

MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE,

OF THE

STATE OF MAINE,

DURING ITS SESSION

A. D. 1838.

EIGHTEENTH LEGISLATURE.

No. 14.

HOUSE.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }
AUGUSTA, JANUARY 18, 1838. }

ORDERED that—————be a Committee with such as the Senate may join, to inquire into the expediency of altering or repealing the Licence Laws, with leave to report by Bill or otherwise.

HOUSE OF REPRESENTATIVES, }
JANUARY 18, 1838. }

Read and passed, and Messrs. Appleton, Hight, Garcelon of Lisbon, Howe, Holmes, Dodge of Strong, McCrillis, Doane, Hinks and Dana, were appointed of said Committee on the part of the House. Sent up for concurrence.

E. H. ALLEN, *Speaker*.

IN SENATE, }
JANUARY 18, 1838. }

Read and passed, and Messrs. Soule, Woodman, E. Robinson, Higgins and Whipple, were joined in concurrence.

D. EMERY, *President pro tem*.

The Joint Select Committee, appointed by a Resolution of January 18, to inquire into the expediency of altering or repealing the License Laws; and to whom also were referred 224 Petitions, embracing 1700 petitioners, praying for an alteration in the License Laws, have had the same under consideration and ask leave to Report the accompanying Bill.

JAMES APPLETON, per order.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED
AND THIRTY-EIGHT.

AN ACT to Suppress the Sale of Ardent Spirit for
common use.

WHEREAS, Intemperance is a great social and public evil; and Whereas, it is the direct effect of any Law which authorises or grants a license to sell Ardent Spirits, for common use, to augment and perpetuate this evil; and Whereas, the business of vending Ardent Spirit for common use, is subversive of good order and the public peace;—Therefore

SECT. 1. *Be it enacted by the Senate and House of Representatives in Legislature assembled,* That an Act, entitled “An Act for the regulation of Innholders and Common Victuallers,” passed March 20, 1821; also, an Act entitled “An additional Act respecting Innholders, Retailers and Common Victuallers,” passed March 18, 1830; also, an Act, entitled “An additional Act, respecting Innholders, Retailers and Victuallers,” passed March 4, 1833; also, an Act, entitled “An Act for

11 the regulation of Innholders, Retailers and Com-
 12 mon Victuallers," passed March 13, 1834; also, an
 13 Act, entitled "An Act, in addition to an Act here-
 14 inafter named," passed March 24, 1835, be, and
 15 the same hereby are repealed.

SECT. 2. *Be it further enacted,* That no per-
 2 son shall be allowed to sell any ardent spirit, to be
 3 used as a beverage or drink, in a less quantity than
 4 twenty-eight gallons, and that delivered and carried
 5 away all at one time; and if any person or persons
 6 shall at any time sell any ardent spirit, except as
 7 aforesaid, he shall forfeit and pay for each and ev-
 8 ery offence, the sum of twenty dollars, to be recov-
 9 ered by action of debt, or upon complaint before
 10 any Justice of the Peace, within the same County
 11 where said offence was committed.

SECT. 3. *Be it further enacted,* That prosecu-
 2 tions for the penalty mentioned in the second sec-
 3 tion of this Act, may be commenced by any person
 4 or persons, or in the name of any city, town or
 5 plantation where said offence was committed; and
 6 whenever any individual shall refuse or be unable
 7 to pay the penalty aforesaid, which may be recov-
 8 ered against him, by virtue of the foregoing provi-
 9 sions of this Act, then, and in such case, he shall
 10 be liable to be imprisoned for the term of thirty
 11 days, within the County gaol situated in the Coun-

12 ty within which such offence shall have been com-
 13 mitted, and it shall be the duty of the Justice afore-
 14 said, to issue his execution or mittimus according-
 15 ly.

SECT. 4. *Be it further enacted,* That any per-
 2 son who shall sell or furnish to any other person,
 3 any kind of ardent spirit, whereby such other per-
 4 son shall become intoxicated, such person so fur-
 5 nishing or selling ardent spirit, shall be liable to
 6 indictment before the Court of Common Pleas or
 7 Supreme Judicial Court; and on conviction of said
 8 offence, shall, for each offence, be punished by a
 9 fine not less than twenty dollars, nor more than
 10 fifty dollars; or by confinement to hard labor in
 11 the House of Correction, for a term not less than
 12 one month nor more than three months; and shall
 13 pay the costs of prosecution.

SECT. 5. *Be it further enacted,* That all fines
 2 and penalties received by virtue of the provisions
 3 of this Act, shall be paid over to the Treasurer of
 4 the city, town or plantation in which the person
 5 convicted had his residence, to be appropriated to-
 6 wards the support of the poor of said city, town or
 7 plantation.

SECT. 6. *Be it further enacted,* That this
 2 Act shall take effect and be in force from and after
 3 the first day of September, one thousand, eight hun-

4 dred and thirty-eight. Provided, however, that
 5 nothing in this Act shall be so construed, as in any
 6 wise to affect any suit or prosecution which is, or
 7 may be commenced prior to said first day of Sep-
 8 tember, 1838.

[AMENDMENT proposed by Mr Norton.]

SECT. 7. *Be it further enacted,* That it shall
 2 be the duty of the proper officers of the several cit-
 3 ies, towns and plantations, in this State, to notify
 4 and warn the inhabitants of said cities, towns and
 5 plantations to meet in town meeting on the first
 6 Monday of July next, to give in their votes upon
 7 the said law; and that a list of said votes shall be
 8 made by the town clerk, sealed up in open town
 9 meeting and signed by the town clerk, and within
 10 thirty days returned to the office of the Secretary of
 11 State, and be by him laid before the Governor and
 12 Council, who shall open and examine the lists of
 13 votes so returned, and it shall be the duty of the
 14 Governor by proclamation in the several papers
 15 published in the State, to publish the number of
 16 votes given for and against the passage of said law
 17 —and if a majority of the votes so given and re-
 18 turned shall be in favor of the passage of said law,
 19 it shall then become a law, and not otherwise.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }
FEB. 17, 1838. }

Read and laid on the table, and ordered that 2000 copies of
the Report and Bill and Mr. Norton's amendment be printed.

(Extract from the Journal.)

Attest. GEO. C. GETCHELL, Clerk.