

# SENATE . . . . No. 170

---

---

To accompany the petition of Joshua B. Holden and another that provision be made for court appeals in certain cases of suspension or forfeiture of liquor licenses. Legal Affairs.

---

---

## The Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Seventeen.

---

---

### AN ACT

To provide for Court Appeals in Certain Cases of Suspension or Forfeiture of Liquor Licenses.

*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. *The seventh clause of section seven-*  
2 *teen of chapter one hundred of the Revised Laws is*  
3 *hereby amended by adding after the seventy-*  
4 *fifth line of said section seventeen the words:—*  
5 *If a license granted under the provisions of this*  
6 *act be revoked or suspended at any time by the*  
7 *licensing board, for a breach of any of its condi-*  
8 *tions, an appeal may be taken to the municipal*  
9 *court of the city of Boston within twenty-four*  
10 *hours from the forfeiture or suspension of said*

11 license and the hearing shall be held by the said  
12 municipal court within seven days from the entry  
13 of the appeal.

14 The court's decision shall be final and conclusive  
15 and during the pendency of an appeal, the license  
16 shall remain in full force, — so as to read as fol-  
17 lows: — *Seventh*, That the license shall be subject  
18 to forfeiture, as herein provided, for breach of  
19 any of its conditions; and that, if the licensee is  
20 convicted of a violation of any of such conditions,  
21 his license shall thereupon become void.

22 Each license of the first five classes shall be  
23 subject to the further condition that the licensee  
24 shall not sell, give away or deliver on the licensed  
25 premises any intoxicating liquors on a legal holi-  
26 day as defined in section five of chapter eight or  
27 on any day on which a national, state, city or  
28 annual town election is held in the city or town  
29 in which the licensed premises are situated, ex-  
30 cept the day of an election in a city if such elec-  
31 tion is not required to be held in the ward in  
32 which the licensed premises are situated; but this  
33 condition shall not apply to a wholesale druggist  
34 who, on the day of an election as aforesaid, sells,  
35 gives away or delivers intoxicating liquors on the  
36 licensed premises, nor to an innkeeper who sells,  
37 gives away or delivers in his inn any intoxicating  
38 liquor to a guest who has resorted to his inn for  
39 food or lodging; but an innkeeper shall not upon  
40 such holiday sell, give away or deliver intoxicat-  
41 ing liquor in his inn under a fourth or fifth class  
42 license.

43 Each license of the first three classes shall be  
44 subject to the further condition that the licensee  
45 shall hold a license as an innholder or common  
46 victualler and that he shall not serve any spiritu-  
47 ous or intoxicating liquor at a table or tables in  
48 any room in which the exclusive or principal  
49 business carried on is the sale of such liquors.

50 Each license of the first three classes issued to a  
51 common victualler shall specify the room or  
52 rooms in which such liquor shall be kept or sold,  
53 and the holder of such license shall not keep,  
54 sell or deliver any such liquors in any room or  
55 part of a building not so specified.

56 Each license of the second, third, fifth or seventh  
57 class shall be subject to the further condition that  
58 no spirituous or intoxicating liquors except those  
59 the sale of which is allowed by the license shall  
60 be kept on the licensed premises.

61 *If a license granted under the provisions of this*  
62 *act be revoked or suspended at any time by the li-*  
63 *censing board, for a breach of any of its conditions,*  
64 *an appeal may be taken to the municipal court of*  
65 *the city of Boston within twenty-four hours from the*  
66 *forfeiture or suspension of said license and the*  
67 *hearing shall be held by the said municipal court*  
68 *within seven days from the entry of the appeal.*

69 *The court's decision shall be final and conclusive*  
70 *and during the pendency of an appeal, the license*  
71 *shall remain in full force.*

1 SECTION 2. This act shall take effect upon its  
2 passage.

1. The first section of the first part of the book is devoted to the history of the United States from 1776 to 1800. It deals with the early years of the Republic, the struggle for independence, and the establishment of the new government.

2. The second section of the first part of the book is devoted to the history of the United States from 1800 to 1820. It deals with the expansion of the United States, the War of 1812, and the early years of the Jacksonian era.

3. The third section of the first part of the book is devoted to the history of the United States from 1820 to 1840. It deals with the expansion of the United States, the Mexican War, and the early years of the Jacksonian era.

4. The fourth section of the first part of the book is devoted to the history of the United States from 1840 to 1860. It deals with the expansion of the United States, the Mexican War, and the early years of the Jacksonian era.