

# MAINE STATE LEGISLATURE

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# FORTY-EIGHTH LEGISLATURE.

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HOUSE.

No. 65.

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## STATE OF MAINE.

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

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AN ACT to amend section fourteen of chapter thirty-three of the public laws of the year eighteen hundred and fifty-eight, and make the same conform to the public laws of the year eighteen hundred and sixty-eight, also to amend chapter forty-eight, section one of the public laws of eighteen hundred fifty-eight.

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*Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows :*

SECTION 1. Chapter thirty-three of the public laws  
2 of the year eighteen hundred and fifty-eight, entitled  
3 “an act for the suppression of drinking-houses and  
4 tippling-shops,” is hereby amended in section fourteen  
5 so as to authorize one person instead of three to make  
6 complaint and to authorize the officer therein named  
7 to seize intoxicating liquors, with the vessels in which  
8 they are contained, in certain cases, and detain them

9 until a warrant can be obtained ; also that the punish-  
10 ment in said section may conform to the public laws  
11 of eighteen hundred and sixty-eight, chapter two hun-  
12 dred and twenty-four, so that said section fourteen as  
13 amended shall read as follows :

14 If any person competent to be a witness in a civil  
15 suit shall make complaint upon oath or affirmation  
16 before any judge of any municipal or police court or  
17 justice of the peace, that he believes intoxicating  
18 liquors are unlawfully kept or deposited in any place  
19 in this state by any person or persons, and that said  
20 liquors are intended for sale within this state in viola-  
21 tion of law, such magistrate shall issue his warrant  
22 directed to any officer having power to serve criminal  
23 process, commanding such officer to search the prem-  
24 ises described and specially designated in such com-  
25 plaint and warrant, and if said intoxicating liquors  
26 are there found, to seize the same with the vessels in  
27 which they are contained, and them safely keep until  
28 final action on the same, and make immediate return  
29 of said warrant. And such officer shall have authority  
30 without a warrant, to seize intoxicating liquors with  
31 the vessels in which they are contained in any place  
32 wherein he is authorized to serve criminal process,  
33 except a dwelling-house and in the possession of any  
34 person conveying or holding the same for purposes

35 authorized by law. The name of the person so as  
36 aforesaid keeping said liquors, shall be stated in such  
37 complaint, and the officer shall be commanded by said  
38 warrant, if he shall find said liquors, to arrest such  
39 person or persons, and have him or them forthwith  
40 before such magistrate for trial. If upon trial the  
41 court upon the evidence adduced shall be of opinion  
42 that the liquors were so as aforesaid kept, deposited  
43 and intended for unlawful sale by the person or per-  
44 sons named in said complaint, he or they shall be found  
45 guilty thereof and sentenced to pay a fine of fifty dol-  
46 lars and costs of prosecution, and in default of payment  
47 thereof, to be imprisoned thirty days in the county  
48 jail. If upon trial such magistrate shall find such  
49 person not guilty he shall be discharged.

SECT. 2. Chapter forty-eight of the public laws of  
2 the year eighteen hundred and fifty-eight, entitled  
3 "an act to establish forms of proceedings which may  
4 be used in prosecutions under an act entitled 'an act  
5 for the suppression of drinking-houses and tipping-  
6 shops,'" approved March twenty-fifth, eighteen hun-  
7 dred and fifty-eight, is hereby amended in the first  
8 section of said act in "form of complaint in case of  
9 seizure," "form of warrant in case of seizure," and  
10 "form of recognizance in case of seizure," so that said  
11 forms shall each conform to the first section of this act

12 in allowing one instead of three persons to make com-  
13 plaint.

SECT. 3. This act shall take effect when approved.

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STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES, }  
February 22, 1869. }

Reported from the Joint Select Committee on Prohibitory Liquor  
Law and State Constabulary, and printed under Joint Rule.

S. J. CHADBOURNE, *Clerk.*