

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.

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

PUBLIC LAWS

OF THE

STATE OF MAINE.

1867.

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Section 23 of the act of 1858, and sect. 29, chap. 124, R. S., repealed.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 Section twenty-three of the act aforesaid, to which this is additional, is hereby repealed; and section twenty-nine of chapter one hundred and twenty-four of the revised statutes of this state is repealed, a different penalty for the offence therein named being provided by section twenty-six of the act aforesaid.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:

Sect. 17. No warrant shall be issued to search a dwelling-house, actually occupied as such, unless it, or some part of it, is used as an inn or shop, or for purposes of traffic, or unless the magistrate before whom the complaint shall be made, shall be satisfied by evidence presented to him, and shall so allege in said warrant that intoxicating liquor is kept in such house, or its appurtenances, and that said liquor is intended for sale in this state, in violation of law.

Approved March 1, 1867.

Chapter 132.

An act additional to chapter eleven of the revised statutes, relating to building of school-houses.

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

SECT. 1. When in the opinion of the superintending school committee, any school district in their town unreasonably neglects or refuses to raise money for erecting, repairing, renting or purchasing a school-house or school-houses and outbuildings, such as the wants of the district require, or for purchasing or renting land for them to stand upon and for yards and play grounds, the municipal officers, upon the written application of the superintending school committee, shall insert in their warrant for calling the next town meeting for town affairs, an article to see if the town will vote to raise money in such school district for the purposes above named. And any sums or sums of money so voted to be raised shall be assessed upon the polls and estates therein and collected and paid over as if originally raised by the district. And thereupon the municipal officers shall appoint three suitable inhabitants of the town a committee to superintend the expenditure of the money for such purpose, and they shall have all the powers of a committee chosen by the district pursuant to law.

When the erection, repairing, renting or purchasing of a school house may be ordered and completed by the town.

SECT. 2. In school districts not having any legal voters to transact district business, money may be raised and expended in the manner and for the purposes specified in section first of this act.

Money, how raised and expended in districts having 100 voters.

SECT. 3. In school districts not having any legal voters to transact district business, the superintending school committee of the town are hereby empowered and required to perform the duties imposed upon school agents by the second, third and fifth specifications of section fifty-three, chapter eleven of the revised statutes.

In what cases superintending school committee perform duties of agent.

SECT. 4. This act is not intended to repeal or affect in any way section twenty-four of the chapter to which it is additional.

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

Approved March 1, 1867.