

HOUSE....No. 162.

HOUSE DOCUMENT No. 135.

Mr. LEWIS of Lanesboro', moves to strike out all after the enacting clause of the bill reported by the majority, and insert the following.

1 SECT. 1. If any person, being of full age, and
2 competent to testify in civil cases, shall make oath
3 before any justice of the peace, or judge of any police
4 court, having jurisdiction to try criminal cases in any
5 city or town, that any house, building, or place is un-
6 lawfully used as and for a tippling shop, or for the
7 resort of idle and dissolute persons, or for the purpose
8 of tippling, or dram-drinking, or unlawful drinking
9 intoxicating liquors, and that they have reason to be-
10 lieve that keeps said house, building, or place,
11 said justice, or police court, shall issue a warrant com-
12 manding the sheriff, or his deputy, or any constable
13 or police officer of the town or city, to enter such
14 house, building or place, and then and there to
15 arrest the person or persons who are named in said
16 warrant, as the keeper or keepers thereof, or as having
17 the care and superintendence thereof, and to take into
18 their custody all kegs, jugs, demijohns, bottles, tum-
19 blers, or other vessels or things, used for the purpose
20 of tippling or retailing intoxicating drinks which may
21 be found thereon, together with all spirituous or in-

22 toxicating liquors, which may be in barrels, casks,
23 demijohns, bottles, decanters, or other vessels or things
24 in said store, shop, warehouse, or in any steamboat, or
25 other vessel, or in any vehicle of any kind, in said
26 house, building, or place, and to bring said person or
27 persons so arrested, and said things so taken into cus-
28 tody, before said justice, or said police court, to be
29 dealt with according to law ; and the things so taken
30 into custody may be used as evidence at all trials or
31 hearings, had in any such case.

1 SECT. 2. When any person, or persons, are so
2 brought before said justice, or police court, the com-
3 plaint may be amended so far as respects his or their
4 names, and the trial or examination shall proceed ;
5 and, in case it shall appear to the satisfaction of said
6 justice, or police court, that the said house, building,
7 or place, was kept as a tippling shop, or place for re-
8 tailing intoxicating liquors, and that the party charged
9 kept said place, or had the care and custody, or super-
10 intendence thereof, he shall be punished for the first
11 offence by a fine not exceeding
12 dollars, and if not paid forthwith, then he shall be
13 imprisoned in the house of correction not exceeding
14 months.

1 SECT. 3. When any person shall be brought before
2 any justice, or police court, upon the above charge,
3 for a second time, the complaint may amend by a
4 brief statement that the defendant is for a second,
5 or more times, charged in the same county with an
6 offence against any of the provisions of this act, and
7 if said allegation shall appear to be true, and that

8 said defendant has been before convicted of an offence
9 against any of the provisions of this act, he shall be
10 punished by imprisonment in the house of correction
11 or common jail not more than months.

1 SECT. 4. In case of a conviction under the provi-
2 sions of this act, the things seized in pursuance thereof,
3 shall be subject to such disposition as in the discretion
4 of the presiding magistrate may seem proper.

1 SECT. 5. Nothing contained in this act shall be so
2 construed as to infringe on any citizen's right of ap-
3 peal.

1 SECT. 6. The act passed on the twenty-second day
2 of May, in the year eighteen hundred and fifty-two,
3 entitled "An Act concerning the Manufacture and
4 Sale of Spirituous and Intoxicating Liquors," is
5 hereby repealed.

1 SECT. 7. This act shall take effect from and after
2 its passage.

