

HOUSE No. 1023

The Commonwealth of Massachusetts.

HOUSE OF REPRESENTATIVES, Feb. 28, 1928.

The committee on Legal Affairs to whom was referred the petition (accompanied by bill, House, No. 495) of the Massachusetts Civic League for an amendment of the law relative to liquor nuisances and to places of prostitution and gaming, and the petition (accompanied by bill, House, No. 770) of Elmer E. Spear relative to the abatement as common nuisances of places used for the illegal sale of intoxicating liquors, report the accompanying bill (House, No. 1023).

For the committee,

ELMER E. SPEAR.

Senator BIGNEY, and Representatives KIRKPATRICK of Holyoke, CASSON of Boston, FINNEGAN of Boston and CROWLEY of Chelsea, dissenting.

The Commonwealth of Massachusetts

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

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 Chapter one hundred thirty-nine of the General
2 Laws is hereby amended by inserting after section
3 sixteen the following new section:—
4 *Section 16A.* Upon a bill in equity brought by the
5 attorney general, or district attorney for the dis-
6 trict, or the chief of police, or the board or officer
7 having control of the police of the state, or of a
8 town or city, in the name of the commonwealth, or
9 by not less than ten legal voters of a town or city,
10 in their own names, stating that a building, place or
11 tenement situated therein is being used for the il-
12 legal keeping, sale or manufacture of intoxicating
13 liquors, the superior court may abate the same as
14 a common nuisance and may enjoin the person con-
15 ducting or maintaining the same, and the owner,
16 lessee or agent of the building, place or tenement
17 in or upon which said nuisance exists, and their
18 grantees or assignees, from directly or indirectly
19 maintaining or permitting such nuisance, and, sub-
20 ject to the provisions hereinafter contained, may

21 order the effective closing of such building, place
22 or tenement, and the prohibition of its use for any
23 purpose for one year thereafter. Proceedings
24 under this section shall be in the manner provided
25 in sections seven to twelve inclusive, except that the
26 provisions of section nine regulating the closing
27 of a building, place or tenement and the prohibition
28 of its use for any purpose for one year because of
29 maintaining such a nuisance shall not apply, and in
30 lieu thereof the court may include in its decree an
31 order for such closing and prohibition, if it appears
32 that prior thereto there shall have been three con-
33 victions within the preceding three years for the
34 illegal sale, or keeping, or manufacture of intoxi-
35 cating liquors on the premises on which such build-
36 ing, place or tenement is situated, or three decrees
37 for a permanent injunction enjoining the mainten-
38 ance of such a nuisance. A decree for a permanent
39 injunction or abatement shall include an order that
40 a copy thereof shall be posted in a conspicuous
41 place on the building, place or tenement affected
42 thereby, on or near one or more of its principal
43 entrances and that the removal, defacement,
44 erasure or mutilation of a copy so posted shall be
45 contempt of court. In addition to such posting, a
46 copy of the decree shall be delivered in hand to the
47 person in charge of such building, place or tenement
48 if he may be found upon the premises or to anyone
49 residing therein, and if the decree includes an order
50 for closing of said building and prohibition of its
51 use for any purpose for one year, a copy shall be
52 filed forthwith for record in the registry of deeds
53 for the county and registry district within which

54 such building, place or tenement is situated. The
55 provisions of section thirteen of the chapter shall
56 apply to all persons found in or upon premises used
57 for the illegal sale, or keeping, or manufacture of
58 intoxicating liquors.