

# MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE

OF THE

STATE OF MAINE,

DURING ITS SESSION

A. D. 1845.

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*AUGUSTA:*

WM. T. JOHNSON, PRINTER TO THE STATE.

1845.

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# TWENTY-FIFTH LEGISLATURE.

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No. 13.]

[HOUSE.

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## STATE OF MAINE.

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

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AN ACT for the suppression of Drinking Houses and  
Tippling Shops.

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*Be it enacted by the Senate and House of Represent-  
2 atives in Legislature assembled—as follows :*

3 SECTION 1. It shall be lawful for the mayor and  
4 aldermen of cities, the selectmen of towns, and the  
5 assessors of plantations, in this State, annually, in the  
6 month of May, to appoint some person or persons in  
7 their respective cities, towns and plantations, under  
8 such restrictions and regulations as they may think the  
9 public good shall require, to sell intoxicating liquors  
10 for the term of one year next ensuing, for medi-  
11 cal and mechanical purposes only. And the persons  
12 so appointed shall give bonds with sufficient sureties  
13 in the sum of five hundred dollars to the inhabitants  
14 of their respective cities, towns and plantations, condi-

15 tioned that they will not knowingly sell any intoxicat-  
16 ing liquors except for mechanical and medicinal pur-  
17 poses—and shall also make oath that they will in good  
18 faith comply with such regulations and restrictions as  
19 shall be imposed upon them as aforesaid.

SEC. 2. If any person without being appointed and  
2 qualified as aforesaid, shall sell any intoxicating drinks  
3 in any quantity less than twenty eight gallons, and  
4 that delivered and carried away all at one time, or  
5 shall give away any such drinks in any store, shop,  
6 tavern or boarding house, shall forfeit and pay for  
7 each quantity so delivered out, sold or given away,  
8 the sum of twenty dollars and costs of prosecution,  
9 and shall be imprisoned in the county jail for the term  
10 of three months, and in default of the payment of the  
11 fine and costs shall suffer an additional term of impris-  
12 onment for two months. And for the second and  
13 every subsequent offence the person so offending shall  
14 upon conviction, in addition to the fine and costs, be  
15 imprisoned in the county jail for the term of one year.

SEC. 3. If any person without being appointed and  
2 qualified as aforesaid, shall be a common seller of in-  
3 toxicating liquors in less quantity than twenty eight  
4 gallons, and that delivered and carried away all at one  
5 time, he shall upon conviction be imprisoned in the  
6 county jail for the term of one year and pay the costs  
7 of prosecution—and for the second and every subse-  
8 quent offence, he shall upon conviction, pay the costs  
9 of prosecution and be imprisoned for the term of two

DRINKING HOUSES AND TIPPLING SHOPS. 3

10 years. *Provided always*, that such convict shall not  
11 be imprisoned for more than one offence at the same  
12 time.

SEC. 4. If any person convicted before a judge of  
2 any municipal or police court, or a justice of the  
3 peace, for a violation of the provisions of the second  
4 section of this act shall appeal, he shall before his ap-  
5 peal shall be allowed, give to the inhabitants of the  
6 city, town or plantation within which the offence is  
7 alleged to have been committed, a bond with two suf-  
8 ficient sureties in the sum of three hundred dollars,  
9 conditioned to prosecute his said appeal, and to pay  
10 such fines and costs as shall be imposed upon him on  
11 his final conviction,—and shall give as aforesaid  
12 another bond with two other sureties in a like sum,  
13 conditioned that he will not violate the provisions of  
14 the second section of this act, during the pendency  
15 of said appeal. And if any person convicted on in-  
16 dictment in the district court of violating the provis-  
17 ions of the third section of this act shall file his bill of  
18 exceptions—shall move in arrest of judgment, or on  
19 motion for a new trial shall obtain stay of proceed-  
20 ings, he shall give bond to the county treasurer,  
21 wherein the offence is alleged to have been commit-  
22 ted, with two sufficient sureties, in the sum of one  
23 thousand dollars, conditioned that he will prosecute  
24 his said motion or bill of exceptions to final judg-  
25 ment, and abide the order of court thereon, and that

26 in the meantime he will not violate the provisions of  
27 this act.

SEC. 5. Prosecutions for violating the provisions of  
2 the second section of this act may be commenced by  
3 complaint before any justice of the peace or judge of  
4 any municipal or police court—and for violating the  
5 provisions of the third section of this act, by indict-  
6 ment before any court of competent jurisdiction.  
7 And no *nolle prosequi* shall be entered in any case  
8 arising under this act without the consent and direc-  
9 tion of the court before which it may be pending.  
10 And the fine which may be paid for violations of the  
11 provisions of this act shall accrue to the town, city or  
12 plantation in which the offence was committed.

SEC. 6. It shall be the duty of the selectmen of  
2 towns, the mayor and aldermen of cities, and the as-  
3 sessors of plantations, to commence prosecutions  
4 against all persons who shall violate the provisions of  
5 this act, whenever testimony shall be furnished them,  
6 which in their opinion shall be sufficient to procure  
7 conviction.

SEC. 7. The thirty sixth chapter of the Revised  
2 Statutes and an act explanatory of the thirty sixth  
3 chapter of the Revised Statutes, passed February, 15,  
4 1844, are hereby repealed. *Provided, nevertheless,*  
5 that all proceeding under said acts, hereby repealed,  
6 that may be pending when this act shall take effect,  
7 may be prosecuted to final judgment notwithstanding  
8 the passage of this act.

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STATE OF MAINE.

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HOUSE OF REPRESENTATIVES, }  
February 12, 1845. }

Laid on the table, and 1000 copies ordered to be printed for the use of the Legislature.

Also 300 additional copies for the use of the House.

SAMUEL BELCHER, *Clerk.*