

Extension:
authorized.

Sale validated.

When
effective.

such sale was about to be made, and because of the failure so to do the writ became null and void in the hands of the sheriff of such county and such sheriff was therefore unable to conduct the sale on or before the third day of April, one thousand nine hundred and thirty-three, as prescribed by the resolution, then, and in such case, the court of common pleas in any such county is hereby directed and empowered to, by order nunc pro tunc, extend such return day until a day not later than May fifteenth, one thousand nine hundred thirty-three, and any sale advertised and returned to such return day is hereby ratified and validated, and shall be considered and held to have the same force and effect as if properly made and returned to the original return day.

Section 2. This act shall become effective immediately upon final enactment.

APPROVED—The 3d day of May, A. D. 1933.

GIFFORD PINCHOT

No. 91

AN ACT

To regulate and restrain the traffic in malt, brewed, and vinous and fruit juice beverages, as herein defined; providing for the licensing of the sale and distribution of such beverages; imposing license fees, and providing for collection and distribution thereof; restricting ownership and interest in licensed places; permitting municipalities and townships, by vote of the electors, to prevent the licensing therein of places where such beverages may be sold for consumption on the premises, and regulating elections for this purpose; imposing duties upon county treasurers, the Department of Revenue, quarter sessions courts, district attorneys, proper authorities of political subdivisions of the State, and election officers; providing penalties; and repealing existing acts.

Beverage
License
Law.

Section 1. Be it enacted, &c., That—Short Title.—This act shall be known, and may be cited, as the “Beverage License Law.”

Section 2. Definitions.—The following words and terms, as used in this act, shall be construed as defined in this section:

(a) The word “beverages” means any beer, lager beer, ale, porter, wine, similar fermented malt or vinous liquor, and fruit juice, containing one-half of one per centum or more of alcohol by volume, and not exceeding three and two-tenths per centum of alcohol by weight, by whatever name such liquors or fruit juices may be called, the manufacture and sale of which for beverage purposes is not prohibited by the laws of the United States.

(b) The word “person” means and includes natural persons, associations, partnerships and corporations.

SESSION OF 1933.

(c) The word "manufacturer" means and includes all persons holding permits issued by the Alcohol Permit Board of this Commonwealth.

(d) The term "distributor" means and includes persons licensed to engage in the purchase and resale of beverages in the original sealed packages, as prepared for the market by the manufacturer, but not for consumption on the premises where sold.

(e) The term "retailer" means and includes persons licensed to engage in the retail sale of beverages where the consumption thereof is upon the premises of such vendor, with the privilege of selling beverages to be carried from the premises by the purchaser thereof only, however, in the original containers.

(f) The term "original containers" means and includes bottles, casks, kegs or other containers that have been securely capped or corked by the manufacturer, with the name and address of the manufacturer permanently affixed to the bottle, cask, keg or other container, or to the cap or cork used in sealing same.

(g) The term "license" means and includes both the person making the application therefor and the premises upon which the privileges of the license are to be exercised, and includes distributors', retailers', and public service licenses.

(h) "Eating place" means a room having an area of not less than three hundred square feet, and equipped with tables and chairs accommodating forty persons at one time.

(i) "Treasurer" means the county treasurer of the county in which is located any place specified in an application as the place for which a license is desired.

(j) As used in this act, the singular shall include the plural, and the masculine gender shall include the feminine and neuter.

Section 3. Sales for Consumption on the Premises.—It shall be unlawful for any person to sell to another for consumption upon the premises where sold, or to permit another to consume upon the premises where sold, any beverage, unless such person holds a valid retailer's license issued by the treasurer.

Section 4. Sales Not for Consumption on the Premises.—It shall be unlawful for any person to sell to another any beverage not for consumption upon the premises where sold, unless such person holds a valid manufacturer's permit issued by the Alcohol Permit Board, or a valid distributor's or retailer's license issued by the treasurer.

Section 5. Distributors' Licenses.—The treasurer shall issue to any person who applies therefor, pays the license fee hereinafter prescribed, and files the bond hereinafter required, a distributor's license for the place at which such person desires to sell beverages not for consumption on the premises where sold.

Section 6. Retailers' Licenses.—Subject to the restrictions hereinafter provided, the treasurer shall issue to a person who conducts a reputable hotel, or incorporated club, or a reputable, bona fide eating place where food is regularly and customarily prepared and sold, and who makes application upon a form as hereinafter prescribed, pays the license fee hereinafter prescribed, and files the bond hereinafter required, a retailer's license for such place.

Such licenses shall be issued only to reputable individuals who are citizens of the United States and have for one year been residents of the municipality or township wherein the place of business is located at the date of their applications, or to reputable corporations organized or duly registered under the laws of Pennsylvania.

No retailer's license shall be granted for the sale of beverages for consumption on the premises in any municipality or township in which the electors shall, as hereinafter provided, have voted against the licensing therein of places where beverages may be sold for consumption on the premises where sold.

Section 7. Appeals from Refusal of Licenses.—Any person aggrieved by the treasurer's refusal to issue a license may appeal to the court of quarter sessions of the county. Such appeal shall be upon petition of the applicant, who shall serve a copy thereof upon the treasurer, whereupon a hearing shall be held upon said petition by the court upon thirty days' notice to the treasurer, who shall be represented in the proceeding by the district attorney. At said hearing, testimony may be presented by the applicant and the treasurer, after the consideration of which, the court shall either sustain the refusal of the treasurer or order an issuance of the license to the applicant. There shall be no further appeal.

Section 8. Public Service Licenses.—The Department of Revenue may issue special retailers' licenses to a railroad, pullman or steamship company, permitting beverages to be sold in dining, club or buffet cars, or the dining compartments of steamships or vessels, for consumption on the trains, steamships or vessels wherever operated in the State, except when standing in stations or terminals within a municipality wherein retail sales are prohibited. Such licenses shall only be granted to reputable persons and for fit places. The Department of Revenue shall have the power to suspend or revoke any such licenses for cause, after granting a hearing thereon to the licensee. Any person aggrieved by the decision of the Department of Revenue in refusing, suspending or revoking any such license may, within thirty days thereafter, appeal to the court of common pleas of Dauphin County, which shall fix a time for hearing, of which notice shall be given to the

Department of Revenue as the court may provide. The court shall hear the appeal de novo, and shall make such order affirming, modifying or reversing the order of the department as to it shall appear just. The action of the court shall be final.

Section 9. Distributors' and Retailers' Licenses; License Year.—Licenses to distributors and retailers shall be granted by the treasurer, and shall be for one year. The license year in each county shall begin on June first.

Section 10. Filing of Applications for Distributors' and Retailers' Licenses.—Every person intending to apply for a distributor's or retailer's license as aforesaid, in any municipality or township of this Commonwealth, shall file, with the treasurer, his or its application at least one week before the first day of June, and shall, at the same time, pay said treasurer ten dollars for the use of the county.

Section 11. Application for Distributors' and Retailers' Licenses.—Application for distributors' and retailers' licenses shall contain—

(a) The name and residence of the applicant, and how long he has resided there; and if an individual the residence of such applicant, and if an association, partnership or corporation the residences of the members, officers and directors for the period of two years next preceding the date of such application;

(b) The particular place for which the license is desired, and a detailed description thereof;

(c) Place of birth of applicant, and if a naturalized citizen where and when naturalized; and if a corporation when and where incorporated, with the names and addresses of each officer and director;

(d) Name of owner of premises, and his residence;

(e) That the applicant is not, or in case of a partnership or association that the members or partners are not, and in the case of a corporation that the officers and directors are not, in any manner pecuniarily interested, either directly or indirectly, in the profits of any other class of business regulated under this act, except as hereinafter temporarily permitted;

(f) That applicant is the only person in any manner pecuniarily interested in the business so asked to be licensed, and that no other person shall be in any manner pecuniarily interested therein during the continuance of the license, except as hereinafter temporarily permitted;

(g) Whether applicant, or in case of a partnership or association any member or partner thereof, or in case of a corporation any officer or director thereof, has, during the three years immediately preceding the date of said application, had a license for the sale of beverages revoked, or has, during the same period, been con-

victed of any criminal offense, and, if so, a detailed history thereof.

(h) A full description of that portion of the premises for which license is asked, and, if any other business is to be conducted concurrently with the sale and distribution of beverages, a full history of such business, relating the nature thereof, the length of time it has so previously been conducted by the applicant, or his predecessor, at such location.

There shall be annexed to such application a certificate, signed by at least twelve reputable qualified electors of the ward, borough or township in which such beverages are to be sold, setting forth that they have been acquainted with the applicant or applicants, or the members of the association or partnership, or the directors and officers of the corporation where the applicant is a corporation, that they have good reason to believe that each and all the statements contained in the petition are true, and they therefore believe that the application should be granted and that the license should issue.

The application must be verified by affidavit of applicant, and if any false statement is made in any part of the application, the affiant shall be deemed guilty of the crime of perjury. A license shall not be granted by the treasurer unless the application contains the information herein required.

Section 12. Prohibitions Against the Grant of Licenses.—Any retailer may be granted licenses to maintain, operate or conduct any number of places for the sale of beverages, but a separate license must be secured for each place where beverages are sold or where orders are taken.

No person shall possess or be issued more than one distributor's license in any one municipality or township, nor shall any distributor maintain or operate any place or places other than that for which the license is granted where beverages are sold or where orders are taken.

Licenses shall be granted by the treasurer only to reputable individuals, or to associations, partnerships and corporations whose members or officers and directors are reputable individuals.

Licenses shall be granted by the treasurer only to individual citizens of the United States who have been residents of this Commonwealth for at least three years immediately preceding, or to corporations organized in or duly authorized to transact business in this Commonwealth and all of whose officers and directors shall be citizens of the United States who have also been residents of this Commonwealth for at least three years immediately preceding, the applications for license.

Section 13. Revocation and Suspension of Licenses by Court of Quarter Sessions.—After a license has been

granted, upon petition of the Attorney General, the treasurer, the district attorney, or fifteen or more taxpayers, residents of the ward, borough or township where the place of business is located, to the court of quarter sessions, and upon sufficient cause being shown or proof being made to the court that the licensee holding a license, or any partners, members, officers or directors of the licensee, has or have violated any of the laws of this Commonwealth relating to the sale of beverages, or relating to the manufacture, sale or transportation of alcohol or/and other alcoholic beverages, it may, upon due notice and proper hearing being given to the person so licensed, suspend or revoke the said license issued by the treasurer. The court shall assess or remit the costs in its discretion. The action of the court in suspending or revoking a license shall be final.

Section 14. Licenses Not Assignable; Transfers.—Licenses issued under this act may not be assigned. The treasurer is hereby authorized to transfer any distributor's or retailer's license from one person to another, or from one place to another within the same municipality or township, as the treasurer may determine; but no transfer shall be made to a person who would not have been eligible to receive the license originally, nor for the transaction of business at a place for which the license could not lawfully have been issued originally. Any such transfer of a license may be made at any time. From any refusal to grant a transfer, the person aggrieved shall have the right to appeal to the court of quarter sessions in the same manner as herein provided for appeals from refusals to grant licenses.

Section 15. Applications for Transfers; Fee.—Applications for any such transfer shall be filed in the office of the county treasurer at least one week before the transfer is made.

Whenever any license is transferred, no license or other fees shall be required from the persons to whom such transfer is made for the balance of the then current license year, except a fee of ten dollars, to be paid to the treasurer, for the use of the county.

Section 16. Renewal of Licenses.—Renewals of licenses shall be granted annually by the treasurer upon the filing of an application as hereinbefore provided, at least one week before the first day of June, and the payment of a fee of ten dollars for the use of the county, and the payment of the license fee and the filing of a bond as in the case of an original license.

Section 17. Display of License.—Every licensee shall frame his or its license under a transparent substance, and display the same in a conspicuous space so that it may easily be read in his or its place of business; and no license shall authorize sales until this section has been complied with.

Section 18. All Licensees to Furnish Bond.—No li-

license shall be issued to any distributor or retailer until the licensee shall have first executed a bond to the Commonwealth of Pennsylvania, and a warrant of attorney to confess judgment, in the penal sum hereinafter prescribed and with sufficient sureties, either personal or a surety company authorized to do business in this Commonwealth. Such bond shall not be accepted until approved by the treasurer. All such bonds shall be conditioned for the faithful observance of all the laws of this Commonwealth relating to the sale of beverages, or relating to the manufacture, sale or transportation of alcohol or any other alcoholic beverages. Such bond shall be filed with and retained by the treasurer. The penal sums of such bonds shall be one thousand dollars for each place at which the licensee is authorized to sell beverages. Every such bond shall be turned over to the district attorney to be sued out if, and when, the licensee's license shall have been revoked as herein provided.

Section 19. License Fees; Distribution of Revenues.—No license shall be issued to any distributor or retailer until the licensee shall have first paid an annual license fee for such grant, as follows:

(a) In the case of a distributor, the license fee shall be graduated according to the population of the municipality or township in which the place of business is located as follows, and shall be paid to the treasurer:

I. In municipalities or townships having a population of less than one thousand five hundred inhabitants, thirty-seven dollars and fifty cents.

II. In those having a population of one thousand five hundred and more, but less than ten thousand inhabitants, fifty dollars.

III. In those having a population of ten thousand and more, but less than fifty thousand inhabitants, seventy-five dollars.

IV. In those having a population of fifty thousand and more, but less than one hundred thousand inhabitants, one hundred dollars.

V. In those having a population of one hundred thousand and more, but less than one hundred fifty thousand inhabitants, one hundred and twenty-five dollars.

VI. In those having a population of one hundred fifty thousand and more, one hundred and fifty dollars.

(b) In the case of a retailer, the license fee shall be graduated according to the population of the municipal unit in which the place of business is located as follows, and shall be paid to the treasurer:

I. In municipalities or townships having a population of less than one thousand five hundred inhabitants, seventy-five dollars.

II. In those having a population of one thousand five hundred and more, but less than ten thousand inhabitants, one hundred dollars.

III. In those having a population of ten thousand and more, but less than fifty thousand inhabitants, one hundred and fifty dollars.

IV. In those having a population of fifty thousand and more, but less than one hundred thousand inhabitants, two hundred dollars.

V. In those having a population of one hundred thousand and more, but less than one hundred fifty thousand inhabitants, two hundred and fifty dollars.

VI. In those having a population of one hundred fifty thousand and more, three hundred dollars.

(c) In the case of an incorporated club, the fee shall be twenty-five dollars in all cases.

(d) In the case of a public service license for the sale of beverages in dining, club and buffet cars, the fee shall be ten dollars for each car on which beverages are sold, and shall be paid to the State Treasurer through the Department of Revenue.

(e) In the case of a public service license for the sale of beverages on a boat or vessel, the fee shall be fifty dollars for each such vessel or boat, which shall be paid to the State Treasurer through the Department of Revenue.

The license fees fixed by this section shall be paid before the license or renewal is issued.

The fees for distributors' and retailers' licenses shall be paid by the treasurer to the municipalities and townships of the first class in which the licensed places are located, for the use of such municipalities and townships. The fees for licenses of places located in townships of the second class shall be paid into the county treasury for the use of the county. The fees for public service licenses shall be for the use of the Commonwealth.

Remittances shall be made by the treasurer to municipalities and townships within thirty days of the receipt of any license fee.

Section 20. Sales by Manufacturers; Minimum Quantities.—No manufacturer shall sell any beverages for consumption on the premises where sold, nor sell or deliver any such beverages in other than original containers nor in quantities of less than two hundred and eighty-eight (288) fluid ounces; nor shall any manufacturer maintain or operate any place or places, other than the place or places covered by his or its permit, where beverages are sold or where orders are taken.

Section 21. Sales by Distributors.—No distributor shall purchase, receive or resell any beverages except in the original containers: Provided, That no such beverage sold or delivered shall be consumed upon the premises of the distributor or in any place provided for such purpose by such distributor.

Section 22. Sales by Retailers.—No retailer shall purchase or receive any beverages except in original

containers, and, thereafter, may break the bulk upon the licensed premises and sell or dispense the same for use and consumption only, however, in and upon the premises so licensed: Provided, however, That such retailer may sell such beverages in the original containers to be carried from the premises by the purchaser thereof.

No retailer shall maintain any bar at which beverages are served to customers, or sell any beverages for consumption on the licensed premises except in a room or rooms or place on the licensed premises at all times visible and accessible to the use and accommodation of the general public; but this section shall not be interpreted to prohibit the sale of beverages at a lunch counter with seats or chairs permanently fastened thereto, if such counter is in an eating place as herein defined. A retailer licensed to sell beverages in a hotel or clubhouse may, however, sell and deliver such beverages in any room of such hotel or clubhouse occupied by a bona fide registered guest or member entitled to purchase the same.

Section 23. Unlawful Sales.—It shall be unlawful for any licensee, or his or its servants, agents or employes—

(a) To sell, trade or barter in beverages between the hours of twelve o'clock midnight of any Saturday and six o'clock in the forenoon of the following Monday.

(b) To sell, furnish or give any beverages to any person visibly intoxicated, or to any insane person, or to any minor.

(c) To sell, furnish or give any beverages to any person on any day on which a general, municipal, special or primary election is being held.

(d) In the case of retailers, to sell or offer to sell any beverages for consumption on the premises where sold to any person on credit, excepting credits extended by an hotel or club to a bona fide registered guest or member. No right of action shall exist to collect any claims for credit extended contrary to the provisions of this clause.

(e) To sell, offer to sell, or furnish any beverage to any person on a pass-book or store order, or to receive from any person any goods, wares, merchandise or other articles in exchange for beverages.

(f) To hawk or peddle any beverages in this Commonwealth.

Section 24. Things of Value Not to Be Offered for the Return of Certain Articles.—It shall be unlawful for any person licensed to sell beverages to offer or give anything of value, as a premium, for the return of caps, stoppers, corks, stamps or labels taken from any bottle, case, barrel or package containing such beverages, or to offer or give anything of value, as a premium or present, to induce the purchase of such beverages or for any other purpose whatsoever in connection with

the sale of such beverages: Provided, however, That this section shall not apply to the return of any moneys specifically deposited for the return of the original containers to the owners thereof.

Section 25. Unlawful to Fortify, Adulterate, or Contaminate Beverages.—It shall be unlawful to fortify, adulterate, contaminate, or in any wise to change the character or purity of the beverages from that as originally marketed by the manufacturer.

Section 26. Transportation in Original Packages.—It shall be unlawful to transport any beverages except in the original containers.

Section 27. Delivery Vehicles to Bear Name and Address of Distributor or Manufacturer.—It shall be unlawful for a manufacturer or distributor to deliver any beverages excepting in vehicles bearing the name and address of such distributor or manufacturer on each side of such vehicle in letters no smaller than four inches in height.

Section 28. Interlocking Business Prohibited.—(a) No manufacturer, and no officer or director of any manufacturer, shall, at the same time, be a distributor or retailer, or an officer, director or stockholder or creditor of any distributor or of any retailer, nor be the owner, proprietor or lessor of any place covered by any distributor's or retailer's license.

(b) No distributor, and no officer or director of any distributor, shall, at the same time, be a manufacturer or retailer, or be an officer, director, stockholder or creditor of a manufacturer or retailer, or be the owner, proprietor or lessor of any place covered by any retailer's license.

(c) No manufacturer or distributor or retailer, licensed under this act, shall own any stock of or have any financial interest in any other class of business licensed under this act.

(d) Excepting as hereinafter provided, no manufacturer or distributor shall in any wise be interested, either directly or indirectly, in the ownership or leasehold of any property, or in any mortgage lien against the same, for which a retailer's license is granted; nor shall a manufacturer or distributor, either directly or indirectly, lend any moneys, credit, or equivalent thereof to any retailer in equipping, fitting out, or maintaining and conducting, either in whole or in part, an establishment or business where such beverages are licensed for sale and consumption upon the premises, excepting only the usual and customary commercial credits for beverages sold and delivered.

(e) Excepting as hereinafter provided, no manufacturer shall in any wise be interested, either directly or indirectly, in the ownership or leasehold of any property, or any mortgage lien against the same, for which a distributor's license is granted; nor shall a manufac-

turer, either directly or indirectly, lend any moneys, credit, or their equivalent to any distributor in equipping, fitting out, or maintaining and conducting, either in whole or in part, an establishment or business where such beverages are licensed for sale by a distributor, excepting only the usual and customary commercial credits for beverages sold and delivered.

The purpose of this section is to require a separation of the financial and business interests between the various classes of business regulated by this act, and no person or corporation shall by any device whatsoever, directly or indirectly, evade the provisions of this section. But in view of existing economic conditions, nothing contained in this section shall be construed to prohibit the ownership of property or conflicting interest until January first, one thousand nine hundred and thirty-six, by a manufacturer of any place occupied by a distributor or retailer, if the manufacturer has continuously owned or had a conflicting interest in such place for a period of at least three years prior to the effective date of this act.

The term "manufacturer," as used in this section, shall include manufacturers as defined in this act, and any person manufacturing any beverage outside of this Commonwealth.

Section 29. Penalty.—Any person, copartnership, association or corporation violating any of the provisions of this act shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding three hundred dollars (\$300) for the first offense, and for any second or subsequent offense shall be sentenced, upon conviction, to pay a fine not exceeding five hundred dollars (\$500). Any such person, or the members, agents, servants or employes of any partnerships or association, or the officers, directors, agents, servants or employes of any corporation, responsible for any violation of any of the provisions of this act, may, upon a second or subsequent conviction, be sentenced to imprisonment for a term not exceeding six months, or by both such fine and imprisonment, in the discretion of the court.

Section 30. Constitutionality.—The provisions of this act shall be severable, and if any of the provisions shall be held to be unconstitutional, such decision shall not affect the validity of any of the remaining provisions of this act. It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein.

Section 31. Local Option.—In any municipality or township an election may be held, but not oftener than once in four years, on the date of any municipal election, to determine the will of the electors with respect to the granting of licenses to retailers of beverages under the provisions of this act. Whenever electors, equal to

at least ten per centum of the highest vote cast for any office in the municipality or township at the last preceding general election, shall petition the corporate authorities of the municipality or township for a referendum on the question of granting such licenses, the said corporate authorities shall cause a question to be submitted at the municipal election occurring at least sixty days thereafter by certifying a resolution, duly adopted, to the county commissioners for submission of such question, on the ballot or on voting machines, at such election in the manner provided by the election laws of the Commonwealth.

Such question shall be in the following form:

Do you favor the granting of retail beverage licenses in the of _____ ?	Yes	
	No	

If a majority of the persons voting on such question vote "yes," then retailers' licenses shall be granted by the treasurer in such municipality or township under the provisions of this act, but if a majority of the persons voting on such question vote "no," then the treasurer shall thereafter have no power to grant or to renew, upon their expiration, any retailer's licenses in such municipality or township under the provisions of this act.

Section 32. Effective Date.—This act shall become effective on June first, one thousand nine hundred and thirty-three, except that licenses may be granted prior to said date to become effective on said date.

Section 33. Repeal.—The following acts are hereby repealed, as respectively indicated:

The act approved the fifteenth day of July, one thousand eight hundred and ninety-seven (Pamphlet Laws, two hundred ninety-seven), entitled "An act authorizing the transfer by the judges, of the several courts of the Commonwealth, of licenses for the wholesale or retail of vinous, spirituous, malt or brewed liquors, from one person to another, and from one place to another," absolutely.

The act approved the thirtieth day of July, one thousand eight hundred and ninety-seven (Pamphlet Laws, four hundred sixty-four), entitled "An act to provide revenue and regulate the sale of malt, brewed, vinous and spirituous liquors, or any admixture thereof, by requiring and authorizing licenses to be taken out by brewers, distillers, wholesalers, bottlers, rectifiers, compounders, storekeepers and agents, having a store, office or place of business within this Commonwealth, prescribing the amount of license fees to be paid in such

cases, and by imposing an additional license fee on retail dealers in intoxicating liquors," and the amendments thereto, so far as the same relate to beverages licensed under this act.

The act approved the twenty-seventh day of March, one thousand nine hundred and twenty-three (Pamphlet Laws, thirty-four), entitled "An act concerning alcoholic liquors; prohibiting the manufacture, advertising, furnishing, traffic in, and possession of intoxicating liquors for beverage purposes, and articles and substances designed or intended for use in the manufacture thereof; defining intoxicating liquor; providing for penalties, forfeitures, and the abatement of nuisances; and repealing existing alcoholic liquor laws and alcoholic liquor license laws," and the amendments thereto, so far as the same relate to beverages the sale and distribution of which is regulated and licensed under this act.

The act approved the nineteenth day of February, one thousand nine hundred and twenty-six (Pamphlet Laws, sixteen), entitled "A supplement to the act, approved the twenty-seventh day of March, one thousand nine hundred and twenty-three (Pamphlet Laws, thirty-four), entitled 'An act concerning alcoholic liquors; prohibiting the manufacture, advertising, furnishing, traffic in, and possession of intoxicating liquors for beverage purposes, and articles and substances designed or intended for use in the manufacture thereof; defining intoxicating liquor; providing penalties, forfeitures, and the abatement of nuisances; and repealing existing alcoholic liquor laws and alcoholic liquor license laws,' providing for the registering of Federal permits; also regulating, under permit, through a Pennsylvania Alcohol Permit Board created in the Department of Welfare, the manufacture, production, distillation, development, use in manufacture, denaturization, redistillation, recovery, reuse, holding in bond, holding in storage by bailees for hire, sale at wholesale, and transportation for hire, any alcohol or alcoholic liquid, by certain persons; also providing for fees and the disposition thereof; also authorizing the inspection of the records of the permittees and purchasers of said alcohol or alcoholic liquid; also declaring certain places nuisances and providing for their abatement; also providing penalties; and also repealing all acts or parts of acts inconsistent with this act," in so far as the same relates to the sale at wholesale of beverages, the sale of which is regulated and licensed under this act.

All other acts and parts of acts, general, local and special, inconsistent with this act are hereby repealed. But nothing contained in this act shall be construed to repeal any law relating to the purity or adulteration of beverages, or any law relating to sanitation.

Nothing contained in this act shall be construed to

repeal or in any manner to impair the provisions of the act, approved the second day of June, one thousand eight hundred and ninety-one (Pamphlet Laws, one hundred seventy-three), entitled "An act to permit the growers of grapes in this Commonwealth to manufacture wine from grapes of their own raising that are not first class or marketable, and sell such wine to licensed dealers without taking out or paying a license for such manufacture or sale."

APPROVED—The 3d day of May, A. D. 1933.

GIFFORD PINCHOT

No. 92

AN ACT

To amend paragraph two of section four as amended, and paragraph two of section six as amended, and paragraphs one and five of section eight as amended, and to add paragraph nine to section eight, of the act, approved the eighteenth day of July, one thousand nine hundred seventeen (Pamphlet Laws, one thousand forty-three), entitled "An act establishing a public school employes' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing employes; defining the uses and purposes thereof, and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon boards having the employment of public school employes; exempting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties," by providing for the payment of administrative expenses from excess interest earnings; making an appropriation therefor; and providing for the reduction in the rate of payment to State Annuity Reserve Account Number Two.

Section 1. Be it enacted, &c., That paragraph two of section four of the act, approved the eighteenth day of July, one thousand nine hundred seventeen (Pamphlet Laws, one thousand forty-three), entitled "An act establishing a public school employes' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing employes; defining the uses and purposes thereof, and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon boards having the employment of public school employes; exempting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties," as amended by the act approved the fourteenth day of May, one thousand nine hundred and twenty-nine (Pamphlet

Public school employes' retirement system.

Paragraph 2, section 4, act of July 18, 1917 (P. L. 1043), as amended by act of May 14, 1929 (P. L. 1738), further amended.