
The Commonwealth of Massachusetts.

SENATE, April 6, 1926.

The committee on Legal Affairs to whom was referred so much of the Governor's Address (Senate, No. 1) as relates to night clubs, so-called, being licensed by local authority, whether or not they have received a charter for corporate purposes from the Commonwealth, and that such licenses be not granted except upon the approval of the mayor, city council and the chief police official of cities and the corresponding authorities in towns; the petition (accompanied by bill, Senate, No. 145) of E. Tallmadge Root that certain innholders and common victuallers be required to obtain a license where dancing is permitted; the petition (accompanied by bill, Senate, No. 146) of Elizabeth Tilton that the Commissioner of Public Safety be authorized to approve, suspend or revoke licenses of public dance halls, innholders and common victuallers; the petition (accompanied by bill, House, No. 270) of James M. Curley, mayor of the city of Boston, relative to the licensing of dances, dance hall exhibitions and concerts conducted between the hours of midnight and six o'clock in the morning, the petition (accompanied by bill, House, No. 660) of Roland D. Sawyer for the regulation of conduct and hours at dances, dancing parties and balls, and the petition (accompanied by bill, House, No. 661) of Roland D. Sawyer for the licensing by local authorities of clubs and corporations organized for purposes of recreation or entertainment; report the accompanying bill (Senate, No. 350).

For the committee.

J. BRADFORD DAVIS.

Senator MARTIN, and Representatives CROWTHER of Fall River and BUCKLEY of Boston, dissenting.

The Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Twenty-Six.

An Act requiring Innholders, Common Victuallers, Other Keepers of Restaurants and Other Establishments conducting Certain Amusements in Connection with their Business to be Licensed.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter one hundred and forty
2 of the General Laws is hereby amended by in-
3 serting after section one hundred and eighty-
4 three the following new sections: —

5 *Section 183A.* No innholder, common victual-
6 ler or person owning, managing or controlling a
7 cafe, restaurant or other eating or drinking estab-
8 lishment shall, as a part of his usual business,
9 offer to view, set up, set on foot, maintain or
10 carry on a concert, dance, exhibition, cabaret or
11 public show of any description at which food or
12 drink or other refreshment is sold for cash, or in
13 connection with which, after free admission,
14 music or other amusement is provided or fur-
15 nished upon payment or deposit of money, either
16 as a cover charge or in payment for food, drink
17 or other refreshment, unless and until a license
18 therefor, to be exercised on week days only, has

19 been issued by the licensing authorities or in
20 Boston by the licensing board of said city, who
21 may upon written application and upon such
22 terms and conditions as they may prescribe,
23 grant such a license for any or all of the purposes
24 hereinbefore described and may, after written
25 notice to the licensee, suspend or after hearing
26 revoke the same. Licenses granted under this
27 section shall specify the street and number where
28 the licensed business is to be carried on or give
29 some particular description thereof, and shall not
30 protect a licensee who carries on his business in
31 another place. Such licenses, unless sooner re-
32 voked, shall expire on April thirtieth of each
33 year. The fee for any such license or for any
34 renewal thereof shall not exceed five dollars, but
35 no fee shall be chargeable for any such license,
36 or for the approval of the commissioner of pub-
37 lic safety under section one hundred and eighty-
38 three B, to a person who, for the period covered
39 by such license, is also licensed under section
40 two.

41 *Section 183B.* In all towns having less than
42 twenty-five hundred registered voters at the state
43 election last preceding the date of application for
44 a license under section one hundred and eighty-
45 three A, no license issued on such application
46 shall be valid unless and until it has been ap-
47 proved in writing by the commissioner of public
48 safety as in the interest of the public good and
49 morals. Every application for such approval
50 shall be accompanied by a fee of one dollar. The

51 commissioner may, after notice to the licensee,
52 suspend and after a hearing revoke such approval,
53 and thereupon the license shall be void.

54 *Section 183C.* Any person described in section
55 one hundred and eighty-three A who engages in
56 a business required to be licensed by said section
57 unless authorized so to do by a license in full
58 force and effect, and any holder of such a license
59 who violates any condition thereof, shall be pun-
60 ished by a fine of not more than one thousand
61 dollars, or by imprisonment for not more than
62 one year, or by both. The clerk of the court in
63 which a corporation engaged in such business is
64 convicted under this section shall forthwith report
65 such conviction to the state secretary, who shall
66 thereupon revoke the charter of such corporation.

1 SECTION 2. Section one hundred and eighty-
2 two of said chapter one hundred and forty is
3 hereby amended by adding at the end thereof
4 the following:—, or to enterprises required to
5 be licensed under section one hundred and eighty-
6 three A,— so as to read as follows:— *Section*
7 *182.* Whoever offers to view, sets up, sets on
8 foot, maintains, carries on, publishes or other-
9 wise assists in or promotes any such exhibition,
10 show or amusement without such license shall
11 be punished by a fine of not more than five hun-
12 dred dollars. This and the preceding section
13 shall not apply to public entertainments by re-
14 ligious societies in their usual places of worship
15 for a religious or charitable purpose, or to enter-

16 tainment given in school buildings by or for the
17 benefit of the pupils thereof and under the super-
18 vision of the principals or teacher in charge of
19 the school classes therein, or to entertainments
20 given in a private dwelling, except in apartments
21 thereof having a seating capacity of four hundred
22 or more, or to enterprises required to be licensed
23 under section one hundred and eighty-three A.

