

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.

AUGUSTA:

WM. T. JOHNSON, PRINTER TO THE STATE.

1845.

TWENTY-FIFTH LEGISLATURE.

No. 23.]

[HOUSE.

AMENDMENT OFFERED BY MR. DOANE.

Amendment to bill entitled “an act for the suppression of drinking houses and tippling shops,” offered by Mr. Doane, of Orrington. Strike out all after the enacting clause, and insert—

SECTION 1. It shall be lawful for the aldermen of 2 cities and the selectmen of towns and the assessors of 3 plantations in this State, on the first Monday of the 4 month of May, in each year, or at any other time, if 5 they shall deem it expedient, to appoint some person 6 or persons in their respective cities, towns and plan- 7 tations, under such regulations and instructions as 8 they may think the public good shall require, to sell 9 intoxicating liquors at retail for medicinal and me- 10 chanical purposes only. Such appointment to con- 11 tinue in force for one year unless sooner revoked; 12 which the said aldermen, selectmen and assessors shall 13 at their discretion have power to do. And each per- 14 son so appointed shall give to the inhabitants of his 15 respective city, town or plantation, a good and suffi-

16 cient bond in the penal sum of three hundred dollars
17 conditioned that he will not knowingly sell any intox-
18 icating liquors except for mechanical and medicinal
19 purposes, and shall further make oath that he will in
20 good faith comply with such rules and regulations as
21 shall be prescribed for him as aforesaid.

SEC. 2. If any person without being appointed and
2 qualified as aforesaid, shall sell any intoxicating liquors
3 in less quantity than the revenue laws of the United
4 States prescribe for their importation into this country
5 and that delivered and carried away all at one time,
6 or shall give away any such liquors in any boat, ves-
7 sel, shanty, store, shop, victualling establishment, tav-
8 ern, boarding house, or their appendages, he shall
9 forfeit and pay for each and every quantity so deliv-
10 ered, sold, or given away, the sum of twenty dollars
11 and costs of prosecution, and on failure of the pay-
12 ment of said fine and costs, shall be imprisoned in the
13 county jail for the space of sixty days, unless the fine
14 and costs aforesaid, be sooner paid.

SEC. 3. If any person without being appointed and
2 qualified as aforesaid, and having been before con-
3 victed of violating the second section of this act, shall
4 on indictment in the district court be again convicted
5 of another offence against the provisions of said sec-
6 ond section, he shall forfeit and pay the sum of twenty
7 dollars, and costs of prosecution and shall further be
8 imprisoned in the county jail for the term of three
9 months.

DRINKING HOUSES AND TIPLING SHOPS. 3

SEC. 4. If any person without being appointed and
2 qualified as aforesaid, having been convicted of two
3 or more several offences against the provisions of said
4 second section, shall on indictment in the district
5 court, be again convicted, or shall on indictment in
6 said court be convicted of three or more several of-
7 fences against the provisions of said second section,
8 he shall in addition to the fine of twenty dollars for
9 each offence and costs of prosecution be imprisoned
10 in the county jail for the term of six months. *Pro-*
11 *vided always*, that no person shall be imprisoned for
12 more than one conviction at the same time.

SEC. 5. If any person convicted before a justice of
2 the peace or any judge of any municipal or police
3 court of violating the provisions of the second section
4 of this act, shall appeal, he shall before his appeal be
5 allowed, give bond with two sufficient sureties to the
6 inhabitants of the city, town or plantation where the
7 offence is alleged to have been committed, in the sum
8 of three hundred dollars conditioned that he will pros-
9 ecute his appeal and pay such fine and costs as shall
10 be imposed upon him on his final conviction and that
11 he will not violate the provisions of said second sec-
12 tion during the pendency of his appeal. And if any
13 person convicted on indictment in the district court
14 for violating the provisions of this act shall file a bill
15 of exceptions, shall move in arrest of judgment, or on
16 motion for a new trial shall obtain stay of proceedings,
17 he shall before his bill of exceptions or motion be

18 received by the court, give to the treasurer of the
19 county wherein the offence is alleged to have been
20 committed, a bond with two sufficient sureties in
21 the sum of five hundred dollars, conditioned that he
22 will prosecute his said motion or bill of excep-
23 tions to final judgment and abide the order of court
24 thereon, and that he will not in the mean time violate
25 any of the provisions of this act.

SEC. 6. The court before which any process may
2 be pending under the provisions of this act shall have
3 the power to suspend sentence of imprisonment or
4 order a perpetual stay of the execution thereof. *Pro-*
5 *vided*, the court shall receive satisfactory evidence that
6 the person convicted will thereafter wholly abandon
7 the sale of intoxicating liquors as a drink.

SEC. 7. Prosecutions for the violations of the sec-
2 ond section of this act may be commenced by com-
3 plaint by any person who may see fit to do so before
4 any justice of the peace or judge of any municipal
5 or police court or by indictment before the district
6 court; and no nolle prosequi shall be entered in any
7 case arising under this act without the consent and
8 direction of the judge before whom it may be pending.
9 And the fines which may accrue under this act and
10 the forfeiture of any bond given in pursuance of the
11 provisions of this act, shall be paid to the treasurer of
12 the city, town or plantation in which the offence was
13 committed, and be appropriated to the support of the
14 poor thereof.

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SEC. 8. It shall be the duty of the mayors and al-
2 dermen of cities, selectmen of towns and assessors of
3 plantations to commence proceedings against all per-
4 sons who shall violate the provisions of this act within
5 their several cities, towns and plantations whenever
6 testimony shall be furnished them, which in their
7 opinion shall be sufficient to procure conviction and
8 the burthen of proof shall be upon the defendant,
9 where not guilty is pleaded to prove an appointment
10 and qualification under the first section of this act.

SEC. 9. 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 proceedings under said act that may be pend-
6 ing when this act shall take effect may be prosecuted
7 to final judgment notwithstanding the passage of this
8 act.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }
March 5, 1845. }

Laid on the table, and 350 copies ordered to be printed for the use of the legislature.

Also 350 additional copies for the use of the house.

SAMUEL BELCHER, *Clerk.*