

HOUSE....No. 116.

[Reported by the Committee on the subject.]

Commonwealth of Massachusetts.

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

AN ACT

In relation to the Sale of Fermented and Spiritous Liq-
uors.

*BE it enacted by the Senate and House of Representa-
tives, in General Court assembled, and by the authority of
the same, as follows :*

1 SECT. 1. Any town or city within this Common-
2 wealth may enact by-laws restricting the sale of fer-
3 mented intoxicating drinks, in quantities less than
4 twenty-eight gallons, within their limits: *provided*,
5 that no penalty for a single breach of such by-laws,
6 shall exceed twenty dollars; also, that the penalty
7 for being a common seller of such drinks, shall not

8 exceed one hundred dollars. The penalties annexed
9 to the breach of said by-laws may be recovered in the
10 same manner that the penalties for violations of the
11 license laws are now recovered.

1 SECT. 2. The selectmen of towns, and the mayor
2 and aldermen of cities, may license, within their sev-
3 eral towns and cities, one apothecary or other person
4 or more, as they may deem expedient, to sell spiritous
5 liquors and wine for medical and mechanical purposes,
6 and to be used in the arts only. If, at any time, the said
7 town or city authorities shall become convinced that
8 any person, licensed as aforesaid, has broken the terms
9 of his license, they are hereby empowered, and it shall
10 be their duty, to revoke said license immediately.

1 SECT. 3. Any person purchasing spiritous liquor
2 or wine of any individual thus licensed, falsely pre-
3 tending that the same is to be used for either of the
4 above-named purposes, shall forfeit a sum not exceeding
5 twenty dollars, to be recovered by complaint before any
6 justice of the peace, or police court, within the county
7 where the offence was committed.

1 SECT. 4. Section twenty-seventh of chapter forty-
2 seventh of the Revised Statutes, is so amended as to
3 read as follows:—

4 When any person shall be convicted under the
5 provisions of this chapter, and shall fail to pay the
6 fine awarded against him, he may be imprisoned in
7 the common jail or *house of correction*, for a time not
8 exceeding ninety days, at the discretion of the court
9 or justice before whom the trial may be had.

1 SECT. 5. All acts and parts of acts inconsistent
2 herewith, are hereby repealed.

