

HOUSE No. 1150.

Commonwealth of Massachusetts.

HOUSE OF REPRESENTATIVES, May 1, 1899.

The committee on the Liquor Law, to whom was recommit-
ted the bill relative to the rights of owners of real estate
in the matter of granting of liquor licenses (House, No.
954), report that the same ought to pass, in a new draft,
herewith submitted.

For the Committee,

WILLIAM ODLIN.

Messrs. HARRINGTON and PATCH, of the Senate, and
Messrs. ESTES of Brockton and LITCHFIELD of Lunenburg,
of the House, dissenting.

Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Ninety-nine.

AN ACT

Relative to the Rights of Owners of Real Estate in
the Matter of Granting 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. Section seven of chapter one hun-
2 dred of the Public Statutes, as amended by chap-
3 ter three hundred and twenty-three of the acts of
4 the year eighteen hundred and eighty-seven, is
5 further amended by striking out all after the word
6 "granted," in the seventh line thereof, and insert-
7 ing in place thereof the following: "Unless upon
8 due notice and hearing of all parties interested,
9 which shall forthwith be given by the licensing
10 board, it shall appear that the objection is filed to
11 obtain money or some consideration from the party
12 applying for a license, the license may be granted:
13 *provided*, that if at the hearing the ground of the
14 objector is that the value of the objector's prop-

15 erty will be depreciated by the granting of the
16 license, the licensing board shall ascertain the
17 value of such depreciation and upon payment of
18 such sum to the objector the license may be
19 granted, and no such owner can again object so
20 long as the title to the property remains in him or
21 so long as the licensed premises remain licensed.

22 In case of a determination of damages by the
23 licensing board, an appeal shall lie to the superior
24 court, and in case the applicant for a license shall
25 appeal to the superior court he shall give a good
26 and sufficient bond in twice the sum found by the
27 license board to pay such damages and costs as
28 shall be determined by the courts: *provided, how-*
29 *ever,* that if a license has been exercised upon the
30 premises described in an application for a license,
31 as set out in this section, for two consecutive
32 years and an owner of real estate adjoining the
33 premises described in such an application has
34 owned said real estate during said two consecu-
35 tive years, then and in that case such owner may
36 not thereafter object, under the provisions of this
37 section, to the granting of a license upon said
38 premises, unless said owner shall erect upon said
39 real estate a new structure to be used as a dwell-
40 ing-place, but if, after the completion of said
41 structure said owner shall still own said real
42 estate for two consecutive years, and a license
43 shall be exercised upon said premises for said two
44 consecutive years, then and in that case the said
45 owner may not thereafter object to the granting
46 of a license upon said premises under the pro-

47 visions of this section," — so that the section, as
48 amended, shall read as follows: —

49 *Section 7.* If, before the expiration of the ten
50 days following the publication of the notice, as
51 required by the preceding section, the owner of
52 any real estate within twenty-five feet of the
53 premises described in an application for a license
54 to be exercised by a common victualler to sell
55 liquors to be drunk on said premises notifies
56 the licensing board, in writing, that he objects to
57 the granting of the license, no license to sell in-
58 toxicating liquors to be drunk on the premises
59 shall be granted unless upon due notice and
60 hearing of all parties interested, which shall forth-
61 with be given by the licensing board, it shall
62 appear that the objection is filed to obtain money
63 or some consideration from the party applying
64 for a license, the license may be granted: *pro-*
65 *vided*, that if at the hearing the ground of the
66 objector is that the value of the objector's prop-
67 erty will be depreciated by the granting of the
68 license, the licensing board shall ascertain the
69 value of such depreciation and upon payment of
70 such sum to the objector the license may be
71 granted, and no such owner can again object so
72 long as the title to the property remains in him or
73 so long as the licensed premises remain licensed.

74 In case of a determination of damages by the licen-
75 sing board an appeal shall lie to the superior court,
76 and in case the applicant for a license shall appeal
77 to the superior court he shall give a good and
78 sufficient bond in twice the sum found by the

79 license board to pay such damages and costs as
80 shall be determined by the courts: *provided, how-*
81 *ever,* that if a license has been exercised upon the
82 premises described in an application for a license,
83 as set out in this section, for two consecutive
84 years, and an owner of real estate adjoining the
85 premises described in such application has owned
86 said real estate during said two consecutive years,
87 then and in that case such owner may not there-
88 after object, under the provisions of this section,
89 to the granting of a license upon said premises,
90 unless said owner shall erect upon said real estate,
91 a new structure to be used as a dwelling-place,
92 but if, after the completion of said structure said
93 owner shall still own said real estate for two con-
94 secutive years, and a license shall be exercised
95 upon said premises for said two consecutive years,
96 then and in that case the said owner may not
97 thereafter object to the granting of a license upon
98 said premises under the provisions of this section.

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



