

# MAINE STATE LEGISLATURE

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# FIFTIETH LEGISLATURE.

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SENATE.

No. 30.

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## STATE OF MAINE.

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

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AN ACT to amend section forty-seven of chapter twenty-seven of the revised statutes, concerning recognizances in appeals from magistrates.

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

SECTION 1. Section forty-seven of chapter twenty-  
2 seven of the revised statutes is hereby amended by  
3 striking out the following words: "In case of appeal  
4 from a sentence of imprisonment under the twenty-  
5 eighth section, the penal sum of recognizement shall  
6 be two hundred dollars; and in all other appeals from  
7 any other judgment or sentence of a magistrate in  
8 proceedings under this chapter, relating to drinking-  
9 houses and tippling-shops, the penal sum of the recog-

10 nizance shall be one hundred dollars,” and in the  
11 sixteenth line by striking out the words “in such  
12 case,” and insert instead thereof ‘under so much of  
13 this chapter as relates to intoxicating liquors,’ so that  
14 said section, as amended, shall read as follows :

15 *Sect. 47.* If any party shall appeal, the proceed-  
16 ings in all matters shall be the same in the appellate  
17 court as they would be upon the same matters in the  
18 court of the magistrate, and said proceedings shall be  
19 conducted in said court by the attorney for the state  
20 in the county where the proceedings are pending.  
21 The jury shall find specially under the direction of the  
22 court on all facts necessary to determine the adjudi-  
23 cation of the court ; and if a claimant or other re-  
24 spondent shall fail to appear for trial in the appellate  
25 court, the judgment of the court below, if against him,  
26 shall be affirmed. No portion of the penalty of any  
27 recognizance taken under so much of this chapter as  
28 relates to intoxicating liquors shall be remitted by any  
29 court in any suit thereon, nor shall any surety in any  
30 such recognizance be discharged from his liability  
31 therein by a surrender of his principal in court after  
32 he has been defaulted upon his recognizance. The  
33 appeals of claimants provided for in the thirty-seventh  
34 section, shall be entered as all other appeals in crimi-

35 nal cases, and subject to the same requirements of law  
36 appertaining to them.

SECT. 2. This act shall take effect when approved.

STATE OF MAINE.

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IN SENATE, February 8, 1871.

Reported from the Committee on the Judiciary by Mr. VOSE,  
and laid over to be printed under the Joint Rules.

SAMUEL W. LANE, *Secretary.*