

# MAINE STATE LEGISLATURE

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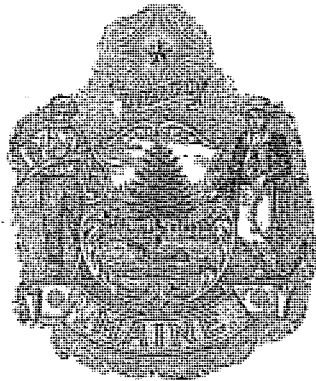
SIXTH REVISION

THE  
REVISED STATUTES

OF THE

STATE OF MAINE

PASSED SEPTEMBER 29, 1916, AND TAKING  
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By the Authority of the Legislature

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may cause the person or persons charged with the commission of the same to recognize with sureties to appear before the supreme judicial court or a superior court, and in default thereof to be committed to jail.

**Sec. 67. Rules of construction of the twenty-three preceding sections.** R. S. c. 125, § 56. 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.

Note. Traps set in incorporated or organized places shall be visited at least once in every twenty-four hours, c. 33, § 52.

## CHAPTER 127.

### Gambling. Bucket-Shops. Sale of Intoxicating Liquors.

#### Gambling.

**Sec. 1. Punishment for keeping a gambling-house or permitting gambling in house or shop.** R. S. c. 126, § 1. 1905, c. 105, § 1. Whoever keeps or assists in keeping a gambling-house, or tenement or other place occupied, used, kept or resorted to for the purposes described in section eleven of this chapter, or is found gambling or present as described in said section eleven, or permits any person to gamble in any way in any tenement or other place under his care or control, shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than four months; and the municipal officers, constables and police officers 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 in their respective municipalities when there is probable cause to believe such person to be guilty of a violation of this section. Trial justices and judges of municipal or police courts, shall have jurisdiction in all prosecutions for violations of this section.

15 Me. 237; 23 Me. 44; 85 Me. 237; 99 Me. 488.

**Sec. 2. Penalty for gambling.** R. S. c. 126, § 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.

**Sec. 3. Penalty for winning more than three dollars at one time.** R. S. c. 126, § 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 offense is committed, double the value of the property so won and received.

63 Me. 11.

**Sec. 4. Pool selling.** R. S. c. 126, § 4. Whoever engages or participates in pool selling, or aids or abets the same by his presence, 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.

**Sec. 5. Gambling on railroads or steamboats.** R. S. c. 126, § 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.

**Sec. 6. Gamblers on railroads shall be arrested by the conductor.** R. S. c. 126, § 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.

**Sec. 7. Copy of sections five and six shall be posted in cars and on steamboats.** R. S. c. 126, § 7. A copy of the two preceding sections shall be conspicuously posted in every car in which passengers are usually carried on any steam-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 offense one hundred dollars, to be recovered by indictment in any county in which said railroad company runs trains or the steamboat company does business.

**Sec. 8. Loser by gambling or betting, may recover back his loss; form of execution.** R. S. c. 126, § 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 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.

18 Me. 339; 19 Me. 336; 21 Me. 28; 48 Me. 319; 63 Me. 11; 91 Me. 45;  
110 Me. 303.

**Sec. 9. Special rule of evidence, when the loser is plaintiff.** R. S. c. 126, § 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 costs; or the plaintiff may prove his case in any other legal mode.

**Sec. 10. Securities given for gambling debts are void. R. S. c. 126, § 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.

#### **Search for Implements of Gambling.**

**Sec. 11. Search warrants for implements of gambling, etc. R. S. c. 126, § 11. 1905, c. 105, § 2.** 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 tenement or other place is unlawfully used as and for a common gambling-house, for the purpose of gambling for money or other property, or is kept, used or occupied for promoting a lottery, or for the sale of lottery tickets, or for promoting the game known as policy lottery or policy, or for the buying or selling of pools or registering of bets upon any race, game, contest, act or event, and that persons resort to the same for any such purpose, such magistrate, whether the names of the persons last mentioned are known to the complainant or not, shall issue a warrant commanding the sheriff or any of his deputies or any constable or police officer to enter such tenement or other place, and to arrest the keepers thereof, all persons in any way assisting in keeping the same, whether as janitor, doorkeeper, watchman, or otherwise, all persons who are there found participating in any form of gambling and all persons present whether so participating or not, if any lottery, policy or pool-tickets, slips, checks, manifold books or sheets, memoranda of any bet, or other implements, apparatus or materials of any form of gambling are found in said place, and to take into their custody all the implements, apparatus or materials of gambling, as aforesaid, and all the personal property, furniture and fixtures, so that they may be forthcoming before some court or magistrate, to be dealt with according to law. All articles and property seized under the provisions of this section, or found in the possession or under the control of any person arrested for keeping or assisting in keeping a gambling-house or for gambling, shall be disposed of in the manner provided in the following section for the disposal of counterfeiting and burglars' tools; and the finding in any tenement or other place of any lottery, policy- or pool-tickets, slips, checks, manifold books or sheets, memoranda of any bet, or other implements, apparatus or materials of any form of gambling shall be prima facie evidence that said tenement or other place is occupied, used, kept and resorted to for the purpose of gambling.

**Sec. 12. Tools and implements for gambling, counterfeiting, and burglars' tools, forfeited. R. S. c. 126, § 12. 1905, c. 105, § 3. 1909, c. 162.** 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 for gambling, and all moneys therein contained, shall, when the same are found and taken by virtue of

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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. All such articles, devices, tools and materials, shall thereupon be declared forfeited by said court, and ordered destroyed, and shall by order of the court rendering final judgment be turned over to the sheriff of the county where the seizure was made, or to such of his deputies as the court shall order, by any officer competent to serve the process on which they were seized, who shall forthwith make return accordingly to said court; and said sheriff, or his said deputy, shall receipt to said officer therefor. As soon thereafter as may be said sheriff, or his said deputy receiving said forfeited articles, shall burn or otherwise destroy them, and make return to said court as to how he executed its order; provided, however, that all moneys so seized shall be declared forfeited to the county in which they were seized.

See c. 121, § 6; c. 123, § 6; c. 130, § 18; 79 Me. 549; 95 Me. 518.

**Bucket-Shops.**

**Sec. 13. Bucket-shop defined.** 1907, c. 152, § 1. A bucket-shop, within the meaning of this section and the three following sections, is defined to be an office, store or other place wherein the proprietor or keeper thereof, either in his or its own behalf, or as the agent or correspondent of any other person, corporation, association or copartnership within or without the state, conducts the business of making, or offering to make, contracts, agreements, trades, or transactions respecting the purchase or sale of any stocks, grain, provisions, or other commodity, or personal property, wherein both parties thereto, or said proprietor or keeper, contemplate or intend that such contracts, agreements, trades or transactions shall be, or may be closed, adjusted or settled according to, or upon the basis of, the public market quotations of prices made on any board of trade or exchange, upon which the commodities or securities referred to in such contracts, agreements, trades or transactions are dealt in, and without a bona fide transaction on such board of trade or exchange; or wherein both parties, or such keeper or proprietor, shall contemplate or intend that such contracts, agreements, trades or transactions shall be, or may be, deemed closed or terminated when the public market quotations of prices made on such board of trade or exchange for the articles or securities named in such contracts, agreements, trades or transactions shall reach a certain figure; and also any office, store or other place where the keeper or proprietor thereof either in his or its own behalf, or as agent as aforesaid, therein makes or offers to make, with others, contracts, trades or transactions for the purchase or sale of any such securities or commodities, wherein the parties thereto do not contemplate the actual or bona fide receipt or delivery of such securities or commodities, but do contemplate a settlement thereof based upon differences in the prices at which said securities or commodities are, or are claimed to be, bought and sold.

**Sec. 14. Keeping of a bucket-shop prohibited; penalties.** 1907, c. 152, § 2. No corporation, association, copartnership or person shall keep, or

cause to be kept, within the state any bucket-shop, as defined in the preceding section, or shall make or offer to make any such contract, agreement, trade or transaction as is defined in said section; and any person, whether acting individually or as a member, officer, agent or employee of any corporation, association, or copartnership, who shall keep or assist in the keeping of any bucket-shop within this state, or who shall make or offer to make any such prohibited contract, agreement, trade or transaction, whether the offer is accepted or not, shall, upon conviction thereof, be punished for a first offense by a fine not exceeding three thousand dollars, or by imprisonment until such fine is paid, but not for more than one year; and whoever shall be guilty of a second offense under this section shall, upon conviction thereof, be punished by imprisonment for not less than two years and not more than five years; if the offender is a corporation, it shall forfeit its charter. The continuing of the keeping of a bucket-shop by any person, corporation, association or copartnership, after a first conviction thereof, shall be deemed a second offense under this section.

**Sec. 15. Statement of quotations with view to transaction prohibited.** 1907, c. 152, § 3. Any corporation, association, copartnership or person who shall communicate, receive, exhibit or display, in any manner, any statements of quotations of the prices of any property mentioned in section thirteen, with a view to any transaction prohibited in the two preceding sections, shall be deemed an accessory, and upon conviction thereof shall be subject to the same penalty as the principal, and as provided in the preceding section.

**Sec. 16. Statement of transaction shall be furnished.** 1907, c. 152, § 4. Every commission merchant, copartnership, association, corporation or broker shall furnish, upon demand, to any customer or principal for whom such commission merchant, broker, copartnership, corporation or association has executed any order for the actual purchase or sale of any of the securities or commodities hereinbefore mentioned, either for immediate or future delivery, a written statement containing the names of the parties from whom such property was bought, or to whom it shall have been sold, as the case may be, the time when, the place where, and the price at which, the same was either bought or sold; and in case such commission merchant, broker, copartnership, corporation or association shall refuse promptly to furnish such statement within twenty-four hours after such demand, the fact of such refusal shall be prima facie evidence that the property was not sold or bought in a legitimate manner.

#### Manufacture and Sale of Intoxicating Liquors.

**Sec. 17. Manufacturing for sale.** R. S. c. 29, § 36. 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.

See § 40; 69 Me. 134; 105 Me. 28.

**Sec. 18. Sale of pure cider.** R. S. c. 29, § 37. This chapter does not apply to the sale of unadulterated cider, unless the same is sold to be used as a beverage or for tipping purposes.

62 Me. 262; 69 Me. 134.

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**Sec. 19. Traveling liquor peddlers, dealers and solicitors of orders for liquor.** R. S. c. 29, § 38. 1909, c. 248. 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 intoxicating or fermented liquors, and no person shall solicit, obtain or offer to obtain orders for the sale or delivery of any intoxicating or fermented liquors, in any quantity. Any person violating the provisions of this section shall be liable to a penalty of not less than twenty, nor more than five hundred dollars and costs, for each offense, to be recovered on complaint or by indictment; half to the complainant, and half to the county in which the offense is committed; and in default of payment thereof, said person shall be imprisoned for a term of not less than two, nor more than six months.

61 Me. 388; 64 Me. 425; 65 Me. 136; 68 Me. 420; 79 Me. 107; 112 Me. 18.

**Sec. 20. Intoxicating liquors intended for unlawful sale, not to be transported; removal of, from car at any place other than usual station, prohibited; seizure in transit.** R. S. c. 29, § 39. No person shall 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 not less than fifty, nor more than one hundred dollars, and sixty days' imprisonment. Any servant, agent or employee of any railroad corporation, or of any express company doing business in this state, who shall remove any intoxicating liquors from any railroad-car at any place other than the usual and established stations or places of business of such railroad corporation, or who shall aid in or consent to such removal, shall be subject to a penalty of fifty dollars for every such offense; provided, that said penalty shall not apply to any liquor in transit when changed from car to car to facilitate transportation. 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.

74 Me. 563; 79 Me. 107, 542; 84 Me. 25, 489; 94 Me. 338; 95 Me. 140; 96 Me. 415; 97 Me. 275; 101 Me. 437; 102 Me. 385.

**Unlawful Sale of Liquors. Common Sellers. Drinking-Houses and Tippling-Shops. Search and Seizure. Drunkenness.**

**Sec. 21. Sale of intoxicating liquors prohibited; definition.** R. S. c. 29, § 40. No person shall at any time, by himself, his clerk, servant or agent, directly or indirectly, sell any intoxicating liquors, of whatever origin; 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, 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.

See c. 23, § 1; 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; 75 Me. 124; 79 Me. 107; 80 Me. 118; 81 Me. 389; 97 Me. 289; 98 Me. 351, 462; 100 Me. 542; 101 Me. 39.



**Sec. 22. Penalties for selling liquors in violation of law; liability of clerk, servant or agent.** R. S. c. 29, § 41. Whoever by himself, clerk, servant or agent, sells any intoxicating liquors in this state, in violation of law, shall pay a fine of not less than fifty dollars and costs, and in addition thereto be imprisoned thirty days. In default of said payment he shall be imprisoned thirty days additional, and on each subsequent conviction he shall be punished by a fine of two hundred dollars and costs, and in addition thereto be imprisoned six months, and in default of payment of said fine and costs, he shall be imprisoned six months additional. Any clerk, servant, agent or other person in the employment or on the premises of another, who violates or in any manner aids or assists in violating any provision of law relating to intoxicating liquors, is equally guilty with the principal and shall suffer like penalties.

Sale to child under sixteen years of age, c. 120, § 31; see c. 137, § 1; 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; 79 Me. 107; 80 Me. 118; 83 Me. 418.

Sale in militia camp or armory, c. 15, § 125.

**Sec. 23. Common sellers.** R. S. c. 29, § 42. No person shall be a common seller of intoxicating liquors. Whoever violates this section shall be fined one hundred dollars and imprisoned thirty days, or instead of such fine he may be imprisoned sixty days additional. 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.

79 Me. 107; 94 Me. 61; 99 Me. 63; 113 Me. 27; see § 40; c. 137, § 1.

**Sec. 24. Drinking-houses prohibited.** R. S. c. 29, § 44. No person shall keep a drinking-house and tipling-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 tipling-shop, and upon conviction thereof shall be fined one hundred dollars and costs, and in addition thereto be imprisoned sixty days. In default of payment of said fine and costs, the party shall suffer an additional imprisonment of sixty days.

See § 40, c. 137, § 1; 45 Me. 436; 48 Me. 217; 53 Me. 539; 69 Me. 135; 79 Me. 107; 82 Me. 213; 94 Me. 61.

**Sec. 25. Penalty for advertising sale of liquors.** R. S. c. 29, § 45. Whoever advertises or gives notice of the sale or keeping for sale of intoxicating liquors, or knowingly publishes any newspaper in which such notices are given, shall be fined for such offense the sum of twenty dollars and costs, to be recovered by complaint. One-half of said fine shall be paid to the complainant and one-half to the town in which said notice is published.

97 Me. 488; 101 Me. 483; 104 Me. 291.

**Sec. 26. Penalty for furnishing intoxicating liquors to persons in confinement.** R. S. c. 29, § 46. Whoever gives or delivers to a person confined in any jail, house of correction or other place of confinement, or to a person in custody of any officer qualified to serve criminal processes, any spirituous or intoxicating liquor, or has in possession, within the precincts of any jail, house of correction or other place of confinement, any such liquor, with intent to convey or deliver the same to any person confined

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therein, unless under the direction of the physician appointed to attend said prisoner, or of the officer in charge of said place of confinement of said prisoner, shall be punished by fine not exceeding twenty dollars, or by imprisonment in the jail or house of correction not exceeding thirty days.

See c. 137, § 1.

**Sec. 27. Possession or deposit with intent to sell, prohibited.** R. S. c. 29, § 47. 1909, c. 232. No person shall deposit or have in his possession 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 or assist any person in such sale. Whoever violates this section shall be fined one hundred dollars and costs and be imprisoned sixty days, and in default of payment, sixty days additional.

47 Me. 427; 48 Me. 581; 50 Me. 514; 56 Me. 91; 59 Me. 384; 63 Me. 214; 79 Me. 107; 98 Me. 462; 101 Me. 164; 105 Me. 28, 162; 111 Me. 590.

**Sec. 28. Liquors for unlawful sale, forfeited.** R. S. c. 29, § 48. 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 county 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.

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; 78 Me. 403; 79 Me. 108; 86 Me. 527; 96 Me. 124; 97 Me. 275; 99 Me. 251; 101 Me. 164; 102 Me. 209; 104 Me. 392; 111 Me. 506; 112 Me. 139, 282; 113 Me. 14.

**Sec. 29. Warrants of search and seizure may be granted on complaint; fluids poured out to prevent seizure, may be held to have been intended for unlawful sale; payment of U. S. special tax as liquor seller, shall be prima facie evidence, the person paying such tax is a common seller.** R. S. c. 29, § 49. 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 on 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 to arrest said person and hold him to answer as keeping said liquors intended for unlawful sale. Any person who may be suspected of selling from, or keeping for illegal sale in his pockets, intoxicating liquors, may be searched in the same manner and by the same process as is provided for the search of places and if liquors are found upon his person, may be held to answer as though such liquors were kept and deposited by him in any place. If fluids are poured out or otherwise destroyed by the tenant,

assistant or other person, when premises are about to be searched, manifestly for the purpose of preventing their seizure by officers authorized to make such search and seizure, such fluids may be held to have been intoxicating and intended for unlawful sale, and the penalties shall be the same as if said liquors had been seized. 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 the opinion that the liquor was so 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 costs and in addition thereto be imprisoned sixty days. In default of payment of fine and costs the party shall be imprisoned sixty days additional. The payment of the United States special tax as a liquor seller, or notice of any kind in any place of resort, indicating that intoxicating liquors are there sold, kept or given away unlawfully, shall be held to be prima facie evidence that the person or persons paying said tax, and the party or parties displaying said notices, are common sellers of intoxicating liquors, and the premises so kept by them common nuisances.

See § 40; c. 137, § 1; 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. 250, 425; 68 Me. 410, 411, 421; 70 Me. 201; 71 Me. 454; 78 Me. 38, 403; 79 Me. 54, 99, 104; 80 Me. 57, 93; 85 Me. 307, 463; 86 Me. 427, 529; 90 Me. 451; 95 Me. 198; 96 Me. 172; 97 Me. 275; 98 Me. 460; 99 Me. 251; 101 Me. 164; 102 Me. 291; 103 Me. 65, 390, 469; 104 Me. 392; 105 Me. 162; 107 Me. 94; 109 Me. 253; 110 Me. 262; 111 Me. 17, 503.

**Sec. 30. Duty of officer on seizure; contents of libel; proceedings thereon.** R. S. c. 29, § 50. 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 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.

33 Me. 561, 573; 47 Me. 400; 48 Me. 188, 581; 53 Me. 172; 54 Me. 37; 61 Me. 523; 62 Me. 265; 80 Me. 93, 207.

**Sec. 31. Forfeiture in case no claimant appears; proceedings when claimant to be admitted as a party.** R. S. c. 29, § 51. If no claimant appears, such magistrate shall, on proof of notice as aforesaid, declare the same forfeited to the county 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,

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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 libelant 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 libelant for costs, to be taxed as in civil cases before such magistrate, and issue execution thereon, and shall declare said liquors forfeited to the county where seized. The claimants may appeal and shall recognize with sureties as on appeals in civil causes from a magistrate.

See § 33; 48 Me. 583; 61 Me. 523; 62 Me. 422; 69 Me. 525; 73 Me. 279; 83 Me. 161; 101 Me. 164; 110 Me. 181; 112 Me. 141; 113 Me. 494.

**Sec. 32. Dwelling-house not to be searched, except in certain cases.** R. S. c. 29, § 52. 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.

62 Me. 422; 79 Me. 82; 85 Me. 471; 86 Me. 529; 101 Me. 49; 106 Me. 399; 109 Me. 253; 113 Me. 13, 31.

**Sec. 33. Liquors forfeited by order of court; disposal thereof.** R. S. c. 29, § 53. All spirituous and distilled liquors and all other liquors, declared forfeited by any court under this chapter, which shall have been found by said court to contain more than twenty per cent of alcohol, shall, by order of the court rendering final judgment thereon, be turned over to the sheriff of the county where such seizure was made, by any officer competent to serve the process on which they were forfeited, and he shall make return accordingly to said court; and said sheriff shall receipt to said officer therefor; said sheriff shall mingle said liquors together, and as soon as he has accumulated a quantity equal to five barrels, he shall ship the same to some responsible rectifying distiller, outside of this state, and have the alcohol redistilled therefrom, as is hereinafter provided. Said sheriffs shall annually contract with some responsible rectifying distiller, outside the limits of this state to take such liquors and distil the alcohol therefrom, and to account for and pay over to the treasurer of the county from which said liquors are received, in cash, at an agreed price for each gallon of one hundred degrees strength, determined by the United States internal revenue inspector at place of rectification. Before delivering any liquor under the

aforesaid contract, the said sheriff shall take a bond, with sureties residing in this state, and to be approved by the treasurer of the county, from said rectifying distiller to the treasurer of his county, in the penal sum of one thousand dollars, conditioned that all of said liquors so received under said contract, shall be rectified and the alcohol distilled therefrom, and that the contractor will account for and pay over to the treasurer of said county from which said liquors are received, in cash, the amount due under said contract. In all suits upon bonds given under this section, the damages shall be the full penal sum of said bond. All other 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 said court. Such liquors shall be destroyed by pouring them upon the ground. A record of vessels forfeited shall be kept by each officer, and returned to the county commissioners once in each three months, and once in six months, or oftener, if they deem it advisable, the commissioners shall order such officers to sell the vessels at public or private sale, and pay the proceeds thereof into the county treasury.

**Sec. 34. Warrant to be issued against claimant upon oath of complainant.** R. S. c. 29, § 54. 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 punished as is provided in section twenty-nine.

See c. 137, § 1.

**Sec. 35. Seizure prevented by destruction of liquors; arrest of alleged owner; return; dumps and appliances for preventing seizure or identification of liquors, subject to seizure.** R. S. c. 29, § 55. 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. All dumps or appliances for concealing, disguising or destroying liquors, so that the same cannot be seized or identified, found

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in the possession or under the control of any person or persons, shall be taken by the officer making said search or seizure, so far as the same is practicable, together with all bottles and drinking-glasses or vessels found in the possession or under the control of any such person or persons, and carried before the next grand jury sitting in said county where said seizure and search is made, and the same, together with all evidences of such dumps or appliances for concealing, disguising or destroying liquors, shall be presented to said grand jury for their consideration, and the same shall thereafter be subject to the order of the court issuing the warrant for said search and seizure.

47 Me. 360; 65 Me. 102; 103 Me. 391.

**Sec. 36. Death of officer, duty of magistrate.** R. S. c. 29, § 56. 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. 37. Persons drunk in streets shall be punished; person drunk in his own house, and disturbing the peace, shall be punished; formal arrest and trial.** R. S. c. 29, § 57. 1911, c. 77. Whoever is found intoxicated in any street, highway or other public place, shall be punished for the first offense by a fine not exceeding ten dollars, or by imprisonment not exceeding thirty days, and upon any subsequent conviction by imprisonment not exceeding ninety days, except that in any county where a county farm for the reformation of inebriates has been established, any male person who has been previously convicted of intoxication may be sentenced to said farm for a period of not less than ninety days or not exceeding one year. Whoever is found intoxicated in his own house, or in any other building or place, disturbing the public peace, or the peace of his own or any other family, shall be punished for the first and any subsequent conviction, as provided in the preceding clause of this section. Any such intoxicated person shall be taken into custody by any sheriff, deputy sheriff, constable, marshal, police officer or watchman, and committed to the watch-house or police station or restrained in some other suitable place, until a complaint can be made and a warrant issued against him, upon which he may be arrested and tried.

Penalty for intoxication on part of engineer, conductor, brakeman, motor-man or switchman on railroad, c. 57, § 64.

County farm in Cumberland County authorized, P. & S. L., 1911, c. 181; in Penobscot County, P. & S. L., 1913, c. 191.

47 Me. 464; 78 Me. 421; 14 Atl. 942.

**Sec. 38. Responsibility for injuries by drunken persons.** R. S. c. 29, § 58. 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 intoxi-

cation 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.

66 Me. 472; 67 Me. 519; 69 Me. 81, 84; 76 Me. 213; 95 Me. 559; 96 Me. 88; 99 Me. 366.

### Special Provisions for the Enforcement of the Law.

**Sec. 39. Liquors and vessels seized, not repleviable, pending proceedings; final judgment; its effect.** R. S. c. 29, § 59. 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.

62 Me. 535; 91 Me. 479.

**Sec. 40. Prosecutions, how commenced and conducted.** R. S. c. 29, § 60. 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, except when otherwise expressly provided, 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.

See §§ 41, 45; 8 Me. 113; 54 Me. 566; 60 Me. 107; 84 Me. 28.

**Sec. 41. Previous convictions to be alleged; indictments not to be dismissed, but by order of court.** R. S. c. 29, § 61. 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 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. 42. County attorney to cause speedy sentence. R. S. c. 29, § 62.** 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.

101 Me. 522.

**Sec. 43. Appeal; affirmation of judgment; penalties not remitted, nor surety discharged by surrender of principal, unless sentenced. R. S. c. 29, § 63.** 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 thirty-one, shall be entered as all other appeals in criminal cases, and be subject to the requirements of law appertaining to them.

See c. 135, § 26; 33 Me. 573; 37 Me. 161; 48 Me. 581; 49 Me. 286; 60 Me. 105; 61 Me. 117; 93 Me. 43.

**Sec. 44. Action not maintainable for liquors sold or kept in violation of law. R. S. c. 29, § 64.** 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:

44 Me. 54; 46 Me. 527; 47 Me. 60, 126, 473; 48 Me. 188, 552; 50 Me. 79; 51 Me. 255; 55 Me. 356, 431, 541; 57 Me. 180, 359; 59 Me. 443; 63 Me. 31; 66 Me. 141; 70 Me. 257; 72 Me. 279; 87 Me. 518; 89 Me. 140; 92 Me. 388, 421; 93 Me. 299; 94 Me. 444; 95 Me. 536; 96 Me. 457; 100 Me. 246, 544; 102 Me. 219; 108 Me. 340; 110 Me. 182.

**Sec. 45. Delivery, evidence of sale; partner liable; duty of officials to prosecute for violation; penalty for neglect to prosecute; officer, neglecting to execute process, is liable; allegation of previous conviction sufficient; any process may be amended as to form. R. S. c. 29, § 65.** 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 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 offense, 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. 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 offense, 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.

<sup>54</sup> Me. 563; <sup>65</sup> Me. 247, 273; <sup>67</sup> Me. 129; <sup>69</sup> Me. 576; <sup>78</sup> Me. 40; <sup>79</sup> Me. 104;  
<sup>80</sup> Me. 118; <sup>92</sup> Me. 427.

**Sec. 46. Persons engaged in unlawful traffic not to sit upon jury.** R. S. c. 29, § 66. 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.

See c. III, § 3.

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**Sec. 47. Proceedings under this chapter not barred within six years. Absence deducted.** R. S. c. 29, § 67. The offenses described in this chapter fall within section seventeen of chapter one hundred and thirty-three, and no such offense is barred by any period of time less than six years after the commission 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. 48. Law applies to importations in original package.** R. S. c. 29, § 68. All the provisions of this chapter, chapter twenty-three, section twenty-five of chapter one hundred and thirty-five, and section one of chapter one hundred and thirty-seven, so far as they relate to intoxicating liquors, are hereby made to apply to all intoxicating liquor imported in the original package.

**Sec. 49. Special duty of sheriffs, deputies and county attorneys; penalty for refusal or neglect.** R. S. c. 29, § 69. 1905, c. 41. Sheriffs and their deputies and county attorneys shall diligently and faithfully inquire into all violations of law, within their respective counties, and institute proceedings in case of violations or supposed violations of law, and particularly the law against illegal sale of intoxicating liquors, and the keeping of drinking-houses and tipping-shops, gambling-houses or places, and houses of ill fame; sheriffs and their deputies shall promptly enter complaints before a magistrate and execute the warrants issued thereon, or shall furnish the county attorney promptly and without delay, with the names of alleged offenders, and of the witnesses. Any sheriff, deputy sheriff or county attorney, who shall wilfully or corruptly refuse or neglect to perform any of the duties required by this section, shall be punished by fine not exceeding one thousand dollars or by imprisonment not exceeding one year.

See c. 126, § 12; 67 Me. 375; 101 Me. 353; 111 Me. 34, 429.

**Sec. 50. Attorney-general shall take charge of investigations before grand jury under certain conditions.** 1913, c. 187. The attorney-general shall take charge of all investigations before the grand jury in case of refusal or neglect of any sheriff, deputy sheriff or county attorney, to perform any of the duties required by this section, and in case of the finding of an indictment to conduct all subsequent proceedings in court in behalf of the state as prosecuting attorney. In all such prosecutions the attorney-general shall act in place of the county attorney, and is hereby invested with all the rights, powers and privileges of the county attorney for that purpose, the powers of the county attorney with respect to prosecutions under this section being hereby suspended.

**Sec. 51. Compensation of deputy sheriffs.** 1915, c. 149. For services under the two preceding sections deputy sheriffs acting under the direction of the sheriffs, shall receive the same per diem compensation as is now allowed for attendance on the supreme judicial court, 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 deputies, for any day for which they are entitled to fees or compensation

for attendance at or service in any court. The provisions of this section as to compensation of deputy sheriffs and the provisions of section five of chapter one hundred and eighteen shall not apply to the deputies of the sheriff of Cumberland county, acting under the provisions of this section.

See c. 85, § 23; c. 117, § 41; c. 118, § 5; 91 Me. 316; 111 Me. 33.

**Sec. 52. Similar duty of county attorneys. R. S. c. 29, § 70.** 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 section forty-nine, and shall faithfully direct inquiries before that body into violations of law, prosecute persons indicted, and secure the prompt sentence of convicts.

**Sec. 53. Clerk of courts shall publish disposition of appealed cases and indictments. R. S. c. 29, § 71.** The clerk of courts, shall within thirty days after the adjournment of any superior or supreme judicial court, publish in some newspaper of the county, the disposition of each appealed case and indictment for violation of the laws regulating the use and sale of intoxicating liquors.

**Sec. 54. Forms declared sufficient; costs, taxable. R. S. c. 29, § 72.** 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.

59 Me. 384; 65 Me. 247, 273; 67 Me. 129; 69 Me. 576; 80 Me. 94; 86 Me. 527; 103 Me. 470; 113 Me. 16.

*Form of indictment in case of common seller.*

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 nine hundred and ——:

The jurors for said state upon their oath present, that A. B., of ——, in said county, at ——, in said county of ——, on the —— day of ——, in the year of our Lord one thousand nine hundred and ——, and on divers other days and times between said —— day of —— aforesaid and the day of the finding of this indictment, was a common seller of intoxicating liquors, against the peace of said state, and contrary to the form of the statute in such case made and provided;" (in case of a former conviction add,) "and the jurors aforesaid, upon their oaths aforesaid, do further present, that said —— ——, has been —— before convicted of being a common seller of intoxicating liquors, under the laws of the State of Maine regulating the sale of intoxicating liquors, to wit:—at a term of the supreme judicial court, begun and held at a —— within and for the county of B. on the third Tuesday of —— in the year of our Lord one thousand nine hundred and ——. A true bill:

——, County Attorney. ——, Foreman."

65 Me. 234; 80 Me. 118; 92 Me. 422; 94 Me. 60.

*Form of complaint for single sale.*

STATE OF MAINE.

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

A. B., of \_\_\_\_\_, in said county, on the \_\_\_\_\_ day of \_\_\_\_\_, in the year of our Lord one thousand nine hundred and \_\_\_\_\_, in behalf of said state, on oath \_\_\_\_\_ complains, that \_\_\_\_\_, of \_\_\_\_\_, in said county, on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at said \_\_\_\_\_, in said county of \_\_\_\_\_, 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 \_\_\_\_\_, 19\_\_\_\_, said \_\_\_\_\_ makes oath, that the above complaint, by \_\_\_\_\_ subscribed, is true.

Before me, \_\_\_\_\_ Trial Justice."

65 Me. 247.

*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 of either of the towns in said county. Greeting.

[L. s.] Whereas, A. B., of \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, in the year of our Lord one thousand nine hundred and \_\_\_\_\_, in behalf of said state, on oath \_\_\_\_\_ complained to me, the subscriber, one of the trial justices within and for said county of \_\_\_\_\_, that \_\_\_\_\_, of \_\_\_\_\_, in said county, on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at said \_\_\_\_\_, in said county of \_\_\_\_\_, 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 nineteen hundred and \_\_\_\_\_.

\_\_\_\_\_, Trial Justice."

*Form of recognizance in case of a 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 nine 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 \_\_\_\_\_, 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 nineteen 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.*

STATE OF MAINE.

"County of \_\_\_\_\_, ss.—To the sheriff of the county of \_\_\_\_\_, or either of his deputies, or either of the constables of the town of \_\_\_\_\_, and to the keeper of the jail in \_\_\_\_\_, in our said county, \_\_\_\_\_ Greeting.

[L. S.] Whereas, E. F., of \_\_\_\_\_, in our county of \_\_\_\_\_, now stands convicted before me, A. B., 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 offense, he, the 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 nineteen hundred and ——, in behalf of said state, on oath complains, that he believes, that on the —— day of ——, 19——, 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,) "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 —— —— 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.

——, ss.—On the —— day of ——, 19——, said A. B. made oath that the above complaint by him signed is true.

Before me, —— ——, Trial Justice."

47 Me. 431; 63 Me. 214; 64 Me. 532; 95 Me. 199.

*Form of warrant in case of seizure.*

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 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 nineteen 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 ——, 19——, 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 nineteen hundred and \_\_\_\_\_.

\_\_\_\_\_ Trial Justice."

66 Me. 478; 103 Me. 470; 113 Me. 16.

*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 nineteen hundred and \_\_\_\_\_, personally appeared A. B., C. D. and E. F. and severally acknowledged themselves to be indebted to the State of Maine, in the respective sums following, to wit:

The said \_\_\_\_\_, as principal, in the sum of \_\_\_\_\_ dollars, and the said \_\_\_\_\_ and \_\_\_\_\_, as sureties, in the sum of \_\_\_\_\_ dollars each, to be levied of their respective goods, chattels, lands or tenements, and in want thereof, of their bodies, to the use of the state, if default 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 \_\_\_\_\_, 19\_\_\_\_, 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; 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 nineteen 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:  
The libel of C. D., of \_\_\_\_\_, shows that he has, by virtue of a warrant duly issued on the \_\_\_\_\_ day of \_\_\_\_\_, A. D. 19—, 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 nineteen hundred and \_\_\_\_\_.

(Signed.) \_\_\_\_\_."

*Form of monition and notice.*

STATE OF MAINE.

"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 \_\_\_\_\_, 19—, 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 nineteen hundred and \_\_\_\_\_.

\_\_\_\_\_, Trial Justice."