

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

FORTY-SIXTH LEGISLATURE

OF THE

STATE OF MAINE.

1867.

Published by the Secretary of State, agreeably to Resolves of June 28, 1820,
February 26, 1840, and March 16, 1842.

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1867.

PUBLIC LAWS

OF THE

STATE OF MAINE.

1867.

sixty-seven, to be paid to him quarterly by the county treasurer. The register shall be allowed in addition to his present salary, the sum of fifteen hundred dollars annually for the same term of time, and to be paid to him in like manner, by said treasurer, in full compensation for all his expenses of clerk hire and other assistance under this act. And he shall give such additional bond, as the county commissioners may require, for the prompt and faithful performance of the duties of his office.

CHAP. 129.

Register of probate allowed \$1,500 per annum for same time.

SECT. 20. The judge of probate shall have discretionary power to allow fees to parties in proceedings before him under this act, corresponding to the probate fees now established by law, for analogous cases. In contested cases, he shall have like discretionary power to allow costs to the prevailing party. In all cases where he shall require notice to be given, he may order the cost of such notice to be paid out of the estate.

Allowance of fees and costs by judge of probate.

SECT. 21. Appeals may be taken from any decree of the judge made under the provisions of this act, in the same manner and under the same limitations as are provided by law in case of other probate appeals. The supreme judicial court shall be authorized to establish such rules as it may deem expedient for the summary hearing and determination of such appeals, and may require all testimony upon such appeals and arguments thereon to be taken and presented in writing, and submitted to the court at special times to be appointed.

Appeals may be allowed.

S. J. C. may establish rules, &c.

SECT. 22. This act shall take effect when approved by the governor.

Approved March 1, 1867.

Chapter 129.

An act to provide for a state police in certain cases.

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

SECT. 1. There shall be an officer to be called the constable of the state, who shall be commissioned to hold said office for the term of two years, unless sooner removed. He shall be appointed, and his salary shall be fixed, by the governor and council.

State constable to be appointed for two years. Salary of, how fixed.

SECT. 2. The said constable, on application of ten or more legal voters in any city or town in this state, if he shall be satisfied that the local authorities fail to enforce any law of this state therein, and that the public good requires it, may appoint one or more deputies, resident in the county in which such city or town is situated. But the number of deputies in any one county shall in no case be more than ten. And the number shall not exceed thirty, at any one time, in the whole state. And any deputy may at any time be removed by said constable or by the governor and council.

May appoint deputies.

CHAP. 130.

Duties of such constable and his deputies.

SECT. 3. The said constable and his deputies severally shall have and exercise, throughout the state, all the common law and statutory powers of constables, except the power to serve civil processes; and also in all the cities in this state, all the powers given therein to city marshals, police officers and watchmen, by the statutes of this state and by the charters and ordinances of said cities. It shall be the duty of said constable and his deputies to see that the laws are enforced and observed in all parts of the state, and to co-operate with the sheriffs and their deputies in the several counties, and with the city marshals and the police officers of the several cities, in securing that result. But it shall not be their duty to act in any case unless in their judgment there shall be a failure, neglect or inability on the part of the local authorities to enforce the laws of this state, or to cause persons violating any such laws to be prosecuted and punished.

Compensation of deputies.

SECT. 4. The deputies of said constable shall receive the sum of three dollars per day when on duty; and when required to travel on duty from one town to another they shall be allowed, in addition to their expenses, the same compensation therefor that is allowed for like service to sheriffs and their deputies. And their accounts shall, from time to time, be audited by the constable, and if approved by the governor and council, shall upon their warrant be paid from the treasury of the state.

SECT. 5. This act shall take effect when approved by the governor.

Approved March 1, 1867.

Chapter 130.

An act additional to and amendatory of chapter thirty-three of the laws of eighteen hundred and fifty-eight, for the suppression of drinking-houses and tippling-shops.

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

Punishment for sale of intoxicating liquors.

SECT. 1. Any person convicted of selling intoxicating liquors in violation of section seven of the act approved March twenty-fifth, eighteen hundred and fifty-eight, for the suppression of drinking-houses and tippling-shops, shall not only be punished as provided in said section, but in addition thereto, he shall on the first conviction be imprisoned in the county jail thirty days; and on the second conviction he shall be imprisoned in the county jail sixty days.

Punishment of common sellers of intoxicating liquors.

SECT. 2. Any person convicted of being a common seller of intoxicating liquors in violation of section eight of the act aforesaid, to which this is additional, shall not only be punished as provided in said section, but in addition thereto he shall on the first conviction