

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. 26.

HOUSE.

STATE OF MAINE.

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

AN ACT to suppress the sale of Ardent Spirits and
other intoxicating drink for common use.

[NEW DRAFT.]

WHEREAS intemperance is a great social and public evil; and whereas it is the direct effect of any law which authorizes or grants a license to sell Ardent Spirits or other intoxicating drinks for common use, to augment and perpetuate this evil; and whereas the business of vending ardent spirit or other intoxicating drink for common use, is subversive of good order and the public peace; Wherefore—

SECT. 1. *Be it enacted by the Senate and House
2 of Representatives in Legislature assembled, That
3 an act entitled “An Act for the regulation of inn-
4 holders and common victuallers,” passed March
5 20, 1821; also an act entitled “An additional Act
6 respecting innholders, retailers and common victual-
7 lers,” passed March 18, 1830; also an act entitled
8 “An additional Act respecting innholders, retail-
9 ers and victuallers,” passed March 4, 1833; also
10 an act entitled “An Act for the regulation of inn-*

11 holders, retailers and common victuallers," passed
 12 March 13, 1834; also an act entitled "An Act in
 13 addition to an act hereinafter named," passed
 14 March 24, 1835—be, and the same hereby are re-
 15 pealed.

SECT. 2. *Be it further enacted,* That no per-
 2 son or persons shall be allowed to sell any ardent
 3 spirit or intoxicating drinks to be used as a com-
 4 mon beverage or drink; and if any person or per-
 5 sons shall sell or vend any ardent spirit or intoxi-
 6 cating drinks for the purposes aforesaid, such per-
 7 son or persons selling the same shall forfeit and pay
 8 for each and every offence the sum of ten dollars,
 9 to be recovered by action of debt, or upon complaint
 10 before any Justice of the Peace within the same
 11 county where said offence was committed.

SECT. 3. *Be it further enacted,* That any per-
 2 son who shall sell or furnish to any other person
 3 any kind of ardent spirit or intoxicating liquor,
 4 whereby such other person shall become intoxicat-
 5 ed, such person so furnishing or selling the ardent
 6 spirit or intoxicating liquor aforesaid, shall forfeit
 7 and pay for each and every offence a fine not ex-
 8 ceeding twenty dollars, to be recovered by action
 9 of debt, or upon complaint before any Justice of
 10 the Peace within the same county where said of-
 11 fence was committed.

SECT. 4. *Be it further enacted,* That prosecu-
 2 tions for the penalties mentioned in this act shall
 3 be commenced by the Aldermen of cities, Select-

4 men of towns or Assessors of plantations, in the
 5 name and at the expense of any city, town or plant-
 6 ation where said offence was committed; or may be
 7 commenced by any person or persons, in the name
 8 and at the expense of the city, town or plantation a-
 9 foresaid. And whenever any individual shall refuse
 10 or be unable to pay the penalty aforesaid, which
 11 may be recovered against him by virtue of the pro-
 12 visions of this act, then and in such case he shall
 13 be liable to be imprisoned for a term of not less
 14 than ten nor more than thirty days, within the
 15 county jail or house of correction situated within
 16 the county where such offence shall have been com-
 17 mitted; and it shall be the duty of the Justice afore-
 18 said to issue his execution or mittimus accordingly.

SECT. 5. *Be it further enacted,* That all fines
 2 received by virtue of the provisions of this act shall
 3 be paid over to the Treasurer of the city, town or
 4 plantation in which the person convicted had his
 5 residence; to be appropriated towards the support
 6 of the poor of said city, town or plantation: *Pro-*
 7 *vided, however,* That nothing in this act shall be
 8 so construed as in any wise to affect any suit or
 9 prosecution which has been or may be commenced
 10 prior to the time this act shall take effect.

SECT. 6. *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 and
 4 warn the inhabitants of said cities, towns and plant-
 5 ations to meet in town meeting on the first Monday

6 of November next, to give in their votes upon said
7 law; and that a list of said votes shall be made by
8 the Town Clerk, sealed up in open town meeting,
9 and signed by the Town Clerk, and within thirty
10 days returned to the office of the Secretary of State,
11 and be by him laid before the Governor and Coun-
12 cil, who shall open and examine the lists of votes
13 so returned; and it shall be the duty of the Gover-
14 nor, by proclamation in the several papers publish-
15 ed in the State, to publish the number of votes giv-
16 en for and against the passage of said law; and if
17 a majority of the votes so given and returned shall
18 be in favor of the passage of said law, it shall,
19 from the date of said proclamation, go into effect,
20 and not otherwise. And it shall be the duty of the
21 Secretary of State to furnish the officers of each ci-
22 ty, town or plantation whose duty it is to call such
23 meetings, with a copy of this act, on or before the
24 first day of September next.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }
March 5, 1838. }

The foregoing Bill was read twice, laid on the table, and
500 copies ordered to be printed for the use of the Legislature.

[Extract from Journal.]

GEO. C. GETCHELL, Clerk.