

or hazard, with cards, dice, billiard balls, shuffle boards, or any other instrument, article or thing whatsoever, heretofore or which hereafter may be invented, used and employed, at which money or other valuable thing may or shall be played for, or staked or betted upon; or if any person shall procure, permit, suffer and allow persons to collect and assemble in his house, room, out-house, booth, tent, arbor or other place whatsoever, under his control, for the purpose of playing at, and staking or betting upon such game or device of address, or hazard, money or other valuable thing; or if any person being the owner, tenant, lessee or occupant of any house, room, outhouse, tent, booth, arbor or other place whatsoever, shall lease, hire or rent the same, or any part thereof, to be used and occupied, or employed for the purpose of playing at, or staking and betting upon such game or device of address, or hazard, for money or other valuable thing, the person so offending in either of the enumerated cases, shall be guilty of a misdemeanor, and on conviction, be sentenced to pay a fine not exceeding five hundred dollars, and undergo an imprisonment not exceeding one year. The owner of such house, room, out-house, tent, booth, arbor or other place whatsoever, who shall have knowledge that any such game or device of address, or hazard, as aforesaid, has been set up in or upon the said premises, and shall not forthwith cause complaint to be made against the person who has set up or established the same, shall be deemed and held to have knowingly leased, hired or rented the said premises for the said [unlawful] purposes: Provided, That this act shall not be construed to apply to games of recreation and exercise, such as billiards, bagatelle, ten pins, et cetera, where no betting is allowed.

Misdemeanor.
Penalty.

Proviso.

APPROVED—The 26th day of March, A. D. 1923.

GIFFORD PINCHOT.

No. 24.

AN ACT

To amend clause two of section three hundred and eighty-six of an act, approved the fourteenth day of July, one thousand nine hundred and seventeen (Pamphlet Laws, eight hundred and forty), entitled "An act concerning townships; and revising amending and consolidating the law relating thereto," by extending the power to tax property for lighting purposes in second class townships.

Section 1. Be it enacted, &c., That clause two of section three hundred and eighty-six of an act, approved the fourteenth day of July, one thousand nine hundred and seventeen (Pamphlet Laws, eight hun-

Townships of the
second class.

Clause 2, section 386, act of July 14, 1917 (P. L. 840), amended.

Petition for lighting.

Tax to be levied on all property.

Farm land excepted.

Duty of township treasurer.

dred and forty), entitled "An act concerning townships; and revising, amending, and consolidating the law relating thereto," is hereby amended to read as follows:—

II. On the petition of the owners of a majority of the lineal feet frontage along any highway or portion thereof in any village within the township, to enter into contract with electric, gas, or other lighting companies to light and illuminate the streets, highways, and other public places in said villages with electric light, gas light, or other illuminant.

The township supervisors shall levy, for the maintenance of said lights, an annual tax upon *all* the property, *including factories and places of business*, abutting upon the said highways and other public places in the district benefited thereby, based upon the assessment for county purposes. Such tax shall be collected in the same manner as other taxes. The collector of taxes shall receive the same commission as on the road tax. No such tax shall be levied against any farm land. [nor against any property the residence upon which shall be more than five hundred feet from such highway.] The township treasurer shall receive all such taxes collected for lighting the highways, shall keep the same in a separate account, and pay out the same only upon orders signed by the chairman of the township supervisors, attested by the secretary. The treasurer shall make a report to the auditors of the township annually.

APPROVED—The 27th day of March, A. D. 1923.

GIFFORD PINCHOT.

No. 25.

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.

Section 1. Be it enacted, &c., That this entire act is an exercise of the power granted by Amendment XVIII of the Constitution of the United States, and of the police power of this Commonwealth for the protection of the public welfare, health, peace, safety and morals of the people of this Commonwealth—and all of its provisions shall be liberally construed for the accomplishment of these purposes.

Definitions.

Section 2. (a) The phrase "intoxicating liquor," as used in this act, shall mean anything found and determined, from time to time, to be intoxicating by act of Congress passed pursuant to, and in the enforcement of, the Constitution of the United States of America.

(b) The word "person" shall mean and include natural persons, associations, partnerships, and corporations for whatever purpose organized.

(c) The word "officer" shall mean and include all sheriffs, deputy sheriffs, constables, State and municipal policemen, county and city detectives, and any other persons authorized to serve warrants.

(d) The term "private dwelling" shall be construed, not only in its ordinary sense, but also to include the room or rooms used and occupied, not transiently, but solely, as a residence, in an apartment house, hotel, or boarding-house.

Manufacture of and Traffic in Intoxicating Liquor Prohibited.

Section 3. It shall be unlawful for any person to manufacture, sell, offer for sale, barter, furnish, transport, possess, or deliver within, or import into, or export out of, this Commonwealth any intoxicating liquor for beverage purposes, except as hereinafter set forth: Provided, however, That nothing in this act shall prohibit the alcoholic contents of malt or brewed liquors from exceeding one-half of one per cent during the process of manufacture only thereof: And provided further, That it shall not be unlawful to manufacture non-intoxicating cider and fruit juices exclusively for use in the private dwelling.

Exemption as to Private Dwelling—Prima Facie Evidence.

Section 4. It shall not be unlawful, however, to possess intoxicating liquor for beverage purposes in one's bona fide private dwelling, while the same is occupied and used by him as his dwelling only, provided such liquor was lawfully acquired prior to the passage of this act, and is for use only for the personal consumption of the owner thereof and his family residing in such dwelling and of his bona fide guests when entertained by him therein, which entertainment shall not be deemed an unlawful furnishing: Provided, however, That proof of the possession of such intoxicating liquor shall be prima facie evidence that the same was acquired, possessed, and used in violation of this act.

Advertisement and Manufacture of, and Traffic in,
 Implements, Substances, and so forth,
 Used to Manufacture.

Section 5. It shall be unlawful for any person to advertise, manufacture, sell, offer for sale, or possess for sale any utensil, contrivance, machine, preparation, compound, tablet, capsule, confection, substance, formula, direction, or receipt, designed or intended for use in the unlawful manufacture of intoxicating liquor.

Nuisances.

Section 6. Any room, house, building, boat, vehicle, structure, or place, where intoxicating liquor is manufactured, sold, offered for sale, bartered, furnished, or possessed, in violation of this act, and all intoxicating liquor and property kept or used in maintaining the same, is hereby declared to be a common nuisance; and any person who maintains such a common nuisance shall be guilty of a misdemeanor, and, upon conviction thereof, shall be subject to the penalties hereinafter provided.

Injunction to Abate Nuisances.

Section 7. An action to enjoin any nuisance, defined in this act, may be brought in the name of the Commonwealth of Pennsylvania by the Attorney General of the State, or by the district attorney of the respective county, or by the solicitor of any municipality. Such action shall be brought and tried as an action in equity, and may be brought in any court having jurisdiction to hear and determine equity cases within the county in which the offense occurs. If it is made to appear by affidavit, or otherwise, to the satisfaction of the court that such nuisance exists, a temporary writ of injunction shall forthwith issue restraining the defendant from conducting or permitting the continuance of such nuisance until the conclusion of the proceedings. If a temporary injunction is prayed for, the court may issue an order restraining the defendant, and all other persons, from removing or in any way interfering with the intoxicating liquor or other things used in connection with the violation of this act constituting such nuisance. No bond shall be required in instituting such proceedings. It shall not be necessary for the court to find the property involved was being unlawfully used, as aforesaid, at the time of the hearing, but on finding that the material allegations of the petition are true, the court shall order that no intoxicating liquor shall be manufactured, sold, offered for sale, bartered, furnished, or possessed in such room, house, building, structure, boat, vehicle, or place, or any part thereof. Upon the decree of the court ordering such nuisance to be abated, the court may,

upon proper cause shown, order that the room, house, building, structure, boat, vehicle, or place shall not be occupied or used for one year thereafter; but the Court may, in its discretion, permit it to be occupied or used if the owner, lessee, tenant, or occupant thereof shall give bond with sufficient surety, to be approved by the Court making the order, in the penal and liquidated sum of not less than five hundred dollars (\$500.00), payable to the Commonwealth of Pennsylvania for use of the county in which said proceedings are instituted, and conditioned that intoxicating liquor will not thereafter be manufactured, sold, offered for sale, bartered, furnished, possessed, or otherwise disposed of therein or thereon, and that he will pay all fines, costs and damages that may be assessed for any violation of this act upon said property.

Search Warrants.

Section 8. Whenever any individual makes complaint in writing before any alderman, justice of the peace, or magistrate, supported by his oath or affirmation and subscribed to by him, alleging that there is probable cause to believe, and that he has just and reasonable grounds for believing, and does believe, that intoxicating liquor is unlawfully manufactured, sold, offered for sale, bartered, furnished, or possessed, or that any mash, still, implement, or other property, designed or intended for use in the unlawful manufacture, sale, or furnishing of intoxicating liquor, is possessed in or upon any room, house, building, boat, vehicle, structure, receptacle, premises, or any other place or thing whatsoever,—said complaint describing the said place or thing to be searched, and the thing or things to be seized, as nearly as may be, and setting forth probable cause,—the said alderman, justice of the peace, or magistrate, if it be made to appear that there is probable cause for such belief, shall issue a warrant to search the said place or thing, and seize the said thing or things described in the aforesaid complaint; said search warrant describing the place or thing to be searched, and the thing or things to be seized, as nearly as may be, and being directed to any officer or officers commanding him or them to make search by day or by night of the room, house, building, boat, vehicle, structure, receptacle, premises, or any other place or thing whatsoever, therein described, for any such thing or things, and, if any such be there found, to seize the same and to make a return of said warrant, together with the thing or things so seized or taken to the said alderman, justice of the peace, or magistrate, for disposition according to law. Said officer or officers may arrest without warrant, and bring before the alderman, justice of the peace, or magis-

trate, who issued said search warrant, the person or persons found in possession or custody of the said thing or things so seized:

Provided, That no search warrant shall issue to search any private dwelling occupied as such, unless it is being used for the unlawful sale of intoxicating liquor, or unless it is in part used for some business purpose, such as a store, shop, saloon, restaurant, hotel, boarding-house, warehouse, or public garage.

If no person shall be found in the possession thereof; or, if upon preliminary hearing, the person or persons so arrested shall be bound over to appear at the Court of Quarter Sessions of the Peace; or the person or persons so arrested shall be discharged, having denied the ownership or possession thereof,—it shall be the duty of the said alderman, justice of the peace, or magistrate to deliver the said thing or things so seized or taken to the district attorney, or the person designated by him, to be held by him subject to such disposition by the Court as is hereinafter provided.

The right to a search warrant, as provided for in this section, shall be in addition to all other rights of search and seizure now existing under law.

Seizure of Vehicle, Conveyance, Craft, or Receptacle,

Unlawfully Transporting Intoxicating Liquor.

Section 9. When any officer shall discover any person in the act of transporting, in violation of this act, intoxicating liquor in any wagon, buggy, motor vehicle, water or air craft, or other vehicle or receptacle, or otherwise, it shall be his duty to seize any and all intoxicating liquor and container found therein, being transported contrary to law, with or without a warrant. Whenever intoxicating liquor, transported or possessed illegally, shall be so seized by any officer, he shall take possession of the vehicle and team, or motor vehicle, boat, air or water craft, or any other conveyance or receptacle, and shall arrest any person in charge thereof. Such officer shall proceed at once to make information against the person or persons so arrested, and shall forthwith file an inventory of the property so seized with the magistrate and serve a copy of such inventory on the party in charge at the time of seizure.

In the event that no person shall be found in possession of said intoxicating liquor or container, or of said vehicle, team, conveyance, craft, or receptacle; or the person so arrested shall be discharged, having denied the ownership or possession thereof; or the person so arrested is held for court,—it shall be the duty of the officer, having custody of said intoxicating liquor and property so seized, to forthwith deliver possession thereof to the district attorney of the county wherein said seizure occurred, or to the person desig-

nated by him, to abide the judgment of the court as hereinafter set forth:

Provided, however, That the said vehicle, team, conveyance, craft, or receptacle shall be returned to the owner upon the execution by him of a good and valid bond with sufficient sureties, in the sum double the value of the property, to be approved by the magistrate, alderman, or justice of the peace, or a Judge of the Court of Quarter Sessions, conditioned that the said vehicle, team, conveyance, or craft shall be delivered to the district attorney of the county, or the person designated by him, at the time of the condemnation proceedings, hereinafter provided in this act, to abide the judgment of the Court, or otherwise to remain in full force and virtue,—said bond to be payable to the Commonwealth of Pennsylvania for the use of the county in which said conviction is had. Said bond shall be returned to the Court of Quarter Sessions and there held to abide the final disposition of the case.

Penalties.

Section 10. Any person who shall violate any of the provisions of this act shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine of not less than one hundred dollars (\$100.00), nor more than five thousand dollars (\$5,000.00), or undergo an imprisonment of not more than three (3) years, or both, at the discretion of the court.

Certain Seized Property Declared Contraband and Forfeited—Provisions for Disposal or Sale of Same.

Section 11. (A) No property rights shall exist in any intoxicating liquor or property designed for the manufacture or sale of intoxicating liquor intended for use in violating any of the provisions of this act, or which has been so used, but, upon possession or use of any such intoxicating liquor or property in violation of this act, the same shall be deemed contraband and shall be forfeited to the Commonwealth.

Upon the transportation of intoxicating liquor in violation of this act, the wagon, buggy, team, motor vehicle, water or air craft, or other vehicle or receptacle in which it is so transported, shall be forfeited to the Commonwealth subject to the provisions herein set forth.

No such intoxicating liquor or property, or vehicle, team, conveyance, craft, receptacle, or other property, when in the custody of the law or of any officer, shall be seized or taken therefrom on any writ of replevin or other like process.

(B) If upon hearing before the Court of Quarter Sessions, or a Judge thereof, it appears that any such

intoxicating liquor or property, so in the custody of the law or of any officer, was so possessed or intended for use in violating any of the provisions of this act, or has been so used, such intoxicating liquor and property shall be adjudged forfeited and condemned, and shall be disposed of as hereinafter provided; or if upon such hearing, it appears that any vehicle, team, conveyance, craft, receptacle, or other property, seized under the provisions of this act, had been used for the unlawful transportation of intoxicating liquor, such vehicle, team, conveyance, craft, receptacle, and other property shall be adjudged forfeited and condemned, and shall be disposed of as hereinafter provided, unless the Court shall otherwise order.

(I) Upon conviction of any person of a violation of this act, the Court shall order and direct the sheriff of the county to destroy all such condemned intoxicating liquor and property seized or obtained from such defendant or defendants, except that the court may order the same, or any part thereof, to be delivered to a hospital for its use, and make return to the Court of compliance with said order. Except that any vehicle, team, conveyance, or craft seized under the provisions of this act shall be disposed of as hereinafter provided.

(II) In any case in which (a) the defendant is acquitted of a violation of this act and denies the ownership or possession thereof; or (b) no claimant appears for same; or (c) appearing is unable to sustain his claim therefor,—the Court shall order all such condemned intoxicating liquor and property (except vehicles, teams, conveyances, and crafts) publicly destroyed by the sheriff of the county: Provided, The Court may order the same, or any part thereof, to be delivered to a hospital for its use. Return of compliance with said order shall be made by the sheriff to the Court.

(III) In the case of any vehicle, team, conveyance, or craft seized under the provisions of this act and condemned as aforesaid, the Court shall order a public sale thereof by the sheriff of the county,—notice of which sale shall be given in the same manner as notice is required to be given of the sale of personal property under a writ of fieri facias,—the proceeds of such sale to be paid to the county treasurer for the use of the county. In the event that any such vehicle, team, conveyance, or craft is, when so seized, held and possessed under a bailment lease or contract, and the legal title thereto is in another person who shall prove that the unlawful use for which the same was seized was without his knowledge or consent, then the claim of the bailor for money due under said bailment lease or contract shall attach to and be paid out of the funds derived from said sale after payment of costs, and the

balance distributed as above provided. In case it appears at said hearing that the owner of any such vehicle, team, conveyance, or craft has not been found within the jurisdiction of the Court, the sheriff shall give ten (10) days' notice of said sale by registered letter to the person, if any, whose name appears thereon as the manufacturer thereof, together with the manufacturer's number, if any, appearing thereon.

(C) In addition to the provisions aforesaid, the Court shall, in its order of condemnation and in every conviction under this act where it shall appear that intoxicating liquor was unlawfully transported in a motor vehicle, declare that the license issued by the State Highway Department for any motor vehicle so forfeited and condemned, or issued to any defendant convicted of transporting intoxicating liquor in any motor vehicle, shall be forfeited and revoked; and it shall be the duty of the clerk of the court in which such conviction is had, or order of condemnation made, to certify such conviction to the State Highway Commissioner, who shall suspend or revoke the license issued for such motor vehicle, or to such person, and no other license shall be issued to such person or for such motor vehicle for a period of one (1) year following such suspension or revocation: Provided, That a license may be issued for such motor vehicle after the public sale thereof as above provided.

(D) (I) The proceedings for the forfeiture or condemnation of all property, the destruction or sale of which is provided for in subsections (II) and (III) of Clause (B) of this section, shall be in rem in which the Commonwealth shall be the plaintiff and the property the defendant. A petition shall be filed in the Court of Quarter Sessions of the Peace, verified by oath or affirmation of any officer or citizen, containing the following: (a) a description of the property so seized; (b) a statement of the time and place where seized; (c) the owner, if known; (d) the person or persons in possession, if known; (e) an allegation that same had been possessed or used, or was intended for use, in violation of this act; (f) and a prayer for an order of forfeiture—that the same be adjudged forfeited to the Commonwealth and condemned and be ordered sold or destroyed (as the case may be) according to law—unless cause be shown to the contrary.

(II) A copy of said petition shall be served personally on said owner, if he can be found within the jurisdiction of the court, or upon the person or persons in possession at the time of the seizure thereof. Said copy shall have endorsed thereon a notice as follows:

“To the Claimant of Within Described Property—

“You are required to file an answer to this petition setting forth your title in, and right to possession of,

said property within fifteen (15) days from the service hereof; and you are also notified that, if you fail to file said answer, a decree of forfeiture and condemnation will be entered against said property.”

Said notice shall be signed by petitioner, or his attorney, or the district attorney.

(III) If the owner of said property is unknown or outside the jurisdiction of the Court and there was no person in possession of said property when seized, or such person so in possession can not be found within the jurisdiction of the Court, notice of said petition shall be given by the sheriff by advertisement in a newspaper of general circulation, published in the county where such property shall have been seized, once a week for three (3) successive weeks. Said notice shall contain a statement of the seizure of said property, with a description thereof; the place and date of seizure; and shall direct any claimants thereof to file a claim therefor on or before a date given in said notice, which date shall not be less than twenty-one (21) days from the date of the first publication.

(IV) Upon the filing of any claim for said property setting forth a right of possession thereof, the case shall be deemed at issue and a time be fixed for the hearing thereof.

(V) At the time of said hearing, if the Commonwealth shall produce evidence that the property in question was unlawfully possessed or used, the burden shall be upon the claimant to show: (a) that he is the owner of said property; (b) that he lawfully acquired the same; (c) that it was lawfully used and possessed by him; and (d) in the event that it shall appear that the property was unlawfully used by a person other than the claimant, then, such claimant shall show that such unlawful use was without his knowledge or consent.

(VI) Any person claiming the ownership of, or right of possession to, any intoxicating liquor, vehicle, team, conveyance, craft, or other property, the disposition of which is provided for in this section, may, at any time prior to the sale thereof, present his petition to the Court, alleging his lawful ownership thereof or right of possession thereto, and, if upon public hearing thereon due notice of which having been given to the district attorney, such claimant shall prove by competent evidence to the satisfaction of the Court that said intoxicating liquor, vehicle, team, conveyance, craft, or property was lawfully acquired, possessed, and used by him, or, if it appearing that the property was unlawfully used by a person other than the claimant, he shall prove that such unlawful use was without his knowledge or consent, then the Court may order the same returned to said claimant, otherwise, it shall be destroyed or sold (as the case may be) as hereinabove provided.

(VII) Unless either the Commonwealth or the claimant shall demand a jury trial within five (5) days after the conclusion of the hearing, the right to such jury trial shall be deemed to have been waived.

(E) The provisions of this section shall apply to the disposition of any intoxicating liquor or property in the custody of the law or of any officer, at the time of the passage of this act.

The County Commissioners to Provide Facilities for Storage.

Section 12. The county commissioners of each county shall provide the district attorney with suitable facilities for the storage and safe-keeping of all intoxicating liquor or other property seized or held under the provisions of this act.

Evidence—Pleadings.

Section 13. In any prosecution under this act when proof has been given in evidence of the manufacture, sale, offering for sale, bartering, furnishing, transportation, possession, delivery, importation, or exportation of any intoxicating liquor, the same shall be prima facie evidence that the same was so manufactured, sold, offered for sale, bartered, furnished, transported, possessed, delivered, imported, or exported for beverage purposes; but this presumption shall not apply to the manufacturing, furnishing, transportation, possession, delivery, importation, or exportation of medicines, nor to the sale of such by or to registered pharmacists and regularly licensed physicians, or others lawfully authorized to buy and sell such medicine; nor to the sale of intoxicating liquor for medicinal purposes to a duly registered pharmacist, physician, or surgeon, or by any such pharmacist upon the prescription of a duly licensed physician or surgeon; nor shall it apply to anything unfit for beverage purposes, or to extracts ordinarily used for culinary purposes. And this act shall not apply to such when intended to be used for flavoring anything which when so flavored shall not violate the provisions of this act; nor shall it apply to the manufacture, sale, transportation, importation, possession, distribution, or use of wine for sacramental purposes or like religious rites.

It shall be unnecessary in any complaint, information, indictment, or other pleadings to negative any proviso or exception contained in this act.

No Person Excused from Testifying—Immunity—Liable for Perjury.

Section 14. No person shall be excused, on the ground that it may tend to incriminate him or subject

him to a penalty or forfeiture, from attending and testifying, or producing books, papers, documents, and other evidence, in obedience to a subpoena of any court in any suit or proceeding based upon, or growing out of, any alleged violation of this act; but no natural person shall be prosecuted or subjected to any penalty or forfeiture for, or on account of, any transaction, matter, or thing as to which, in obedience to a subpoena and under oath, he may so testify or produce evidence; but no person shall be exempt from prosecution and punishment for perjury committed in so testifying.

Saving Clause.

Section 15. Nothing in this act shall affect any case in which it shall appear that the crime therein charged was committed prior to the date of the approval hereof, but such offenders may be prosecuted and punished, as if this act had not been passed, under and in accordance with laws then in force, and, for such purpose, such laws are hereby specifically saved from repeal.

Jurisdiction of Offense When Delivery Made by Carrier.

Section 16. In case of a sale or furnishing of intoxicating liquor, where the delivery thereof was made by a common or other carrier (whether the same be an interstate shipment or an intrastate shipment), the sale and furnishing and delivery shall be deemed to be made in the county wherein the delivery was made by such carrier to the consignee, his agent or employee; or in the county wherein the sale was made, or from which the shipment was made, and prosecution for such sale or furnishing or delivery may be had in any such county. A prosecution in one county may be pleaded in bar of a prosecution in another county for the same offense. The Court in the county first securing jurisdiction shall proceed to final disposition of the action.

If Any Section Held Invalid, Remainder of Act in Force.

Section 17. If any provision of this act shall be held by any court to be unconstitutional, such judgment shall not affect any other section or provision of the same. It is hereby declared, as a legislative intent, that this act would have been passed had such unconstitutional provision not been included therein.

Repealing Clause.

Section 18. The following acts and parts of acts; namely, the act, approved the thirteenth day of May, one thousand eight hundred and eighty-seven (Pam-

phlet Laws, one hundred and eight), entitled "An act to restrain and regulate the sale of vinous and spirituous, malt or brewed liquors, or any admixtures thereof," and its amendment, approved the fifth day of May, one thousand nine hundred and twenty-one (Pamphlet Laws, four hundred and seven), entitled "An act amending an act, approved the thirteenth day of May, one thousand eight hundred and eighty-seven, entitled 'An act to restrain and regulate the sale of vinous and spirituous, malt or brewed liquors, or any admixtures thereof,' by prohibiting the manufacture, sale, offering for sale, transportation, importation, exportation, furnishing, or possession, for beverage purposes, of anything determined and found to be intoxicating by act of Congress passed pursuant to, and in the enforcement of, the Constitution of the United States of America; and by restraining and regulating the sale of vinous, spirituous, malt or brewed liquors, or any admixtures thereof, fit for beverage purposes, other than such as are, from time to time, determined and found to be intoxicating by any such act of Congress," be and the same are hereby repealed.

All other acts and parts of acts inconsistent with this act are hereby repealed. The repeal of any such acts shall not operate to revive any act, general, local, or special, heretofore repealed or superseded.

APPROVED—The 27th day of March, A. D. 1923.

GIFFORD PINCHOT.

No. 26.

AN ACT

To validate deeds, mortgages, and other instruments of writing which have been defectively acknowledged by husband and wife, prior to the fourth day of January, one thousand nine hundred and twenty-three.

Section 1. Be it enacted, &c., That no deed, mortgage, or other instrument of writing, of and concerning any land, tenements, hereditaments, or any estate, right, title or interest therein, required by law to be acknowledged, which purports to have been acknowledged by husband and wife before any judge, justice of the peace, alderman, notary public, commissioner of deeds, or other person authorized by law, within this State or within any other State of the United States, or without the United States, to take acknowledgment of deeds, et cetera, shall be deemed, held, or adjudged invalid or defective or insufficient in law, or avoided or prejudiced, by reason of informality or omission in setting forth the particulars of the acknowledgment made before such person, as

Deeds, mortgages,
etc.

Defectively ac-
knowledged by hus-
band and wife.