

# MAINE STATE LEGISLATURE

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# ACTS AND RESOLVES

PASSED BY THE

## FORTY-SIXTH LEGISLATURE

OF THE

## STATE OF MAINE.

1867.

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

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AUGUSTA:  
STEVENS & SAYWARD, PRINTERS TO THE STATE.  
1867.

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PUBLIC LAWS

OF THE

STATE OF MAINE.

1867.

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## 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

be imprisoned in the county jail three months ; and on the second conviction he shall be imprisoned in the county jail four months, as now provided by said section on the third and every subsequent conviction.

SECT. 3. Any person convicted of keeping a drinking-house and tippling-shop in violation of section ten of the act aforesaid to which this is additional, shall not only be punished as provided in said section, but in addition thereto, on the first conviction he shall be imprisoned in the county jail three months, and on the second and every subsequent conviction he shall be imprisoned in the county jail six months.

Punishment for keeping a drinking house and tippling shop.

SECT. 4. Any person convicted under the fourteenth section of the aforesaid act, or under the nineteenth or the twentieth sections of said act, shall not only be punished as provided therein, but he shall, in addition thereto, be imprisoned in the county jail three months.

Punishment on conviction under laws of 1858, chap. 33, sects. 14, 19, and 20.

SECT. 5. The second section of the act aforesaid, to which this is additional, shall not authorize the manufacture, for sale, of any intoxicating liquors except pure rum and alcohol. The manufacture for sale, of all other kinds of intoxicating liquors, except cider, is hereby prohibited ; and any person convicted of violating this section shall be punished the same as is provided in section three of the act aforesaid, to which this is additional, for a violation thereof.

Manufacture of liquor, how restricted.

SECT. 6. All prosecutions against persons for manufacturing liquors in violation of law, for keeping drinking-houses and tippling-shops, and for being common sellers of intoxicating liquors, shall be by indictment ; and in all other prosecutions under this act, and the act aforesaid to which this is additional, judges of municipal and police courts, justices of the peace, and trial justices, in their several counties, shall have jurisdiction, by complaint, original and concurrent with the supreme judicial court. All prosecutions in the supreme judicial court shall be by indictment. The magistrates aforesaid, in cases not within their jurisdiction, may examine and hold to bail, as in case of other offences punishable by indictment. And in all appeals from any judgment or sentence of any such magistrate, in any proceedings under this act, and the act to which this is additional, the penal sum in every recognizance shall be two hundred dollars. No recognizance, in proceedings under said acts, before any such magistrate, shall be in a less sum than two hundred dollars ; and no recognizance in the supreme judicial court, in proceedings under said acts, shall be in a penal sum less than five hundred dollars.

Prosecutions, how commenced and conducted.

SECT. 7. It shall be the duty of every justice of the peace, trial justice, recorder and judge of a municipal or police court, and every county attorney, having knowledge of any previous conviction,

Complaints and indictments to allege previous convictions.

**CHAP. 131.**

No action to be dismissed unless by special order of court.

Section 23 of the act of 1858, and sect. 29, chap. 124, R. S., repealed.

tion of any person accused of violating this act, or the act aforesaid to which this is additional, in preparing complaints, warrants or indictments, to allege such previous convictions therein; and after an indictment in any such case is entered in court, no county attorney shall dismiss or fail to prosecute the same, except by special order of said court.

SECT. 8. Section twenty-three of the act aforesaid, to which this is additional, is hereby repealed; and section twenty-nine of chapter one hundred and twenty-four of the revised statutes of this state is repealed, a different penalty for the offence therein named being provided by section twenty-six of the act aforesaid.

SECT. 9. This act shall take effect on the first day of July, eighteen hundred and sixty-seven; but none of its provisions shall apply to cases pending under the act aforesaid to which this is additional, nor to any violations thereof before this act shall take effect; and all the provisions of the act aforesaid shall be continued in force for the punishment of violations thereof prior to the time when this act shall take effect.

Approved March 1, 1867.

## Chapter 131.

An act amendatory of chapter thirty-three of the laws of eighteen hundred 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:*

Public laws of 1858, chap. 33, sect. 14, amended.

SECT. 1. The second clause of section fourteen of the act aforesaid, to which this is amendatory, shall be amended by inserting after the first line, the words, *if known to the complainants*, so that it shall read as follows:—The name of the person so as aforesaid keeping said liquors, if known to the complainants, shall be stated in the complaint;—and said clause shall be further amended by adding thereto the words, *If the name of the person keeping said liquors with intent to sell the same in this state in violation of law, is unknown to the complainants, they shall so allege in their complaint, and such magistrate shall thereupon issue his warrant as provided in the first clause of this section*; and the third clause of said section shall be amended, by inserting after the word complaint, in the fourth line thereof, the words, *or by any other person or persons, with his or their knowledge or consent*.

Sect. 17 of said chap. amended.

SECT. 2. The seventeenth section of the act aforesaid, to which this is additional, is hereby repealed, and the following section shall be inserted and is hereby enacted in its place, so that it shall read as follows: