

HOUSE No. 763.

[Bill accompanying the petition of Edward P. Barry for legislation to regulate proceedings for forfeiture of licenses for the sale of intoxicating liquors. Liquor Law. Feb. 3.]

Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Three.

AN ACT

To regulate Proceedings for Forfeiture of Licenses
to sell Intoxicating Liquors.

*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 forty-seven of chapter
2 one hundred of the Revised Laws is hereby
3 amended by adding at the end thereof the fol-
4 lowing:—The proceedings before the licensing
5 board shall be under the rules of the common
6 law. No charge or complaint shall be received
7 or heard that is not made in writing and filed
8 with the records of the case, and no evidence

9 shall be heard by the licensing board except in
10 the presence of the licensee or of his attorney,
11 or upon their default to attend, after reasonable
12 notice. At such hearings, upon the request of
13 the licensee or of any party interested, and upon
14 his depositing the costs thereof, the evidence
15 shall be taken down stenographically, written out
16 and made a part of the records of the case, —
17 so as to read as follows: —

18 *Section 47.* The licensing board, after notice
19 to the licensee and reasonable opportunity for
20 him to be heard by them or by a committee of the
21 mayor and aldermen or selectmen, if the license
22 was granted by them, may declare his license
23 forfeited, upon satisfactory proof that he has
24 violated or permitted a violation of any condition
25 thereof. The pendency of proceedings before a
26 court or justice shall not suspend or interfere
27 with the power herein given to decree a forfeiture.
28 If the license is declared to have been forfeited,
29 the licensee shall be disqualified to receive a
30 license for one year after the expiration of
31 the term of the license so forfeited, and if he is
32 the owner of the premises described in such
33 forfeited license, no license shall be issued to
34 be exercised on said premises for the residue of
35 the term thereof.

36 The proceedings before the licensing board shall
37 be under the rules of common law. No charge or
38 complaint shall be received or heard that is not
39 made in writing and filed with the records of the
40 case, and no evidence shall be heard by the

41 licensing board except in the presence of the
42 licensee or of his attorney, or upon their default
43 to attend, after reasonable notice. At such hear-
44 ings, upon the request of the licensee or of any
45 party interested, and upon his depositing the
46 costs thereof, the evidence shall be taken down
47 stenographically, written out and made a part of
48 the records of the case.

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

