty days; on the third and every subsequent conviction, he forfeits twenty dollars, and shall be imprisoned three months, and in default of payment of fine and costs on the first conviction, he shall not have the benefit of chapter one hundred and thirty-five until he has been imprisoned two months; in default of payment of fine and costs on the second conviction, he shall not have the benefit of said chapter until he has been imprisoned three months; and in default of payment of fine and costs on the third and every subsequent conviction, he shall not have the benefit of said chapter until he has been imprisoned four months. And if any clerk, servant, agent or other person in the employment or on the premises of another, violates this section, or aids and assists in such violation, he is equally guilty with the principal, and shall suffer like penalty. (b)

SEC. 35. No person shall be a common seller of intoxicating liquors. Whoever violates this section, shall be fined one hundred dollars, and in default of payment of fine and costs, he shall be imprisoned sixty days, or instead of such fine, he may be imprisoned three months. On a second and every subsequent conviction, he shall be fined two hundred dollars and imprisoned four months; and in default of payment of fine and costs, he shall be punished by four months additional imprisonment.

SEC. 36. Persons selling by authority of and according to sections fifteen and twenty-one are not common sellers.

SEC. 37. No person shall keep a drinking house and tippling shop. Whoever sells intoxicating liquors, in any building, vessel or boat, contrary to law, and the same are there drank, is guilty of keeping a drinking house and tippling shop, and shall be fined one hundred dollars, and in default of payment of fine and costs shall be imprisoned three months, or instead of such fine shall be imprisoned three months on the first conviction, and on every subsequent conviction six months in addition to fine and costs.

SEC. 38. No person shall deposit or have in his possession intoxi-

Sale of  
intoxicating  
liquors  
prohibited.  
—intoxicants  
defined.  
1880, c. 247, § 2.  
1881, c. 89.  
See c. 17,  
§§ 1, 2, 3, 4.

Penalties for  
selling li-  
quors in vi-  
olation of law.  
R.S., c. 27, § 28.

—first  
conviction.  
See § 51.  
—second  
conviction.  
—third  
conviction.

—fines not  
paid, effect.

—clerks and  
others liable.

Common  
sellers.  
—punish-  
ment.  
R.S., c. 23, § 29.  
See § 51.  
—second and  
subsequent  
convictions.

Who not  
common  
sellers.  
R.S., c. 27, § 30.  
Drinking  
houses  
prohibited.  
R.S., c. 27, § 31.  
48 Me., 217.  
69 Me., 135.  
—defined.  
See c. 17,  
§§ 1, 2, 3, 4.  
See § 51.  
—penalty.  
45 Me., 436.  
53 Me., 539.

Possession or  
deposit with

(a) 6 Me., 413; 33 Me., 496, 561; 37 Me., 161; 54 Me., 502; 55 Me., 356, 430; 62 Me., 262; 63 Me., 224; 64 Me., 537; 67 Me., 243; 69 Me., 134; 70 Me., 257.

(b) 28 Me., 67; 33 Me., 497; 34 Me., 219; 45 Me., 321; 53 Me., 539; 54 Me., 383; 55 Me., 92; 65 Me., 239, 247; 68 Me., 204; 70 Me., 455; 72 Me., 426; 74 Me., 220.

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intent to sell prohibited.  
R.S., c. 27, § 33.

Liquors for unlawful sale, forfeited.  
R.S., c. 27, § 34.

33 Me., 561.

47 Me., 427.

54 Me., 37.

55 Me., 424.

56 Me., 91, 92.

59 Me., 384.

63 Me., 217.

65 Me., 102,

557.

68 Me., 420.

71 Me., 357.

Warrants of search and seizure may be granted on complaint.

1880, c. 247, § 7.

See § 51.

33 Me., 530,

561, 569.

38 Me., 288.

42 Me., 305.

46 Me., 526.

47 Me., 360,

392, 429.

48 Me., 581.

49 Me., 286.

53 Me., 173.

54 Me., 36.

56 Me., 92.

59 Me., 384.

62 Me., 262,

422.

63 Me., 217.

64 Me., 431,

537.

66 Me., 130.

67 Me., 425.

68 Me., 410,

411, 421.

70 Me., 201.

71 Me., 454.

—name of person.

—penalty.

—on subsequent conviction.

67 Me., 250.

Duty of officer on seizure.

R.S., c. 27, § 36.

33 Me., 561,

573.

47 Me., 400.

48 Me., 188,

581.

53 Me., 172.

54 Me., 37.

—libel, what to set forth.

62 Me., 265.

cating liquors with intent to sell the same in the state in violation of law, or with intent that the same shall be so sold by any person, or to aid or assist any person in such sale. (a)

SEC. 39. Intoxicating liquors kept and deposited in the state, intended for unlawful sale in the state, and the vessels in which they are contained, are contraband and forfeited to the cities, towns and plantations in which they are so kept at the time when they are seized under this chapter. And in all cases where an officer may seize intoxicating liquors or the vessels containing them, upon a warrant, 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. 40. If any person competent to be a witness in civil suits makes sworn complaint before any judge of a municipal or police court or trial justice, that he believes that intoxicating liquors are unlawfully kept or deposited in any place in the state by any person, and that the same are intended for sale within the state in violation of law, such magistrate shall issue his warrant, directed to any officer having power to serve criminal process, commanding him to search the premises described and specially designated in such complaint and warrant, and if said liquors are there found, to seize the same, with the vessels in which they are contained, and them safely keep until final action thereon, and make immediate return of said warrant. The name of the person so keeping said liquors, as aforesaid, if known to the complainant, shall be stated in such complaint, and the officer shall be commanded by said warrant, if he finds said liquors or has reason to believe that such person has concealed them about his person, to arrest him and have him 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 the magistrate shall thereupon issue his warrant as provided in the first sentence of this section. If upon trial, the court is of opinion that the liquor was so as aforesaid kept and intended for unlawful sale by the person named in said complaint, or by any other person with his knowledge or consent, he shall be found guilty thereof, and sentenced to a fine of one hundred dollars, and in default of payment of fine and costs, to be imprisoned ninety days at hard labor, or instead of such fine he may be imprisoned six months at hard labor. On every subsequent conviction he shall be fined one hundred dollars, and stand committed until the fine and costs are paid; and in addition thereto he shall be imprisoned six months at hard labor.

SEC. 41. When liquors and vessels are seized as provided in the preceding section, the officer who made such seizure shall immediately file 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 thereof, and such magistrate shall thereupon fix a time for the hearing of such libel, and shall issue his monition

(a) 47 Me., 427; 48 Me., 581; 50 Me., 514; 56 Me., 91; 59 Me., 384; 63 Me., 214.

and notice of the same, 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. 42. If no claimant appears, 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 appears and claims 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 the magistrate such claim in writing, stating specifically the right so claimed, and the foundation thereof, the items so claimed, 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 and monition, and also state his business and place of residence, and shall sign and make oath to the same before said magistrate. If any person so makes claim, he shall be admitted as a party to the process; and the magistrate shall proceed to determine the truth of the allegations in said claim and libel, and may hear any pertinent evidence offered by the libellant or claimant. If the magistrate is, upon the hearing, satisfied that said liquors were not so kept or deposited for unlawful sale, and that the claimant is entitled to the custody of any part thereof, he shall give him an order in writing, directed to the officer having the same in custody, commanding him to deliver to said claimant the liquors to which he is so found to be entitled, within forty-eight hours after demand. If the magistrate finds the claimant entitled to no part of said liquors, he shall render judgment against him for the libellant 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 recognize with sureties as on appeals in civil causes from a magistrate.

SEC. 43. 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 is 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, intended for sale in the state, in violation of law.

SEC. 44. All liquors declared forfeited by any court under 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. Such liquors shall be destroyed by pouring them upon the ground. Vessels forfeited 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.

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—proceedings of magistrate in case of libel. 61 Me., 523.

—notice of hearing.

In case no claimant appears. R.S., c. 27, § 37. 48 Me., 583.

—claimant how to proceed. 61 Me., 523.

62 Me., 422.

69 Me., 525.

73 Me., 279.

—what shall be stated in claim.

—declaration.

—oath.

—claimant to be admitted as a party.

—trial.

—duty of magistrate if claimant is entitled.

—otherwise, judgment for costs, and liquors forfeited.

—appeal.

Dwelling house not to be searched, except in certain cases. R.S., c. 27, § 38. 62 Me., 422.

Liquors and vessels forfeited, order of court. R.S., c. 27, § 39.

—officer to destroy liquors.

—and sell vessels.

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Warrant to be issued against claimant, upon oath of complainant. R.S., c. 27, § 40.

—arrest.  
—trial.  
—punishment.

Officer having a warrant, duty of, when prevented. R.S., c. 27, § 41. 65 Me., 102.

—to arrest the alleged owner.

—how to make return in such cases. 47 Me., 360.

—trial of owner.

—penalty.

Deputy sheriff dying, &c. R.S., c. 27, § 42.

—other officer dying, duty of magistrate.

Person drunk in streets, and drunken disturbers of the peace anywhere, may be taken into custody. 1880, c. 247, § 6. 47 Me., 464.

—formal arrest and trial.

—penalty.  
—for second offence.

SEC. 45. If complaint is made upon oath to any magistrate against any claimant under 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 on conviction shall be fined fifty dollars; or instead thereof he may be imprisoned three months on the first conviction; and on every subsequent conviction he shall be imprisoned three months in addition to the fine.

SEC. 46. If an 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, is 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 it is proved that such liquors as were described in the warrant were so poured out or destroyed, and that they were so kept or deposited and intended for unlawful sale, and that the person so arrested was owner or keeper thereof, he shall be punished in the same manner as 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. 47. If any deputy sheriff, after having executed such warrant by a seizure dies or goes out of office before final execution in the proceedings is done, the liquors shall be held in the custody of the sheriff or another deputy. If any other officer dies or goes out of office under like circumstances, the magistrate before whom the proceedings were commenced, shall 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. 48. Any person found intoxicated in any street or highway, or who, being intoxicated in his own house, or in any other building or place, becomes quarrelsome, or in any other way disturbs 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, until 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 as aforesaid, he shall be fined not exceeding ten dollars, or imprisoned not exceeding thirty days. For the second offence he may be fined not exceeding twenty dollars, or imprisoned not more than ninety days. The judge or justice may remit

any portion of said punishment, and order the prisoner discharged, whenever he becomes satisfied that the objects of the law and the good of the public and the prisoner would be advanced thereby. But no part of said punishment shall be remitted unless the prisoner, under oath, gives information from whom and where he procured the liquors by which he became intoxicated.

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—punishment may be remitted.  
—remittal of punishment restricted.

SEC. 49. Every wife, child, parent, guardian, husband, or other person who is injured in person, property, means of support or otherwise, by any intoxicated person, or by reason of the intoxication of any person, has a right of action in his own name against any one who by selling or giving any intoxicating liquors, or otherwise, has caused or contributed to the intoxication of such person; and in such action the plaintiff may recover both actual and exemplary damages. The owner, lessee, or person renting or leasing any building or premises, having knowledge that intoxicating liquors are sold therein, are liable, severally or jointly with the person selling or giving intoxicating liquors as aforesaid. And in actions by a wife, husband, parent or child, general reputation of such relationship is prima facie evidence thereof, and the amount recovered by a wife or child shall be her or his sole and separate property.

Persons injured by drunken persons, what parties are responsible to.  
1872, c. 63, § 4.  
66 Me., 472.  
67 Me., 519.  
69 Me., 81, 84.  
—exemplary damages.  
—liability of owner or lessee of building.  
—relationship to drunkard, reputation is prima facie proof of.

#### SPECIAL PROVISIONS FOR THE PROSECUTION AND ENFORCEMENT OF THE LAW.

SEC. 50. 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 such proceedings is in all cases 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.

Liquors and vessels seized, not repleviable, pending proceedings.  
R.S., c. 27, § 43.  
62 Me., 535.  
—final judgment, bar to all suits.

SEC. 51. Prosecutions 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; but in all other prosecutions under this chapter, judges of municipal and police courts and trial justices have by complaint, jurisdiction, original, and concurrent with the supreme judicial and superior courts. All prosecutions in the supreme judicial and superior courts shall be by indictment. Said magistrates, in cases not within their jurisdiction, may examine and hold to bail. And in appeals from any judgment or sentence before such magistrate, the penal sum in every recognizance shall be two hundred dollars. No recognizance before such magistrate, shall be in a sum less than two hundred dollars; nor in the supreme judicial or superior court in less than five hundred dollars.

Prosecutions, how commenced and conducted.  
R.S., c. 27, § 44.  
8 Me., 113.  
54 Me., 566.  
60 Me., 107.

—penalties of recognizances.

SEC. 52. Every trial justice, recorder, clerk, and judge of a municipal or police court, and every county attorney, having knowledge of a previous conviction of any person accused of violating this chapter, in preparing complaints, warrants, or indictments, shall allege such previous conviction thereon; and, after such indictment is entered in court, no county attorney shall dismiss or fail to prosecute it except by special

Previous convictions to be alleged.  
1877, c. 215, § 5.

—indictments not to be dismissed, but by order of court.

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—neglect to  
allege former  
conviction,  
or failure to  
prosecute,  
penalty for.

County  
attorney to  
cause speedy  
sentence.  
R.S., c. 27, § 46.

Appeal,  
proceedings  
in case of.  
1871, c. 189.

—jury to find  
specially.

—affirmation  
of judgment.  
—recogni-  
zances.

33 Me., 373.

37 Me., 161.

48 Me., 581.

49 Me., 286.

60 Me., 105.

61 Me., 117.

—penalty not  
remitted, nor  
surety dis-  
charged by  
surrender of  
principal,  
unless  
sentenced.

1879, c. 80.

See c. 133, § 24.

Custom  
house cer-  
tificates and  
marks, not  
evidence.

R.S., c. 27, § 48.

49 Me., 287.

Action not  
maintainable  
for liquors  
sold or kept  
in violation  
of law.

R.S., c. 27, § 50.

—exception.

Delivery, evi-  
dence of sale.  
R.S., c. 27, § 55.  
67 Me., 129.

—partner

liable.

54 Me., 563.

—who may  
be included  
in complaint.

—town offi-  
cers, may  
commence  
suit on bond.

order of said court. If any trial justice, recorder, clerk, or judge of a municipal or police court, or county attorney, neglects or refuses to allege such previous conviction, or if any county attorney fails so to prosecute, he forfeits one hundred dollars in each case, to be recovered in an action of debt, to be brought by the attorney general in behalf of the State.

SEC. 53. When a person has been convicted in the supreme judicial or superior court, of a violation of this chapter, the county attorney shall have him sentenced at the same term, unless for reasons satisfactory to the court, the case is continued for sentence one term, but no longer.

SEC. 54. In appeals, the proceedings shall be the same in the appellate court as they would be in the court of the magistrate, and shall be conducted in said appellate court by the attorney for the State. The jury shall find specially under the direction of the court, on all facts necessary to determine the adjudication thereof; and if a claimant or other respondent fails to appear for trial in the appellate court, the judgment of the court below, if against him, shall be affirmed. No portion of the penalty of any recognizance taken under so much of this chapter as relates to intoxicating liquors shall be remitted by any court in any suit thereon, nor shall a 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 unless the principal has been actually sentenced upon the indictment or complaint on which the recognizance was taken. The appeals of claimants provided for in section forty-two, shall be entered as all other appeals in criminal cases, and be subject to the requirements of law appertaining to them.

SEC. 55. Custom house certificates of importation, and proofs of marks on the casks and packages corresponding thereto, shall not, in proceedings under this chapter, be received as evidence that the identical liquors contained in said casks and packages were actually imported in said casks and packages.

SEC. 56. 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 this chapter, or for any such liquors purchased out of the state with intention to sell the same or any part thereof in violation thereof; but this section shall not extend to negotiable paper in the hands of a holder for a valuable consideration and without notice of the illegality of the contract. (a)

SEC. 57. Whenever an unlawful sale is alleged, and a delivery proved, it is not necessary to prove a payment, but such delivery is sufficient evidence of sale. A partner in business is 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 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

(a) 44 Me., 54; 46 Me., 527; 47 Me., 60, 126, 473; 48 Me., 188, 552; 50 Me., 79; 51 Me., 235; 55 Me., 356, 431, 541; 57 Me., 180, 359; 59 Me., 443; 63 Me., 31; 66 Me., 141; 70 Me., 257; 72 Me., 279.

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suit to be commenced on any bond or recognizance given under this chapter in which his city, town or plantation is interested, and the same shall be prosecuted to final judgment unless paid in full with costs. The mayor and aldermen, selectmen, assessors and constables, in every city, town and plantation, shall make complaint and prosecute all violations of this chapter, and promptly enforce the laws against drinking houses. If a municipal officer, after being furnished with a written notice of a violation 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, wilfully neglects or refuses to institute proceedings therefor, he shall be fined 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 an execution or other final process, issued in any civil or criminal suit instituted under this chapter, is placed in the hands of any proper officer to be by him executed, and he unreasonably neglects or refuses so to do, an action may be commenced against him by any voter in the county, and prosecuted to final judgment, which shall be for the full amount of the judgment and interest on such execution; and if it is a process that requires him to take and commit an offender to prison, the damages shall not be less than fifty nor more than five hundred dollars. Selectmen of towns herein mentioned include assessors of plantations, and the word town includes plantations. In suits, complaints, indictments, or other proceedings for a violation of any provision of this chapter relating to intoxicating liquors, other than for the first offence, it is not requisite to set forth particularly the record of a former conviction, but it is 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 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. 58. No person engaged in the unlawful traffic in intoxicating liquors is competent to sit as a juror in any case arising under this chapter; and when information is communicated to the court that a 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 makes shall be used against him in any case arising under this chapter; but if he answers falsely, he shall be incapable of serving on any jury; but he may decline to answer, in which case he shall be discharged by the court from all further attendance as a jurymen.

SEC. 59. The offences described in this chapter fall within section fourteen of chapter one hundred and thirty-one, and no such offence is barred by any period of time less than six years after the com-

—duty to prosecute for violation.

—penalty for municipal officers neglecting to prosecute.

—officer, neglecting to execute process, is liable.

—what the judgment shall be.

—assessors.

—plantations.

—allegation of previous conviction sufficient.  
65 Me., 247,  
273.  
69 Me., 576.

—may be amended before final judgment.

—any process may be amended as to form.

Persons engaged in unlawful traffic not to sit upon jury.  
R.S., c. 27, § 56.

—duty of court to inquire.

—false answer, effect of.

—may decline, effect.

Proceedings under this chapter not barred within six years.

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1874, c. 228.

—absence  
deducted.

Special duty  
of sheriffs  
and deputies  
to enforce the  
laws against  
the illegal  
sale of intox-  
icating li-  
quors and the  
keeping of  
gambling  
places and  
houses of  
ill-fame.

1872, c. 62, § 2.  
67 Me., 375.—special per  
diem pay.

—but not dur-  
ing attend-  
ance on court.  
1875, c. 54.

Similar duty  
of county  
attorneys.  
1872, c. 62, § 3.

—governor,  
after hearing,  
may remove  
delinquent  
county  
attorneys.  
1880, c. 247, § 5.

When con-  
stables may  
be appointed  
by governor  
to enforce  
chapters  
seventeen  
and twenty-  
seven.  
1880, c. 247, § 4.

—pay.

What forms  
are sufficient.  
R.S., c. 27, § 57.  
59 Me., 384.  
65 Me., 247,  
273.  
67 Me., 129.  
69 Me., 576.

—costs,  
taxable.

mission thereof. No portion of time during which the offender is not usually and publicly a resident in this state shall be a part of said six years.

SEC. 60. Sheriffs and their deputies, shall diligently and faithfully inquire into all violations of law, within their respective counties, and institute proceedings against violations or supposed violations of law, and particularly the laws against the illegal sale of intoxicating liquors, and the keeping of drinking houses and tippling shops, gambling houses or places, and houses of ill-fame, either by promptly entering a complaint before a magistrate and executing the warrants issued thereon, or by furnishing the county attorney promptly and without delay, with the names of alleged offenders, and of the witnesses. For services under this section, sheriffs, and their deputies acting under their directions, shall receive the same per diem compensation, as for attendance on the supreme judicial court, and the same fees for travel as for the service of warrants in criminal cases, together with such necessary incidental expenses as are just and proper; bills for which shall be audited by the county commissioners, and paid from the county treasury. But said commissioners shall not allow any per diem compensation to said sheriffs or their deputies, for any day for which said sheriffs or their deputies are entitled to fees or compensation for attendance at or service in any court.

SEC. 61. County attorneys shall cause to be summoned promptly before the grand jury, all witnesses whose names have been furnished them by any sheriff or his deputies, as provided in the preceding section, and shall faithfully direct inquiries before that body into violations of law, prosecute persons indicted, and secure the prompt sentence of convicts. Whenever the governor is, after investigation and hearing of the parties, satisfied that any county attorney has wilfully refused or neglected to discharge the duties imposed upon him by this section, he shall remove him from office, and fill his place by appointment.

SEC. 62. Upon petition and representation of thirty or more well known tax-payers in any county, that chapters seventeen and twenty-seven are not faithfully enforced by county or local officers, the governor and council shall inquire into such representations, and if, in their judgment, they are well founded, the governor, with the advice and consent of council, shall appoint two or more constables for such county, who shall diligently enforce said chapters, and for this purpose such constables shall have like powers and duties as sheriffs and deputies. For such services such constables shall receive the same compensation as sheriffs and deputies.

SEC. 63. The forms herein set forth, with such changes as adapt them for use in cities, towns and plantations, are sufficient in law, for all 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.*

## CHAP. 27.

## STATE OF MAINE.

“—, ss.—At the supreme judicial or superior court begun and held at —, within and for the county of —, on the — Tuesday of —, in the year of our Lord one thousand eight hundred and —: —form of indictment.

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 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, further present, that said —, has been — before convicted as a common seller under the laws for the suppression of drinking houses and tippling shops, in the said county of —. A true bill:

—, *County Attorney.* —, *Foreman.*”

*Form of complaint for single sale.*

## STATE OF MAINE.

“—, ss.—To —, esquire, a trial justice within and for the county of —. —form of complaint for single sale. 65 Me., 247.

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 —, 18—, at said —, in said county of —, without 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 is 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 —, 18—, 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 single sale.

GREETING.

[L. 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 jus-

CHAP. 27. tices within and for said county of —, that —, of —, in said county, on the — day of —, 18—, at said —, in said county of —, without lawful authority, license or permission therefor, did sell a quantity of intoxicating liquors, to wit: one — of intoxicating liquor 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 said —, 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 State upon the complaint aforesaid.

Witness, my hand and seal at — aforesaid, this — day of —, in the year of our Lord eighteen hundred and —.

—, *Trial Justice.*"

*Form of recognizance in case of a single sale.*

—form of  
recognizance  
for single  
sale.

"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 is made in the condition following:

The condition of this recognizance is such, that whereas said — has been brought before said court, by virtue of a warrant duly issued upon the complaint on oath — of —, charging him, said —, with having sold at said —, one — of intoxicating liquor to one —, without 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 said — having appealed from said sentence to the supreme judicial" (or superior) "court, next to be held at —, within and for the said county of —, on the — Tuesday of —, in the year of our Lord eighteen hundred and —.

Now therefore, if 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 shall remain in full force and virtue.

Witness,

—, *Trial Justice.*"

*Form of mittimus.*

## CHAP. 27.

## STATE OF MAINE.

"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, —form of mittimus.

GREETING.

[L. s.] Whereas E. F., of —, in our county of —, now stands convicted before me, A. B., esquire, one of the trial justices in and for the said county of —, on complaint of — —, who, on his oath — complains 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, said E. F., is sentenced to pay a fine to the State, of — dollars, and costs of prosecution, taxed at — dollars and — cents, (and to stand committed until the sentence is performed, all which sentence 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 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 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 for the county of —.

A. B., of —, in said county, competent to be a witness in civil suits, on the — day of —, in the year eighteen hundred and —, in behalf of said State, on oath complains, that he believes, that on the — day of —, 18—, 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 said — — for sale in the 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.

I 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 said liquors and vessels be seized and safely kept until final action and decision be had thereon, and that said —

—form of complaint, in case of seizure.  
47 Me. 431.  
63 Me., 214.  
64 Me., 532.

CHAP. 27. — be forthwith apprehended and held to answer to said complaint, and to do and receive such sentence as may be awarded against him.

A. B.

—oath. —, ss.—On the — day of —, 18—, said A. B. made oath that the above complaint by him signed is true.

Before me, — —, *Trial Justice.*"

*Form of warrant in case of seizure.*

STATE OF MAINE.

—form of  
warrant, in  
case of  
seizure.  
66 Me., 478.

"—, ss.—To the sheriff of our said county of —, or either of his deputies, or the constables of the town of —, or of either of the towns within said county.

[L. s.] Whereas A. B., of —, in said county, competent to be a witness 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 he believes, that on the — day of —, 18—, 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 the 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 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 to 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 is had on the same ; and to apprehend 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.

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

— —, *Trial Justice.*"

*Form of recognizance in case of seizure.*

—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 eighteen hundred and —, personally appeared A. B., C. D. and E. F. and

severally acknowledged themselves to be indebted to the State of Maine, CHAP. 27.  
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 is made in the condition following:

The condition of this recognizance is such, that whereas said ——— has been brought before said court, by virtue of a warrant duly issued upon the complaint on oath, of G. H., of ———, a competent witness in civil suits, charging him, said ———, with having at ———, in the said county of ———, on the ——— day of ———, 18—, 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 issued upon said complaint, and said liquors above described, having been seized thereon, and said ——— 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 said ———, having appealed from said sentence to the supreme judicial or superior court, next to be held at ———, within and for said county of ———, on the ——— Tuesday of ———, in the year of our Lord eighteen hundred and ———:

Now therefore, if 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 shall remain in full force and virtue.

—————, *Trial Justice.*”

#### *Form of libel.*

#### STATE OF MAINE.

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

The libel of C. D., of ———, shows that he has, by virtue of a warrant duly issued by ———, esquire, a trial justice in and for said county, 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 said county of ———, and were intended for sale within the 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 eighteen hundred and ———.

(Signed.)

—————.”

## CHAP. 27.

*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., esquire, 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 —, in said county, on the — day of —, 18—, 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 eighteen hundred and —.

— —, *Trial Justice.*"

[NOTE. The first prohibitory law was one of ten public acts passed at the short session of 1851, and took effect upon its approval by Governor Hubbard, June 2. It has been followed by thirty-nine statutes in reference to intoxication and the sale of intoxicating liquors.]

This body of legislation is thus entitled:

An act for the suppression of drinking houses and tippling shops. 1851. c. 211. (18 §§.)

An act in addition to chapter 211 of the statutes of 1851. 1853, c. 48. (14 §§.)

An act for the suppression of drinking houses and tippling shops. 1855, c. 166. (34 §§.)

An act to restrain and regulate the sale of intoxicating liquors, and to prohibit and suppress drinking houses and tippling shops. 1856, c. 255. (29 §§.)

An act for the suppression of drinking houses and tippling shops. 1858, c. 33. (35 §§.)

An act to establish forms of proceedings which may be used in prosecutions under an act entitled "an act for the suppression of drinking houses and tippling shops," approved March 25, 1858. 1858, c. 48. (1 §.)

An act to ascertain the will of the people concerning the sale of intoxicating liquors. 1858, c. 50. (4 §§.)

An act for the suppression of certain common nuisances. 1858, c. 54. (4 §§.)

An act to punish for intoxication. 1859, c. 63. (3 §§.)

An act to regulate the agencies for and to prevent imposition in the sale of intoxicating liquors. 1862, c. 130. (10 §§.)

An act additional to chapter 130 of the laws of 1862 entitled "an act to regulate the agencies for, and to prevent imposition in the sale of intoxicating liquors." 1863, c. 191. (1 §.)

An act additional to an act entitled "an act for the suppression of drinking houses and tippling shops," approved March 25, A. D., 1858. 1864, c. 275. (1 §.)

An act in addition to an act approved March 19, 1862, entitled "an act to regulate agencies for, and to prevent imposition in the sale of intoxicating liquors." 1865, c. 299. (1 §.)

An act to provide for a state police in certain cases. 1867, c. 129. (5 §§.)

An act additional to and amendatory of chapter 33 of the laws of 1858, for the suppression of drinking houses and tippling shops. 1867, c. 130. (9 §§.)

An act amendatory of chapter 33 of the laws of 1858, for the suppression of drinking houses and tippling shops. 1867, c. 131. (2 §§.)

An act to ascertain the will of the people concerning the sale of intoxicating liquors. 1867, c. 133. (4 §§.)

An act to repeal chapter 129 of the public laws of 1867 entitled "an act to provide for a state police in certain cases." 1868, c. 143. (2 §§.)

An act explanatory of chapter 33 of the public laws of 1858, entitled "an act for the suppression of drinking houses and tippling shops," and of chapter 130 of the public laws of 1867, additional to and amendatory of the same. 1868, c. 218. (2 §§.)

An act to require municipal officers and constables of towns and cities, and assessors of plantations, to enforce the laws against drinking houses, gambling rooms and houses of ill-fame. 1868, c. 222. (1 §.)

An act additional to and amendatory of chapter 33 of the laws of 1858, and of chapter 130 of the laws of 1867 for the suppression of drinking houses and tippling shops. 1868, c. 224. (3 §§.)

An act to amend section second, chapter 130, of the acts of 1862, relating to the purchase of intoxicating liquors by towns. 1869, c. 51. (1 §.)

An act additional to chapter 33 of the public laws of 1858, relating to the sale of intoxicating liquors. 1870, c. 125. (7 §§.)

An act additional to "an act to regulate the sale of intoxicating liquors." 1870, c. 152. (3 §§.)

An act to amend section 47 of chapter 27 of the revised statutes, concerning recognizances in appeals from magistrates. 1871, c. 189. (2 §§.)

An act to amend section 26 of chapter 27 of the revised statutes, relating to town liquor agents. 1872, c. 59. (1 §.)

An act relating to the duties of sheriffs and county attorneys. 1872, c. 62. (4 §§.)

An act to amend chapter 27 of the revised statutes concerning innholders, victualers and intoxicating liquors. 1872, c. 63. (5 §§.)

An act additional to chapter 27 of the revised statutes, relating to town liquor agents. 1872, c. 73. (1 §.)

An act amendatory of chapter 63 of the public laws of 1872, and of chapter 27 of the revised statutes relating to intoxicating liquors. 1873, c. 150. (1 §.)

An act additional to chapter 17 of the revised statutes relating to nuisances. 1873, c. 152. (1 §.)

An act explanatory of, and additional to chapter 27 of revised statutes, relating to intoxicating liquors. 1874, c. 228. (2 §§.)

An act to amend section 49 of chapter 27 of the revised statutes, relating to the punishment of intoxication. 1874, c. 253. (1 §.)

An act to repeal section 36 of chapter 124 of the revised statutes, relating to offences against morality and decency. 1874, c. 264. (1 §.)

An act additional to c. 27 of the revised statutes, relating to intoxicating liquors. 1875, c. 42. (2 §§.)

An act to amend an act entitled "an act relating to the duties of sheriffs and county attorneys." 1875, c. 54. (1 §.)

An act to amend chapter 27 of the revised statutes, relating to drinking houses and tippling shops. 1877, c. 215. (6 §§.)

An act to amend section 49, chapter 27 of the revised statutes, relating to the sale of intoxicating liquors. 1880, c. 228. (1 §.)

An act amendatory of chapters 17 and 27 of the revised statutes in relation to common nuisances and the sale of intoxicating liquors. 1880, c. 247. (7 §§.)

An act explanatory of section 25 of chapter 27 of the revised statutes, as amended by section three of chapter 247 of the public laws of 1880, in relation to the sale of cider. 1881, c. 89. (§ 1.)