

Mr. Spear of Everett moves that this bill be substituted for a report of the committee on Legal Affairs, no legislation necessary, on so much of the recommitted recommendations of the Police Commissioner for the City of Boston (House, No. 8) as relates to the abatement of nuisances caused by the keeping or sale of intoxicating liquors (accompanied by bill, House, No. 13). March 9.

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## The Commonwealth of Massachusetts

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

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An Act relating to Liquor Nuisances.

*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. Section sixteen of chapter one hundred  
2 and thirty-nine of the General Laws is hereby amended  
3 by striking out, in the fifth and sixth lines, the words  
4 "or is used for the illegal keeping or sale of intoxicating  
5 liquors," — so as to read as follows: — *Section 16.* Upon  
6 an information filed by the district attorney for the  
7 district, or upon the petition of the board or officer  
8 having control of the police of a town or of not less than  
9 ten legal voters of a town, stating that a building, place  
10 or tenement therein is resorted to for illegal gaming, the  
11 supreme judicial or superior court may enjoin or abate  
12 the same as a common nuisance.

1 SECTION 2. Said chapter one hundred and thirty-  
2 nine is hereby further amended by inserting after section  
3 sixteen the following new section: —

4 *Section 16A.* Any building, place or tenement used  
5 for the illegal keeping, sale or manufacture of intoxi-  
6 cating liquor may be declared a nuisance, and such  
7 nuisance may be perpetually enjoined or abated upon  
8 the petition of the board or officer having control of the  
9 police of a city or town, or on petition of any party  
10 authorized by said board or officer to bring such pro-  
11 ceedings in their behalf. Such proceedings shall be  
12 brought in the superior court sitting in equity, and said  
13 court shall have the power by its order or decree to en-  
14 join the person conducting or maintaining the same, and  
15 the owner or his assignees, the agent of the building, or  
16 the lessee of the building or place in or upon which said  
17 nuisance exists, from directly or indirectly maintaining  
18 or permitting such nuisance. Upon the filing, with such  
19 petition, of certified records of court showing that on  
20 three distinct occasions convictions have been obtained  
21 against an individual or individuals for keeping, selling  
22 or manufacturing liquor on the same premises within  
23 one year next preceding the last conviction, the court  
24 may, if the evidence before it in its opinion warrants such  
25 action, forthwith issue a temporary injunction enjoining  
26 and abating said nuisance, pending determination of the  
27 facts and the issuance of a final decree. A restraining  
28 order relative to such a building, place, or tenement may  
29 be served by delivering a copy of said order in hand to  
30 any person in charge of such building or tenement or  
31 residing therein, or by posting a copy thereof in a con-  
32 spicuous place at or upon one or more of the principal  
33 doors or entrances thereto, or by both such delivering  
34 and posting. Any violation of such restraining order  
35 shall be contempt of court, and where such order is so  
36 posted mutilation or removal thereof while the same re-  
37 mains in force shall be in contempt of court if such

38 *posted* order contains a statement to that effect. Any  
39 such contempt of court or any contempt of court re-  
40 sulting from the violation of any temporary or per-  
41 manent injunction issued under this section shall be  
42 punished by a fine of not less than two hundred nor more  
43 than one thousand dollars or by imprisonment for not  
44 less than three nor more than six months, or by both.

