

# 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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1884.

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SEC. 48. In this chapter, and in every law relating to or affecting animals, the masculine includes the feminine, the singular includes the plural, the word "animal" includes every living brute creature, the words "torment," "torture" and "cruelty" include every act, omission or neglect whereby unjustifiable physical pain, suffering or death is caused or permitted, and the words "owner" or "person" include corporations as well as individuals.

CHAP. 124.

Rules of construction of the nineteen preceding sections. 1883, c. 183, § 19.

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## CHAPTER 125.

### GAMBLING.

- SEC. 1. Punishment for keeping a gambling house, or for permitting gambling.  
 2. Penalty for gambling.  
 3. Penalty for winning more than three dollars at one time.

### POOL SELLING.

- SEC. 4. Pool selling, how punished.

### GAMBLING IN RAILROAD CARS, OR ON STEAMBOATS.

- SEC. 5. Gambling in railroad cars or on steamboats, how punished.  
 6. Railroad gamblers shall be arrested and detained by the conductor.  
 7. Copy of sections five and six shall be posted in cars and steamboats. Penalty for neglect.

### RECOVERY OF MONEY LOST BY GAMBLING.

- SEC. 8. Loser by gambling or betting may recover the money or property lost, within three months; otherwise any other person may recover three times the amount. The execution shall show for what the judgment was rendered, and the debtor shall be imprisoned three months in default of payment.  
 9. Special rule of evidence, when the loser is plaintiff.

### SECURITIES, GIVEN FOR GAMBLING DEBTS, ARE VOID.

- SEC. 10. All securities given for gambling debts, are void, except in the hands of bona fide purchasers of real estate, or innocent holders of negotiable paper.

### SEARCH FOR IMPLEMENTS OF GAMBLING.

- SEC. 11. Magistrates shall issue warrants to search for implements of gambling, and to arrest the keeper of the place where they are found.  
 12. Gambling tools and other implements, how to be 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 fined 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 the assessors of plantations, are required promptly to enforce the laws against gambling rooms, and to make complaint against any person or corporation in their respec-

Punishment for keeping a gambling house, or permitting gambling in house or shop. R.S., c. 125, § 1. 15 Me., 237. 23 Me., 44.

CHAP. 125. tive municipalities, when there is probable cause to believe such person or corporation to be guilty of a violation of this section.

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

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

Penalty for winning more than three dollars at one time.  
R.S., c. 125, § 3.  
63 Me., 11.

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

#### POOL SELLING.

Pool selling, punishment for engaging in.  
1877, c. 176, § 1.

SEC. 4. Whoever engages in or has anything to do with pool selling shall be punished by imprisonment in the state prison for not more than two years, and by fine of not more than two thousand dollars, or both.

#### GAMBLING IN RAILROAD CARS, OR ON STEAMBOATS.

Gambling on railroads or steamboats, how to be punished.  
1874, c. 158, § 1.

SEC. 5. Whoever, upon any railroad train or in any railroad car, or upon any steamboat, gambles, or bets upon any person gambling, shall be punished by fine of not less than one hundred dollars, or by imprisonment for not less than three months, or both.

Gamblers on railroads shall be arrested by the conductor.  
1874, c. 158, § 2.

SEC. 6. Every conductor or other person having charge of a railroad train, is required to arrest or cause to be arrested all persons gambling on his train, and to detain them in his custody until a warrant can be procured from the proper authorities, and he may employ all necessary aids for such purpose.

Copy of sections five and six shall be posted in cars and on steamboats.  
1874, c. 158, § 3.  
—penalty for neglect.  
1874, c. 158, § 4.

SEC. 7. A copy of the two preceding sections shall be conspicuously posted in every saloon and palace car used on any railroad, and in every steamboat. Any railroad or steamboat company, or the proprietors of any steamboat, refusing or neglecting to comply with this requirement, forfeit for each offence one hundred dollars, to be recovered by indictment in any county in which said railroad company runs trains or the steamboat company does business.

#### RECOVERY OF MONEY LOST BY GAMBLING.

Loser by gambling or betting, may recover back his loss.  
1877, c. 159.  
18 Me., 339.  
19 Me., 336.  
21 Me., 28.  
48 Me., 319.  
63 Me., 11.

SEC. 8. 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 town; and all executions issued on judgments, in favor of the loser, or in favor of a third person, as above mentioned, shall show that the judgment was rendered against the defendant for or on account of money won at gambling, and shall order the defendant to be committed to jail for three months from the date of arrest, at the county's

—such executions shall show for what they are rendered.  
—debtor to be committed for three months, if

expense, unless the judgment, costs, and board while in jail, are sooner paid; after which time, he may be released, on giving bond or disclosing, as in case of poor debtors.

SEC. 9. 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.

CHAP. 125.  
execution and  
jail board  
are not paid.

Special rule  
of evidence,  
when the  
loser is  
plaintiff.  
R.S., c. 125, § 5.

SECURITIES, GIVEN FOR GAMBLING DEBTS, ARE VOID.

SEC. 10. 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 given to repay money lent or advanced for gambling or betting, or lent or advanced at the time and place thereof, are utterly void against all persons, except bona fide subsequent purchasers of real estate, and holders of negotiable paper for a valuable consideration without notice.

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

—exceptions.

SEARCH FOR IMPLEMENTS OF GAMBLING.

SEC. 11. When a person makes oath before a trial justice or judge of a municipal or police court that he has reason to suspect and does suspect, that any house or building, naming in the complaint the house or building and its occupant, is unlawfully used as a common gambling house, and that idle or dissolute persons resort thither for that purpose, such magistrate shall issue his warrant to search for all implements used for gambling; and if any such are found there, to arrest the occupant or keeper of such house or other building, and said implements and occupant or keeper shall be carried before him to be dealt with according to law.

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

—proceed-  
ings.

SEC. 12. 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 burglary; all lottery tickets or materials for a lottery or procured for the purpose of a lottery; all gambling apparatus or implements used, procured, or kept to be used in gambling, shall, when the same are found and taken by virtue of a search warrant, or are found in the possession or under the control of any person arrested for forgery, counterfeiting, burglary, selling lottery tickets, or gambling, be safely kept by the direction of the court or 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 burned or otherwise destroyed by order of such court or magistrate, or of a justice of the supreme judicial or superior court.

Tools and  
implements  
for gambling,  
counterfeit-  
ing and lot-  
teries, how to  
be disposed  
of.  
R.S., c. 125, § 8.  
See c. 119, § 7.