

HOUSE....No. 153.

Commonwealth of Massachusetts.

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

AN ACT

In relation to the sale of Spiritous and Fermented 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 SECT. 1. Spiritous, and other intoxicating liquors,
2 may be sold in less quantities than twenty-eight gal-
3 lons, for medicinal and mechanical purposes, and
4 wine for sacramental purposes, by suitable persons
5 employed therefor, but not otherwise.

1 SECT. 2. The mayor and aldermen of the several
2 cities, and the selectmen of the several towns, within

3 this Commonwealth, may employ as many suitable
4 agents to purchase and sell intoxicating liquors in
5 their respective cities and towns, for the purposes
6 named in the first section of this act, as, in their
7 judgment, the public good may require, for a time not
8 exceeding one month after the expiration of their term
9 of office; and any person so employed, who shall
10 knowingly sell for other purposes than those men-
11 tioned in the first section of this act, shall, upon due
12 conviction thereof, be subject to a fine of not less
13 than twenty, nor more than fifty dollars, and shall
14 forthwith be removed from office.

1 SECT. 3. The said agents shall receive such com-
2 pensation for their services, from the treasuries of the
3 several towns and cities, as, in the opinion of the
4 mayor and aldermen of the cities, and the selectmen
5 of the towns, is just and reasonable, and said liquors
6 shall, in all cases, be sold at not more than fifteen
7 per cent. profit on the first cost, including the ex-
8 pense of transportation.

1 SECT. 4. Every agent so employed shall keep a
2 true and perfect account of all purchases and sales by
3 him made, which shall be exhibited to his employers,
4 whenever required, and shall pay over to them all the
5 profits arising from said sales.

1 SECT. 5. Any person obtaining the above-named
2 liquors by false pretence, or misrepresentation, shall
3 be liable to imprisonment in the county prison, or
4 hard labor in the workhouse or house of correction,
5 for a time not less than thirty days.

1 SECT. 6. If any person, not employed according to
2 the provisions of this act, shall sell, by himself or
3 employee, directly or indirectly, any intoxicating
4 drinks in a less quantity than twenty-eight gallons,
5 he shall be liable, for every such offence, to impris-
6 onment and labor in the county jail or house of cor-
7 rection, not less than thirty days; and pending any
8 complaint, or indictment, under this act, the several
9 courts and justices of the peace, on a complaint un-
10 der oath, may issue a search warrant against the place
11 or building in which the traffic in such liquors is
12 suspected to be carried on, commanding to seize all
13 such liquor, the casks or vessels containing the same,
14 and the implements used in the traffic thereof, found
15 in and upon the premises, and to hold the same, to be
16 used as evidence on the trial of the defendant; and, in
17 case of conviction, they shall be forfeited to the Com-
18 monwealth, and disposed of by order of the court.
19 Upon a second, and all subsequent convictions under
20 this act, the time of imprisonment and labor shall be
21 doubled.

1 SECT. 7. All penalties incurred under this act may
2 be prosecuted and enforced by the statutes of the
3 Commonwealth applicable thereto, in the several
4 courts competent to try the same.

1 SECT. 8. All existing laws inconsistent with the
2 above, are hereby repealed.

