

No. 21

AN ACT

Relating to alcoholic liquors, alcohol and malt and brewed beverages; amending, revising, consolidating and changing the laws relating thereto; regulating and restricting the manufacture, purchase, sale, possession, consumption, importation, transportation, furnishing, holding in bond, holding in storage, traffic in and use of alcoholic liquors, alcohol and malt and brewed beverages and the persons engaged or employed therein; defining the powers and duties of the Pennsylvania Liquor Control Board; providing for the establishment and operation of State liquor stores, for the payment of certain license fees to the respective municipalities and townships, for the abatement of certain nuisances and, in certain cases, for search and seizure without warrant; prescribing penalties and forfeitures; providing for local option, and repealing existing laws.

TABLE OF CONTENTS

ARTICLE I.

Preliminary Provisions.		Page
Section 101.	Short Title	95
Section 102.	Definitions	95
Section 103.	Saving Clause	100
Section 104.	Interpretation of Act	100

ARTICLE II.

Pennsylvania Liquor Control Board.

Section 201.	Appointment of Members; Terms; Salaries	101
Section 202.	Qualifications of Members	101
Section 203.	Chairman of Board	101
Section 204.	Secretary of Board	101
Section 205.	Bonds Required of Members and Secretary	101
Section 206.	Board Subject to Administrative Code ..	102
Section 207.	General Powers of Board	102
Section 208.	Specific Subjects on Which Board May Adopt Regulations	104
Section 209.	Officers and Investigators of the Board to be Peace Officers; Powers	105
Section 210.	Restrictions on Members of the Board and Employes of Commonwealth	105

ARTICLE III.

Pennsylvania Liquor Stores.

Section 301.	Board to Establish State Liquor Stores .	105
Section 302.	Selection of Personnel	106

	Page
Section 303. Management of Pennsylvania Liquor Stores	106
Section 304. When Sales May be Made at Pennsylvania Liquor Stores	106
Section 305. Sales by Pennsylvania Liquor Stores	107
Section 306. Audits by Auditor General	108

ARTICLE IV.

Licenses and Regulations; Liquor, Alcohol and Malt and Brewed Beverages.

(A) Liquor and Alcohol (Not Including Manufacturers).

Section 401. Authority to Issue Liquor Licenses to Hotels, Restaurants and Clubs	109
Section 402. License Districts; License Year; Hearings	109
Section 403. Applications for Hotel, Restaurant and Club Liquor Licenses	110
Section 404. Issuance of Hotel, Restaurant and Club Liquor Licenses	111
Section 405. License Fees	112
Section 406. Sales by Liquor Licensees; Restrictions .	112
Section 407. Sale of Malt or Brewed Beverages by Liquor Licensees	113
Section 408. Public Service Liquor Licenses	113
Section 409. Sacramental Wine Licenses; Fees; Privileges; Restrictions	114
Section 410. Liquor Importers' Licenses; Fees; Privileges; Restrictions	116
Section 411. Interlocking Business Prohibited	117

(B) Malt and Brewed Beverages (Including Manufacturers).

Section 431. Malt and Brewed Beverages Manufacturers', Distributors' and Importing Distributors' Licenses	118
Section 432. Malt and Brewed Beverages Retail Licenses	120
Section 433. Public Service Licenses	121
Section 434. License Year	122
Section 435. Filing of Applications for Distributors', Importing Distributors' and Retail Dispensers' Licenses; Filing Fee	122
Section 436. Application for Distributors', Importing Distributors' and Retail Dispensers' Licenses	122
Section 437. Prohibitions Against the Grant of Licenses	124
Section 438. Number and Kinds of Licenses Allowed Same Licensee	124

	Page
Section 439. Malt or Brewed Beverage License Fees ..	124
Section 440. Sales by Manufacturers of Malt or Brewed Beverages; Minimum Quantities	125
Section 441. Distributors' and Importing Distributors' Restrictions on Sales, Storage, Etc..	125
Section 442. Retail Dispensers' Restrictions on Purchases and Sales	126
Section 443. Interlocking Business Prohibited	126
Section 444. Malt or Brewed Beverages Manufactured Outside This Commonwealth	128

(C) General Provisions Applying to Both Liquor and Malt and Brewed Beverages.

Section 461. Limiting Number of Retail Licenses To Be Issued in Each Municipality	130
Section 462. Licensed Places May Be Closed During Period of Emergency	132
Section 463. Places of Amusement Not To Be Licensed; Penalty	132
Section 464. Hearings Upon Refusal of Licenses, Renewals or Transfers; Appeals	132
Section 465. All Licensees to Furnish Bond	133
Section 466. Disposition of Cash and Securities Upon Forfeiture of Bond	135
Section 467. Display of License	135
Section 468. Licenses Not Assignable; Transfers	135
Section 469. Applications for Transfers; Fees	136
Section 470. Renewal of Licenses; Temporary Provisions for Licensees in Armed Service ..	136
Section 471. Revocation and Suspension of Licenses..	138
Section 472. Local Option	140

(D) Unlawful Acts; Penalties.

Section 491. Unlawful Acts Relative to Liquor, Alcohol and Liquor Licensees	141
Section 492. Unlawful Acts Relative to Malt or Brewed Beverages and Licensees	143
Section 493. Unlawful Acts Relative to Liquor, Malt and Brewed Beverages and Licensees ...	146
Section 494. Penalties	152
Section 495. Minors' Identification Cards; Licensees Saved From Prosecution	153

ARTICLE V.

Distilleries, Wineries, Bonded Warehouses, Bailees for Hire and Transporters for Hire.

Section 501. License Required	154
Section 502. Exemptions	154
Section 503. Qualifications for License	155
Section 504. Applications; Filing Fees	155
Section 505. Licenses Issued	156

	Page
Section 506. Bonds Required	156
Section 507. Hearings Upon Refusal of Licenses	157
Section 508. License Fees	158
Section 509. License Must Be Posted; Business Hours	158
Section 510. Containers To Be Labeled	158
Section 511. License To Specify Each Place Authorized For Use	159
Section 512. Records To Be Kept	159
Section 513. Premises and Records Subject To Inspection	159
Section 514. Suspension and Revocation of Licenses ..	160
Section 515. Appeals	161
Section 516. Compromise Penalty In Lieu of Suspension	161
Section 517. Expiration of Licenses; Renewals	162
Section 518. Unlawful Acts	162
Section 519. Penalties	162

ARTICLE VI.

Property Illegally Possessed or Used; Forfeitures;
Nuisances.

(A) Forfeitures.

Section 601. Forfeiture of Property Illegally Possessed or Used	163
Section 602. Forfeiture Proceedings	163
Section 603. Disposition of Forfeited Property	164
Section 604. Motor Vehicle Licenses To Be Revoked ..	165
Section 605. Application of Subdivision	165

(B) Nuisances.

Section 611. Nuisances; Actions To Enjoin	166
---	-----

ARTICLE VII.

Dealing in Distillery Bonded Warehouse Certificates.

(A) Preliminary Provisions.

Section 701. Definitions and Interpretation	167
---	-----

(B) Permits.

Section 702. Unlawful to Act as a Distillery Certificate Broker or to Buy or Sell Distillery Bonded Warehouse Certificate Without a Permit	168
Section 703. Authority to Issue Permits to Distillery Certificate Brokers	168
Section 704. Application for Permit; Filing Fee	168
Section 705. Issuance of Permits	169
Section 706. Office or Place of Business to be Maintained	169

	Page
Section 707. Permit Fee; Permits Not Assignable or Transferable; Display of Permit; Term of Permit	169
Section 708. Records to be Kept	169
Section 709. Renewal of Permits	169
Section 710. Permit Hearings; Appeals From Refusal of the Board to Issue or Renew Permits .	170
Section 711. Procedure of Appeal; Record to be Certified; Cost of Preparing Record; Appeal to Supreme Court	170
Section 712. Revocation and Suspension of Permit ..	171
(C) Permittees' Registered Agents.	
Section 721. Unlawful to Act as Agent or to Employ Agents Without Registration	172
Section 722. Registered Agents	172
Section 723. Registration Fee	172
Section 724. Registration and Issuance of Identification Card	172
Section 725. Hearings Upon Refusal of the Board; Appeals	173
Section 726. Revocation and Suspension of Agents' Registrations	173
Section 727. Identification Cards	173
(D) Exemptions.	
Section 731. Bank and Trust Companies and Other Persons	173
Section 732. Distillers, Rectifiers and Importers	174
Section 733. Certificates Owned Since July 24, 1939 .	174
(E) Administration and Enforcement.	
Section 741. Duties of the Board	174
(F) Fines and Penalties.	
Section 751. Penalties	174

ARTICLE VIII.

Disposition of Moneys Collected Under Provisions of Act.

Section 801. Moneys Paid Into Liquor License Fund and Returned to Municipalities	174
Section 802. Moneys Paid Into The State Stores Fund for Use of the Commonwealth	175
Section 803. Alcohol Tax Moneys Paid Into General Fund	175

ARTICLE IX.

Repeals.

Section 901. Acts and Parts of Acts Repealed	175
Section 902. General Repeal Clause	204

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows: "Liquor Code."

ARTICLE I.

Preliminary Provisions.

Section 101. Short Title.—This act shall be known and may be cited as the "Liquor Code."

Section 102. Definitions.—The following words or phrases, unless the context clearly indicates otherwise, shall have the meanings ascribed to them in this section:

"Alcohol" shall mean ethyl alcohol of any degree of proof originally produced by the distillation of any fermented liquid, whether rectified or diluted with or without water, whatever may be the origin thereof, and shall include synthetic ethyl alcohol, but shall not mean or include ethyl alcohol, whether or not diluted, that has been denatured or otherwise rendered unfit for beverage purposes.

"Association" shall mean a partnership, limited partnership or any form of unincorporated enterprise owned by two or more persons.

"Board" shall mean the Pennsylvania Liquor Control Board.

"Bonded warehouse" shall mean and include all places and warehouses legally established under the provisions of the acts of Congress and the administrative provisions of the internal revenue laws of the Government of the United States of America, for the storage, concentration, distribution and holding in bond, (a) of whiskey and any other potable distilled spirits, except ethyl alcohol, when used in Article VII entitled "Distillery Bonded Warehouse Certificates" and, (b) of alcohol or liquor when otherwise used.

"Club" shall mean any reputable group of individuals associated together not for profit for legitimate purposes of mutual benefit, entertainment, fellowship or lawful convenience, having some primary interest and activity to which the sale of liquor or malt and brewed beverages shall be only secondary, which, if incorporated, has been in continuous existence and operation for at least one year, and if first licensed after June sixteenth, one thousand nine hundred thirty-seven, shall have been incorporated in this Commonwealth, and, if unincorporated, for at least ten years, immediately preceding the date of its application for a license under this act, and which regularly occupies, as owner or lessee, a clubhouse or quarters for the use of its members. Continuous existence must be proven by satisfactory evidence. The board shall refuse to issue a license if it appears that the charter is not in possession of the original incorporators or their direct or legitimate suc-

cessors. The club shall hold regular meetings, conduct its business through officers regularly elected, admit members by written application, investigation and ballot, and charge and collect dues from elected members, and maintain such records as the board shall from time to time prescribe, but any such club may waive or reduce in amount, or pay from its club funds, the dues of any person who was a member at the time he was inducted into the military service of the United States or was enrolled in the armed forces of the United States pursuant to any selective service act during the time of the member's actual service or enrollment.

"Container" shall mean and include any receptacle, vessel or form of package, tank, vat, cask, barrel, drum, keg, can, bottle or conduit used or capable of use for holding, storing, transferring or shipment of alcohol, liquor or malt or brewed beverages.

"Corporation" shall mean a corporation or joint-stock association organized under the laws of this Commonwealth, the United States, or any other state, territory, or foreign country or dependency.

"Denatured alcohol" shall mean and include all alcohol or any compound thereof which by the admixture of such denaturing material or materials is rendered unfit for use as a beverage.

"Denaturing plant" shall mean and include the premises of a distillery used exclusively for the denaturation of alcohol, either specially or completely, by the admixture of such denaturing materials as shall render the alcohol or any compound in which it is authorized to be used unfit for use as a beverage.

"Distillery" shall mean and include any premises or plant wherein alcohol or liquor is manufactured, made and distilled from raw materials, blended or rectified, or any place wherein alcohol or liquor is produced by any method suitable for the production of alcohol. The term shall not include a "winery" where alcohol is derived from by-products of wine production by distillation for the sole purpose of adding to the fermented products to fortify the same.

"Distillery Bonded Warehouse Certificate" shall mean a certificate, receipt, contract or other document given upon the storage of whiskey or any other potable distilled spirits, except ethyl alcohol, in a bonded warehouse, and evidencing the ownership of such whiskey or other potable distilled spirits.

"Distillery certificate broker" shall mean and include every person who engages directly or through an agent in selling, purchasing, exchanging, offering for sale or delivery, or entering into agreements for the purchase, sale or exchange, or soliciting subscriptions to or

orders for, or undertaking to dispose of, or dealing in any manner in, distillery bonded warehouse certificates.

“Distributor” shall mean any person licensed by the board to engage in the purchase only from Pennsylvania manufacturers and from importing distributors and the resale of malt or brewed beverages, except to importing distributors and distributors, in the original sealed containers as prepared for the market by the manufacturer at the place of manufacture, but not for consumption on the premises where sold, and in quantities of not less than a case of twenty-four containers, each container holding seven fluid ounces or more, or a case of twelve containers, each container holding twenty-four fluid ounces or more.

“Eating place” shall mean a premise where food is regularly and customarily prepared and sold, having a total area of not less than three hundred square feet available to the public in one or more rooms, other than living quarters, and equipped with tables and chairs accommodating thirty persons at one time.

“Hotel” shall mean any reputable place operated by responsible persons of good reputation where the public may, for a consideration, obtain sleeping accommodations and meals and which, in a city, has at least ten, and in any other place at least six, permanent bedrooms for the use of guests, a public dining room or rooms operated by the same management accommodating at least thirty persons at one time, and a kitchen, apart from the public dining room or rooms, in which food is regularly prepared for the public.

“Importing distributor” shall mean any person licensed by the board to engage in the purchase from manufacturers and other persons located outside this Commonwealth and from persons licensed as manufacturers of malt or brewed beverages and importing distributors under this act, and the resale of malt or brewed beverages in the original sealed containers as prepared for the market by the manufacturer at the place of manufacture, but not for consumption on the premises where sold, and in quantities of not less than a case of twenty-four containers, each container holding seven fluid ounces or more, or a case of twelve containers, each container holding twenty-four fluid ounces or more.

“Liquor” shall mean and include any alcoholic, spirituous, vinous, fermented or other alcoholic beverage, or combination of liquors and mixed liquor a part of which is spirituous, vinous, fermented or otherwise alcoholic, including all drinks or drinkable liquids, preparations or mixtures, and reused, recovered or redistilled denatured alcohol usable or taxable for beverage pur-

poses which contain more than one-half of one per cent of alcohol by volume, except pure ethyl alcohol and malt or brewed beverages.

“Malt or Brewed Beverages” means any beer, lager beer, ale, porter or similar fermented malt beverage containing one-half of one per centum or more of alcohol by volume, by whatever name such beverage may be called.

“Manufacture”, when the term is applied to malt or brewed beverages, shall mean and include all means, methods and processes used, employed and made use of, to produce, make and manufacture for commercial purposes, malt or brewed beverages from raw materials; when applied otherwise, it shall mean and include all means, methods and processes used, employed and made use of, to produce and make alcohol or liquor from raw materials, and shall mean and include rectification and blending of alcohol and liquor, the production, recovery or reuse of alcohol in the making, developing, using in the process of manufacture, denaturing, redistilling or recovering of any alcohol or liquor in distilleries, denaturing plants and wineries.

“Manufacturer” shall mean any person, association or corporation engaged in the producing, manufacturing, distilling, rectifying or compounding of liquor, alcohol or malt or brewed beverages in this Commonwealth or elsewhere.

“Manufacturer of malt or brewed beverages” shall mean any person holding a license issued by the board to engage in the manufacture, transportation and sale of malt or brewed beverages; also, any person engaged in the legal manufacture of malt or brewed beverages within the territorial limits of the United States, outside the Commonwealth of Pennsylvania.

“Municipality” shall mean any city, borough, incorporated town, or township of this Commonwealth.

“Official Seal” shall mean and include any insignia approved by the board that is required to be affixed to a package, as herein defined.

“Original container” shall mean all bottles, casks, kegs or other suitable containers that have been securely capped, sealed or corked by the manufacturer of malt or brewed beverages at the place of manufacture, with the name and address of the manufacturer of the malt or brewed beverages contained or to be contained therein permanently affixed to the bottle, cask, keg or other container, or in the case of a bottle or can, to the cap or cork used in sealing the same or to a label securely affixed to a bottle or can.

“Package” shall mean any container or containers or receptacle or receptacles used for holding liquor or alcohol as marketed by the manufacturer.

"Person" shall mean a natural person, association or corporation. Whenever used in a clause prescribing or imposing a fine or imprisonment or both, the term "person", as applied to "association", shall mean the partners or members thereof, and as applied to "corporation", shall mean the officers thereof, except, as to incorporated clubs, the term "person" shall mean such individual or individuals who, under the by-laws of such club, shall have jurisdiction over the possession and sale of liquor therein.

"Population" shall mean the population as determined by the last preceding decennial census of the United States.

"Potable distilled spirits" shall mean and include any distillate from grains, wine, fruits, vegetables or molasses, except ethyl alcohol, capable of being used for beverage purposes.

"Regulation" shall mean any regulation prescribed by the board for carrying out the provisions of this act.

"Restaurant" shall mean a reputable place operated by responsible persons of good reputation and habitually and principally used for the purpose of providing food for the public, the place to have an area within a building of not less than four hundred square feet, equipped with tables and chairs accommodating at least thirty persons at one time.

"Retail dispenser" shall mean any person licensed to engage in the retail sale of malt or brewed beverages for consumption on the premises of such licensee, with the privilege of selling malt or brewed beverages in quantities not in excess of one hundred forty-four fluid ounces in a single sale to one person, to be carried from the premises by the purchaser thereof.

"Sale" or "Sell" shall include any transfer of liquor, alcohol or malt or brewed beverages for a consideration.

"Whiskey" shall mean and include any alcoholic distillate from a fermented mash of grain, capable of being used for beverage purposes.

"Winery" shall mean and include any premises and plants where any alcohol or liquor is produced by the process by which wine is produced, or premises and plants wherein liquid such as wine is produced; and shall include the manufacture by distillation of alcohol from the by-products of wine fermentation when the alcohol so derived is used solely to fortify the fermented products, under such regulations as are or may be promulgated by the proper agency of the United States Government, and such alcohol, for that purpose only, may be sold or exchanged between wineries holding permits in this Commonwealth, without restriction.

Section 103. Saving Clause.—The provisions of this act, so far as they are the same as those of existing laws, are intended as a continuation of such laws and not as new enactments. The repeal by this act of any act of Assembly or part thereof shall not revive any act or part thereof heretofore repealed or superseded. The provisions of this act shall not affect any act done, liability incurred or right accrued or vested, or affect any suit or prosecution pending or to be instituted to enforce any right or penalty or punish any offense under the authority of such repealed laws. All regulations and rules made and all licenses and permits issued pursuant to any act repealed by this act shall continue with the same force and effect as if such act had not been repealed.

Section 104. Interpretation of Act.—(a) This act shall be deemed an exercise of the police power of the Commonwealth for the protection of the public welfare, health, peace and morals of the people of the Commonwealth and to prohibit forever the open saloon, and all of the provisions of this act shall be liberally construed for the accomplishment of this purpose.

(b) The provisions of this act are severable and if any of its provisions shall be held unconstitutional the decision of the court shall not affect or impair any of the remaining provisions of this act. It is hereby declared to be the legislative intent that this act would have been adopted had such unconstitutional provisions not been included herein.

(c) Except as otherwise expressly provided, the purpose of this act is to prohibit the manufacture of and transactions in liquor, alcohol and malt or brewed beverages which take place in this Commonwealth, except by and under the control of the board as herein specifically provided, and every section and provision of the act shall be construed accordingly. The provisions of this act dealing with the manufacture, importation, sale and disposition of liquor, alcohol and malt or brewed beverages within the Commonwealth through the instrumentality of the board and otherwise, provide the means by which such control shall be made effective. This act shall not be construed as forbidding, affecting or regulating any transaction which is not subject to the legislative authority of this Commonwealth.

(d) Any reference in this act to the provisions of law on any subject shall apply to statutes becoming effective after the effective date of this act as well as to those then in existence.

(e) Section headings shall not be taken to govern or limit the scope of the sections of this act. The singular shall include the plural and the masculine shall include the feminine and the neuter.

ARTICLE II.

Pennsylvania Liquor Control Board.

Section 201. Appointment of Members; Terms; Salaries.—An independent administrative board to be known as the "Pennsylvania Liquor Control Board" is hereby created. The board shall consist of three members to be appointed by the Governor by and with the advice and consent of two-thirds of all the members of the Senate. Of the original members, one shall be appointed for a term of two years, one for a term of four years, and one for a term of six years from the date of his appointment and until his successor shall have been appointed and qualified. Thereafter, all appointments shall be for terms of six years or until successors are appointed and qualified. Each member of the board shall receive an annual salary as fixed by law.

Section 202. Qualifications of Members.—Each member of the board at the time of his appointment and qualification shall be a citizen of the United States and a resident of the Commonwealth of Pennsylvania, shall have been a qualified elector in the Commonwealth for a period of at least one year next preceding his appointment, and shall be not less than thirty years of age.

No member of the board during his period of service as such shall hold any other office under the laws of this Commonwealth or of the United States.

Section 203. Chairman of Board.—The board shall elect one of its members as chairman. The chairman shall, when present, preside at all meetings, and in his absence a member designated by the chairman shall preside.

Two members of the board shall constitute a quorum, and any action or order of the board shall require the approval of at least two members.

Section 204. Secretary of Board.—The board may appoint a secretary to hold office at its pleasure. The secretary, if appointed, shall have such powers and shall perform such duties not contrary to law as the board shall prescribe, and shall receive such compensation as the board, with the approval of the Governor, shall determine. The secretary shall have power and authority to designate, from time to time, one of the clerks appointed by the board to perform the duties of the secretary during his absence and the clerk so appointed shall exercise, for the time so designated, the powers of the secretary of the board.

Section 205. Bonds Required of Members and Secretary.—Before entering upon the duties of their respective offices or positions, each member of the board and the secretary shall execute and file with the State Treas-

urer a bond in such penal sum as shall be fixed by the Executive Board of this Commonwealth upon recommendation of the Governor, but the amount of any such bond shall not be less than ten thousand dollars (\$10,000). Bonds in such penal sums as shall be fixed by the Executive Board likewise shall be executed and filed with the State Treasurer by such employes of the Pennsylvania Liquor Control Board as the head of such board shall, with the approval of the Executive Board, prescribe. Such bonds shall be payable to the Commonwealth of Pennsylvania and shall be conditioned for the faithful performance of the members', secretary's or employes' duties imposed by law or by lawful authority and that the person bonded will not knowingly violate the provisions of this act. All bonds required to be given under this section shall, before being accepted by the State Treasurer, be approved by the Department of Justice, and unless the Commonwealth shall establish its own indemnity fund, all such bonds shall be given with security approved by the Department of Justice. If the Commonwealth shall establish its own indemnity fund, the Executive Board may, nevertheless, require any bond given hereunder to be executed by a surety or sureties satisfactory to the Department of Justice. The cost of such bonds *required to be executed by a surety or sureties shall be borne by the board as part of its operating expense.

Section 206. Board Subject to Administrative Code.—Except as otherwise expressly provided by law, the board shall be subject to all the provisions of The Administrative Code of one thousand nine hundred twenty-nine, as amended, which apply generally to independent administrative boards and commissions.

Section 207. General Powers of Board.—Under this act, the board shall have the power and its duty shall be:

(a) To buy, import or have in its possession for sale, and sell liquor and alcohol in the manner set forth in this act: Provided, however, That all purchases shall be made subject to the approval of the Auditor General or his designated deputy.

(b) To control the manufacture, possession, sale, consumption, importation, use, storage, transportation and delivery of liquor, alcohol and malt or brewed beverages in accordance with the provisions of this act, and to fix the wholesale and retail prices at which liquors and alcohol shall be sold at Pennsylvania Liquor Stores: Provided, That in fixing sale prices, the board shall not give any preference or make any discrimination as to classes, brands or otherwise, except where special sales are

* "require" in original.

deemed necessary to move unsaleable merchandise. The board shall require each Pennsylvania manufacturer and each nonresident manufacturer of liquors, other than wine, selling such liquors to the board, which are not manufactured in this Commonwealth, to make application for and be granted a permit by the board before such liquors not manufactured in this Commonwealth shall be purchased from such manufacturer. Each such manufacturer shall pay for such permit a fee which, in the case of a manufacturer of this Commonwealth, shall be equal to that required to be paid, if any, by a manufacturer or wholesaler of the state, territory or country of origin of the liquors, for selling liquors manufactured in Pennsylvania, and in the case of a nonresident manufacturer, shall be equal to that required to be paid, if any, in such state, territory or country by Pennsylvania manufacturers doing business in such state, territory or country. In the event that any such manufacturer shall, in the opinion of the board, sell or attempt to sell liquors to the board through another person for the purpose of evading this provision relating to permits, the board shall require such person, before purchasing liquors from him or it, to take out a permit and pay the same fee as hereinbefore required to be paid by such manufacturer. All permit fees so collected shall be paid into the State Stores Fund. The board shall not purchase any alcohol or liquor fermented, distilled, rectified, compounded or bottled in any state, territory or country, the laws of which result in prohibiting the importation therein of alcohol or liquor, fermented, distilled, rectified, compounded or bottled in Pennsylvania.

(c) To determine the municipalities within which Pennsylvania Liquor Stores shall be established and the locations of the stores within such municipalities.

(d) To grant, issue, suspend and revoke all licenses and permits authorized to be issued under this act and the regulations of the board.

(e) Through the Department of Property and Supplies as agent, to lease and furnish and equip such buildings, rooms and other accommodations as shall be required for the operation of this act.

(f) To appoint, fix the compensation and define the powers and duties of such managers, officers, inspectors, examiners, clerks and other employes as shall be required for the operation of this act, subject to the provisions of The Administrative Code of 1929 and the Civil Service Act.

(g) To determine the nature, form and capacity of all packages and original containers to be used for containing liquor, alcohol or malt or brewed beverages.

(h) Without in any way limiting or being limited by the foregoing, to do all such things and perform all such acts as are deemed necessary or advisable for the purpose of carrying into effect the provisions of this act and the regulations made thereunder.

(i) From time to time, to make such regulations not inconsistent with this act as it may deem necessary for the efficient administration of this act. The board shall cause such regulations to be published and disseminated throughout the Commonwealth in such manner as it shall deem necessary and advisable or as may be provided by law. Such regulations adopted by the board shall have the same force as if they formed a part of this act.

Section 208. Specific Subjects on Which Board May Adopt Regulations.—Subject to the provisions of this act and without limiting the general power conferred by the preceding section, the board may make regulations regarding:

(a) The equipment and management of Pennsylvania Liquor Stores and warehouses in which liquor and alcohol are kept or sold, and the books and records to be kept therein.

(b) The duties and conduct of the officers and employes of the board.

(c) The purchase, as provided in this act, of liquor and alcohol, and its supply to Pennsylvania Liquor Stores.

(d) The classes, varieties and brands of liquor and alcohol to be kept and sold in Pennsylvania Liquor Stores.

(e) The issuing and distribution of price lists for the various classes, varieties or brands of liquor and alcohol kept for sale by the board under this act.

(f) The sealing and labeling of liquor and alcohol sold under this act and of liquor and alcohol lawfully acquired by any person prior to January first, one thousand nine hundred thirty-four.

(g) Forms to be used for the purposes of this act.

(h) The issuance of licenses and permits and the conduct, management, sanitation and equipment of places licensed or included in permits.

(i) The place and manner of depositing the receipts of Pennsylvania Liquor Stores and the transmission of balances to the Treasury Department through the Department of Revenue.

(j) The solicitation by resident or nonresident vendors of liquor from Pennsylvania licensees and other persons of orders for liquor to be sold through the Pennsylvania Liquor Stores and, in the case of nonresident vendors, the collection therefrom of license fees for such privilege at the same rate as provided herein for importers' licenses.

Section 209. Officers and Investigators of the Board to be Peace Officers; Powers.—Such employes of the board as are designated “enforcement officers” or “investigators” are hereby declared to be peace officers and are hereby given police power and authority throughout the Commonwealth to arrest on view, except in private homes, without warrant, any person actually engaged in the unlawful sale, importation, manufacture or transportation, or having unlawful possession of liquor, alcohol or malt or brewed beverages, contrary to the provisions of this act or any other law of this Commonwealth. Such officers and investigators shall have power and authority, upon reasonable and probable cause, to search for and to seize without warrant or process, except in private homes, any liquor, alcohol and malt or brewed beverages unlawfully possessed, manufactured, sold, imported or transported, and any stills, equipment, materials, utensils, vehicles, boats, vessels, animals, aircraft, or any of them, which are or have been used in the unlawful manufacture, sale, importation or transportation of the same. Such liquor, alcohol, malt or brewed beverages, stills, equipment, materials, utensils, vehicles, boats, vessels, animals or aircraft so seized shall be disposed of as hereinafter provided.

Section 210. Restrictions on Members of the Board and Employes of Commonwealth.—(a) A member or employe of the board shall not be directly or indirectly interested or engaged in any other business or undertaking dealing in liquor, alcohol, or malt or brewed beverages, whether as owner, part owner, partner, member of syndicate, shareholder, agent or employe, and whether for his own benefit or in a fiduciary capacity for some other person.

(b) No member or employe of the board nor any employe of the Commonwealth shall solicit or receive, directly or indirectly, any commission, remuneration or gift whatsoever, from any person having sold, selling or offering liquor or alcohol for sale to the board for use in Pennsylvania Liquor Stores.

ARTICLE III.

Pennsylvania Liquor Stores.

Section 301. Board to Establish State Liquor Stores.—The board shall establish, operate and maintain at such places throughout the Commonwealth as it shall deem essential and advisable, stores to be known as “Pennsylvania Liquor Stores,” for the sale of liquor and alcohol in accordance with the provisions of and the regulations made under this act. When the board shall have determined upon the location of a liquor store in any municipi-

pality, it shall give notice of such location by public advertisement in two newspapers of general circulation, and no other advertisement of any kind or description shall be required, any law to the contrary notwithstanding. If, within five days after the appearance of such advertisement, fifteen or more taxpayers residing within a quarter of a mile of such location shall file a protest with the court of quarter sessions of the county averring that the location is objectionable because of its proximity to a church, a school, or to private residences, the court shall forthwith hold a hearing affording an opportunity to the protestants and to the board to present evidence. The court shall render its decision immediately upon the conclusion of the testimony and from the decision there shall be no appeal. If the court shall determine that the proposed location is undesirable for the reasons set forth in the protest, the board shall abandon it and find another location. The board may establish, operate and maintain such establishments for storing and testing liquors as it shall deem expedient to carry out its powers and duties under this act.

The board may lease the necessary premises for such stores or establishments, but all such leases shall be made through the Department of Property and Supplies as agent of the board. The board, through the Department of Property and Supplies, shall have authority to purchase such equipment and appointments as may be required in the operation of such stores or establishments.

Section 302. Selection of Personnel.—Officers and employes of the board, except as herein otherwise provided, shall be appointed and employed subject to the provisions of the Civil Service Act.

Section 303. Management of Pennsylvania Liquor Stores.—Every Pennsylvania Liquor Store shall be conducted by a person appointed in the manner provided in the Civil Service Act who shall be known as the "manager" and who shall, under the directions of the board, be responsible for carrying out the provisions of this act and the regulations adopted by the board under this act as far as they relate to the conduct of such stores.

Section 304. When Sales May Be Made at Pennsylvania Liquor Stores.—Every Pennsylvania Liquor Store shall be open for business week days, except legal holidays or any day on which a general, municipal, special or primary election is being held, during such hours as the board, in its discretion, shall determine, but shall not be open longer than fourteen hours in any one day nor later than eleven o'clock post-meridian. The board may, with the approval of the Governor, temporarily close any store in any municipality.

Section 305. Sales by Pennsylvania Liquor Stores.—

(a) Every Pennsylvania Liquor Store shall keep in stock for sale such classes, varieties and brands of liquor and alcohol as the board shall prescribe. If any person shall desire to purchase any class, variety or brand of liquor or alcohol which any such store does not have in stock, it shall be the duty of such store immediately to order the same upon the payment of a reasonable deposit by the purchaser in such proportion of the approximate cost of the order as shall be prescribed by the regulations of the board. The customer shall be notified immediately upon the arrival of the goods.

Unless the customer pays for and accepts delivery of any such special order within five days after notice of arrival, the store may place it in stock for general sale and the customer's deposit shall be forfeited.

(b) Every Pennsylvania Liquor Store shall sell liquors at wholesale to hotels, restaurants, clubs, and railroad, pullman and steamship companies licensed under this act; and, under the regulations of the board, to pharmacists duly licensed and registered under the laws of the Commonwealth, and to manufacturing pharmacists, and to reputable hospitals approved by the board, or chemists. The board may sell to registered pharmacists only such liquors as conform to the Pharmacopoeia of the United States, the National Formulary, or the American Homeopathic Pharmacopoeia. All other sales by such stores shall be at retail. No liquor shall be sold except for cash, except that the board may, by regulation, authorize the acceptance of checks for liquor sold at wholesale. The board shall have power to designate certain stores for wholesale or retail sales exclusively.

(c) Whenever any checks issued in payment of liquor or alcohol purchased from State Liquor Stores by persons holding wholesale purchase permit cards issued by the board shall be returned to the board as dishonored, the board shall charge a fee of five dollars per hundred dollars or fractional part thereof, plus all protest fees, to the maker of such check submitted to the board. Failure to pay the face amount of the check in full and all charges thereon as herein required within ten days after demand has been made by the board upon the maker of the check shall be cause for revocation or suspension of any license issued by the board to the person who issued such check and the cancellation of the wholesale purchase permit card held by such person.

(d) No liquor or alcohol shall be sold to any purchaser except in a package bearing the official seal of the board required by this act, which package shall not be opened on the premises of a Pennsylvania Liquor Store. No manager or other employe of the board employed in a

Pennsylvania Liquor Store shall allow any liquor or alcohol to be consumed on the store premises, nor shall any person consume any liquor or alcohol on such premises.

(e) The board may sell tax exempt alcohol to the Commonwealth of Pennsylvania and to persons to whom the board shall, by regulation to be promulgated by it, issue special permits for the purchase of such tax exempt alcohol.

Such permits may be issued to the United States or any governmental agency thereof, to any university or college of learning, any laboratory for use exclusively in scientific research, any hospital, sanitorium, eleemosynary institution or dispensary; to physicians, dentists, veterinarians and pharmacists duly licensed and registered under the laws of the Commonwealth of Pennsylvania; to manufacturing chemists and pharmacists or other persons for use in the manufacture or compounding of preparations unfit for beverage purposes.

(f) Every purchaser of liquor or alcohol from a Pennsylvania Liquor Store shall receive a numbered receipt which shall show the brand of liquor and alcohol, the price paid therefor, and such other information as the board may prescribe. Copies of all receipts issued by a Pennsylvania Liquor Store shall be retained by and shall form part of the records of such store.

(g) The board is hereby authorized and empowered to adopt and enforce appropriate rules and regulations to insure the equitable wholesale and retail sale and distribution, through the Pennsylvania Liquor Stores, of available liquor and alcohol at any time when the demand therefor is greater than the supply.

Section 306. Audits by Auditor General.—It shall be the duty of the Department of the Auditor General to make all audits which may be necessary in connection with the administration of the financial affairs of the board and the Pennsylvania Liquor Stores operated and maintained by the board.

At least one audit shall be made each year of the affairs of the board, and all collections made by the Pennsylvania Liquor Stores shall be audited quarterly.

Special audits of the affairs of the board and the Pennsylvania Liquor Stores maintained and operated by the board may be made whenever they may, in the judgment of the Auditor General, appear necessary, and shall be made whenever the Governor shall call upon the Auditor General to make them.

Copies of all audits made by the Department of the Auditor General shall be promptly submitted to the board and to the Governor.

Unless the Department of the Auditor General shall neglect or refuse to make annual, quarterly or special

audits, as hereinabove required, it shall be unlawful for the board to expend any money appropriated to it by the General Assembly for any audit of its affairs, except for the payment of the compensation and expenses of such auditors as are regularly employed as part of the administrative staff of the board.

ARTICLE IV.

Licenses and Regulations; Liquor, Alcohol and Malt and Brewed Beverages.

(A) Liquor and Alcohol (Not Including Manufacturers).

Section 401. Authority to Issue Liquor Licenses to Hotels, Restaurants and Clubs.—(a) Subject to the provisions of this act and regulations promulgated under this act, the board shall have authority to issue a retail liquor license for any premises kept or operated by a hotel, restaurant or club and specified in the license entitling the hotel, restaurant or club to purchase liquor from a Pennsylvania Liquor Store and to keep on the premises such liquor and, subject to the provisions of this act and the regulations made thereunder, to sell the same and also malt or brewed beverages to guests, patrons or members for consumption on the hotel, restaurant or club premises. Such licensees, other than clubs, shall be permitted to sell malt or brewed beverages for consumption off the premises where sold in quantities of not more than one hundred forty-four fluid ounces in a single sale to one person. Such licenses shall be known as hotel liquor licenses, restaurant liquor licenses and club liquor licenses, respectively. No person who holds, either by appointment or election, any public office which involves the duty to enforce any of the penal laws of the United States of America or the penal laws of the Commonwealth of Pennsylvania or any penal ordinance or resolution of any political subdivision of this Commonwealth shall be issued any hotel or restaurant liquor license, nor shall such a person have any interest, directly or indirectly, in any such license.

(b) The board may issue to any club which caters to groups of non-members, either privately or for functions, a catering license, and the board shall, by its rules and regulations, define what constitutes catering under this subsection.

Section 402. License Districts; License Year; Hearings.—The board shall, by regulation, divide the State into convenient license districts and shall hold hearings on applications for licenses and renewals thereof, as it deems necessary, at a convenient place or places in each of said districts, at such times as it shall fix, by regula-

tion, for the purpose of hearing testimony for and against applications for new licenses and renewals thereof. The board may provide for the holding of such hearings by examiners learned in the law, to be appointed by the Governor, who shall not be subject to the "Civil Service Act." Such examiners shall make report to the board in each case with their recommendations. The board shall, by regulation, fix the license year for each separate district so that the expiration dates shall be uniform in each of the several districts but staggered as to the State.

Section 403. Applications for Hotel, Restaurant and Club Liquor Licenses.—(a) Every applicant for a hotel liquor license, restaurant liquor license or club liquor license shall file a written application with the board in such form and containing such information as the board shall from time to time prescribe, which shall be accompanied by a filing fee of ten dollars, the prescribed license fee, and the bond hereinafter specified. Every such application shall contain a description of that part of the hotel, restaurant or club for which the applicant desires a license and shall set forth such other material information, description or plan of that part of the hotel, restaurant or club where it is proposed to keep and sell liquor as may be required by the regulations of the board.

(b) If the applicant is a natural person, his application must show that he is a citizen of the United States and has been a resident of this Commonwealth for at least two years immediately preceding his application.

(c) If the applicant is a corporation, the application must show that the corporation was created under the laws of Pennsylvania or holds a certificate of authority to transact business in Pennsylvania, that all officers, directors and stockholders are citizens of the United States, and that the manager of the hotel, restaurant or club is a citizen of the United States.

(d) Each application shall be signed and verified by oath or affirmation by the owner, if a natural person, or, in the case of an association, by a member or partner thereof, or, in the case of a corporation, by an executive officer thereof or any person specifically authorized by the corporation to sign the application, to which shall be attached written evidence of his authority.

(e) If the applicant is an association, the application shall set forth the names and addresses of the persons constituting the association, and if a corporation, the names and addresses of the principal officers thereof. Every club applicant shall file with and as a part of its application a list of the names and addresses of its members, directors, officers, agents and employes, together

with the dates of their admission, election or employment, and such other information with respect to its affairs as the board shall require.

(f) The board shall refuse to issue licenses to clubs when it appears that the operation of the licensed business would inure to the benefit of individual members, officers, agents or employes of the club, rather than to the benefit of the entire membership of the club.

(g) Every applicant for a new license or for the transfer of an existing license to another premises not then licensed shall post, for a period of at least fifteen days beginning with the day the application is filed with the board, in a conspicuous place on the outside of the premises for which the license is applied, a notice of such application, in such form, of such size, and containing such provisions as the board may require by its regulations. Proof of the posting of such notice shall be filed with the board.

(h) If any false statement is intentionally made in any part of the application, the affiant shall be deemed guilty of a misdemeanor and, upon conviction, shall be subject to the penalties provided by this article.

Section 404. Issuance of Hotel, Restaurant and Club Liquor Licenses.—Upon receipt of the application, the proper fees and bond, and upon being satisfied of the truth of the statements in the application that the applicant is the only person in any manner pecuniarily interested in the business so asked to be licensed and that no other person will be in any manner pecuniarily interested therein during the continuance of the license, except as hereinafter permitted, and that the applicant is a person of good repute, that the premises applied for meet all the requirements of this act and the regulations of the board, that the applicant seeks a license for a hotel, restaurant or club, as defined in this act, and that the issuance of such license is not prohibited by any of the provisions of this act, the board shall, in the case of a hotel or restaurant, grant and issue to the applicant a liquor license, and in the case of a club may, in its discretion, issue or refuse a license: Provided, however, That in the case of any new license or the transfer of any license to a new location the board may, in its discretion, grant or refuse such new license or transfer if such place proposed to be licensed is within three hundred feet of any church, hospital, charitable institution, school, or public playground, or if such new license or transfer is applied for a place where the principal business is the sale of liquid fuels and oil: And provided further, That the board shall not issue new licenses in any license district more than twice each license year, effective from specific dates fixed by the board, and new

licenses shall not be granted unless the application therefor shall have been filed at least thirty days before the effective date of the license.

Section 405. License Fees.—(a) License fees for hotel and restaurant liquor licenses shall be graduated according to the population of the municipality as determined by the last preceding decennial census of the United States in which the hotel or restaurant is located, as follows:

In municipalities having a population of less than fifteen hundred inhabitants, one hundred fifty dollars (\$150.00).

In municipalities, except townships, having a population of fifteen hundred and more but less than ten thousand inhabitants, and in townships having a population of fifteen hundred and more but less than twelve thousand inhabitants, two hundred dollars (\$200.00).

In municipalities, except townships, having a population of ten thousand and more but less than fifty thousand inhabitants, and in townships having a population of twelve thousand and more but less than fifty thousand inhabitants, three hundred dollars (\$300.00).

In those having a population of fifty thousand and more but less than one hundred thousand inhabitants, four hundred dollars (\$400.00).

In those having a population of one hundred thousand and more but less than one hundred fifty thousand inhabitants, five hundred dollars (\$500.00).

In those having a population of one hundred fifty thousand and more inhabitants, six hundred dollars (\$600.00).

(b) Every applicant for a club liquor license shall pay to the board a license fee of fifty dollars (\$50.00), except clubs to which catering licenses are issued, in which cases the license fees shall be the same as for hotels and restaurants located in the same municipality.

(c) All license fees authorized under this section shall be collected by the board for the use of the municipalities in which such fees were collected.

Section 406. Sales by Liquor Licensees; Restrictions.—Every hotel, restaurant or club liquor licensee may sell liquor and malt or brewed beverages by the glass, open bottle or other container, and in any mixture, for consumption only in that part of the hotel or restaurant habitually used for the serving of food to guests or patrons, and in the case of hotels, to guests, and in the case of clubs, to members, in their private rooms in the hotel or club. No club licensee nor its officers, servants, agents or employes, other than one holding a catering license, shall sell any liquor or malt or brewed beverages to any person except a member of

the club. No club holding a catering license nor its officers, servants, agents or employes shall sell on Sunday to nonmembers any liquor or malt or brewed beverages. In the case of a restaurant located in a hotel which is not operated by the owner of the hotel and which is licensed to sell liquor under this act, liquor and malt or brewed beverages may be sold for consumption in that part of the restaurant habitually used for the serving of meals to patrons and also to guests in private guests rooms in the hotel.

Hotel, restaurant and public service liquor licensees, their servants, agents or employes may sell liquor and malt or brewed beverages only after seven o'clock antemeridian of any week day and until two o'clock antemeridian of the following week day, and shall not sell on Sunday or after two o'clock antemeridian on any day on which a general, municipal, special or primary election is being held until one hour after the time fixed by law for closing the polls. No club licensee or its servants, agents or employes may sell liquor or malt or brewed beverages between the hours of three o'clock antemeridian and seven o'clock antemeridian on any day.

Section 407. Sale of Malt or Brewed Beverages by Liquor Licensees.—Every liquor license issued to a hotel, restaurant, club, or a railroad, pullman or steamship company under this subdivision (A) for the sale of liquor shall authorize the licensee to sell malt or brewed beverages at the same places but subject to the same restrictions and penalties as apply to sales of liquor, except that licensees other than clubs may sell malt or brewed beverages for consumption off the premises where sold in quantities of not more than one hundred forty-four fluid ounces in a single sale to one person. No licensee under this subdivision (A) shall at the same time be the holder of any other class of license, except a retail dispenser's license authorizing the sale of malt or brewed beverages only.

Section 408. Public Service Liquor Licenses.—(a) Subject to the provisions of this act and regulations promulgated under this act, the board, upon application, shall issue retail liquor licenses to railroad or pullman companies permitting liquor and malt or brewed beverages to be sold in dining, club or buffet cars to passengers for consumption while enroute on such railroad, and may issue retail liquor licenses to steamship companies permitting liquor or malt or brewed beverages to be sold in the dining compartments of steamships or vessels wherever operated in the Commonwealth, except when standing or moored in stations, terminals or docks within a municipality wherein sales

of liquor for consumption on the premises are prohibited. Such licenses shall be known as public service liquor licenses. The board may issue a master license to railroad or pullman companies to cover the maximum number of cars which the company shall estimate that it will operate within the Commonwealth on any one day. Such licensees shall file monthly reports with the board showing the maximum number of cars operated in any one day during the preceding month, and if it appears that more cars have been operated than covered by its license it shall forthwith remit to the board the sum of twenty dollars for each extra car so operated.

(b) For the purpose of considering an application by a steamship company for a public service liquor license, the board may cause an inspection of the steamship or vessel for which a license is desired. The board may, in its discretion, grant or refuse the license applied for and there shall be no appeal from its decision, except that an action of mandamus may be brought against the board in the manner provided by law.

(c) Every applicant for a public service liquor license shall, before receiving such license, file with the board a surety bond as hereinafter prescribed, pay to the board for each of the maximum number of dining, club or buffet cars which the applicant estimates it will have in operation on any one day an annual fee of twenty dollars (\$20.00), and for each steamship or vessel for which a license is desired an annual fee of one hundred dollars (\$100.00).

(d) Unless previously revoked, every license issued by the board under this section shall expire and terminate on the thirty-first day of December, in the year for which the license is issued. Licenses issued under the provisions of this section shall be renewed annually, as herein provided, upon the filing of applications in such form as the board shall prescribe, but no license shall be renewed until the applicant shall file with the board a new surety bond and shall pay the requisite license fee specified in this section.

(e) Sales of liquor and malt or brewed beverages by the aforesaid public service company licensees shall be made in accordance with, and shall be subject to, the provisions of this act relating to the sale of liquors by restaurant licensees.

Section 409. Sacramental Wine Licenses; Fees; Privileges; Restrictions.—(a) Subject to the provisions of this act in general and more particularly to the following provisions of this section, the board shall issue sacramental wine licenses to qualified applicants.

(b) Every applicant for a sacramental wine license shall file a written application with the board in such

form as the board shall from time to time prescribe, which shall be accompanied by a filing fee of ten dollars, a license fee of one hundred dollars, and a bond as hereinafter prescribed. Every such application shall contain a description of the premises for which the applicant desires a license and shall set forth such other material information as may be required by the board.

(c) If the applicant is a natural person, his application must show that he is a citizen of the United States and a resident of this Commonwealth. If the applicant is an association or partnership, each and every member of the association or partnership must be a citizen of the United States and a resident of this Commonwealth. If the applicant is a corporation, the application must show that the corporation was created under the laws of Pennsylvania or holds a certificate of authority to transact business in Pennsylvania, and that all officers, directors and stockholders are citizens of the United States.

(d) Holders of such licenses may purchase from manufacturers or bring or import into this Commonwealth wine to be used for sacramental or religious purposes only, and bottle and sell the same to priests, clergymen and rabbis for use in the cathedral, church, synagogue or temple, or for sustaining members of the congregation or members of the faith who attend religious services, duly certified by such priests, clergymen or rabbis. The sale and use of wine for sacramental or religious purposes shall be subject to and in accordance with the regulations of the board.

(e) Any wine purchased under the authority of this section shall not be used for any other than sacramental or religious purposes. Sacramental wine may not be sold by any person except the holder of a sacramental wine license. All original containers from which sacramental wine is dispensed shall bear the official seal of the board.

(f) Every sacramental wine licensee shall maintain on the licensed premises such records as the board may prescribe. No deliveries of sacramental wine shall be made unless and until an order therefor is on file at the principal place of business in Pennsylvania. All shipments into Pennsylvania of wine to be used for sacramental or religious purposes shall be consigned to the principal place of business maintained by the licensee.

(g) Any such license may be suspended or revoked by the board upon proof satisfactory to it that the licensee has violated any law of this Commonwealth or any regulation of the board relating to liquor and alcohol. The procedure in such cases shall be the same as for the revocation and suspension of hotel, restaurant and club licenses.

Section 410. Liquor Importers' Licenses; Fees; Privileges; Restrictions.—(a) Subject to the provisions of this act in general and more particularly to the following provisions of this section, the board shall issue liquor importers' licenses to qualified applicants.

(b) Every applicant for an importer's license shall file a written application with the board in such form as the board shall from time to time prescribe, which shall be accompanied by a filing fee of ten dollars, a license fee of one hundred dollars, and a bond as hereinafter required. Every such application shall contain a description of the principal place of business for which the applicant desires a license and shall set forth such other material information as may be required by the board.

(c) The holder of an importer's license may have included in such license one warehouse wherein only his liquor may be kept and stored, located in the same municipality in which his licensed premises is situate, and not elsewhere, unless such licensee secures from the board a license for each additional storage warehouse desired. The board is authorized and empowered to issue to a holder of an importer's license a license for an additional storage warehouse or warehouses located in this Commonwealth, provided such licensed importer files with the board a separate application for each warehouse in such form and containing such information as the board may from time to time require, accompanied by a filing fee of ten dollars, a license fee of twenty-five dollars, and a bond of an approved surety company in the amount of ten thousand dollars. Such bond shall contain the same provisions and conditions as are required in the other license bonds under this article.

(d) If the applicant is a natural person, his application must show that he is a citizen of the United States and a resident of this Commonwealth. If the applicant is an association or partnership, each and every member of the association or partnership must be a citizen of the United States and a resident of this Commonwealth. If the applicant is a corporation, the application must show that the corporation was created under the laws of Pennsylvania or holds a certificate of authority to transact business in Pennsylvania, and that all officers, directors and stockholders are citizens of the United States.

(e) Importers' licenses shall permit the holders thereof to bring or import liquor from other states, foreign countries, or insular possessions of the United States, and purchase liquor from manufacturers located within this Commonwealth, to be sold outside of this Commonwealth or to Pennsylvania Liquor Stores within this Commonwealth, or when in original containers of

ten gallons or greater capacity, to licensed manufacturers within this Commonwealth.

All importations of liquor into Pennsylvania by the licensed importer shall be consigned to the Pennsylvania Liquor Control Board or the principal place of business or authorized place of storage maintained by the licensee.

(f) Every importer shall maintain on the licensed premises such records as the board may prescribe. Any such license may be suspended or revoked by the board upon proof satisfactory to it that the licensee has violated any law of this Commonwealth or any regulation of the board relating to liquor and alcohol. The procedure in such cases shall be the same as for the revocation and suspension of hotel, restaurant and club licenses.

Section 411. Interlocking Business Prohibited.—

(a) No manufacturer and no officer or director of any manufacturer shall at the same time be a holder of a hotel, restaurant or club liquor license, nor be the owner, proprietor or lessor of any place covered by any hotel, restaurant or club liquor license.

(b) No manufacturer, importer or sacramental wine licensee, and no officer or director of a manufacturer, importer or sacramental wine licensee shall own any stock or have any financial interest in any hotel or restaurant licensed under this act.

(c) Excepting as herein provided, no manufacturer, or officer, director, stockholder, agent or employe of a manufacturer shall in any wise be interested, either directly or indirectly, in the ownership or leasehold of any property or the equipment of any property or any mortgage lien against the same, for which a hotel, restaurant or club license is granted; nor shall a manufacturer, importer or sacramental wine licensee, or officer, director, stockholder, agent or employe of a manufacturer, importer or sacramental wine licensee, either directly or indirectly, lend any moneys, credit, or give anything of value or the equivalent thereof to, or guarantee the payment of any bond, mortgage, note or other obligation of, any hotel, restaurant or club licensee, his servant, agent or employe, for equipping, fitting out, or maintaining and conducting, either in whole or in part, a hotel, restaurant or club licensed for the selling of liquor for use and consumption upon the premises.

(d) Excepting as herein provided, no hotel licensee, restaurant licensee or club licensee, and no officer, director, stockholder, agent or employe of any such licensee shall in any wise be interested, either directly or indirectly, in the ownership or leasehold of any property or the equipment of any property or any mortgage lien against the same, used by a manufacturer in manufacturing liquor or malt or brewed beverages; nor shall any

hotel, restaurant or club licensee, or any officer, director, stockholder, agent or employe of any such licensee, either directly or indirectly, lend any moneys, credit, or give anything of value or the equivalent thereof, to any manufacturer, for equipping, fitting out, or maintaining and conducting, either in whole or in part, an establishment used for the manufacture of liquor or malt or brewed beverages.

(e) Except as herein provided, no hotel, restaurant or club licensee, and no officer, director or stockholder, agent or employe of any such licensee shall in any wise be interested, directly or indirectly, in the ownership or leasehold of any property or the equipment of any property or any mortgage lien against the same, used by a distributor, importing distributor, retail dispenser, or by an importer or sacramental wine licensee, in the conduct of his business; nor shall any hotel, restaurant or club licensee, or any officer, director, stockholder, agent or employe of any such licensee, either directly or indirectly, lend any moneys, credit, or give anything of value or the equivalent thereof, to any distributor, importing distributor, retail dispenser, importer or sacramental wine licensee, for equipping, fitting out, or maintaining and conducting, either in whole or in part, an establishment used in the conduct of his business.

The purpose of this section is to require a separation of the financial and business interests between manufacturers and holders of hotel or restaurant liquor licenses and, as herein provided, of club licenses, issued under this article, and no person shall, by any device whatsoever, directly or indirectly, evade the provisions of the 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 by a manufacturer of any place occupied by a licensee under this article after the manufacturer has continuously owned and had a conflicting interest in such place for a period of at least five years prior to July eighteenth, one thousand nine hundred thirty-five: Provided, however, That this clause shall not prohibit any hotel, restaurant or club liquor licensee from owning land which is leased to, and the buildings thereon owned by, a holder of a retail dispenser's license; and nothing in this clause shall prevent the issuance of a retail dispenser's license to a lessee of such lands who owns the buildings thereon.

(B) Malt and Brewed Beverages (Including Manufacturers).

Section 431. Malt and Brewed Beverages Manufacturers', Distributors' and Importing Distributors' Licenses.—(a) The board shall issue to any person a resi-

dent of this Commonwealth of good repute who applies therefor, pays the license fee hereinafter prescribed, and files the bond hereinafter required, a manufacturer's license to produce and manufacture malt or brewed beverages, and to transport, sell and deliver malt or brewed beverages at or from one or more places of manufacture or storage, only in original containers, in quantities of not less than a case of twenty-four containers, each container holding seven fluid ounces or more, or a case of twelve containers, each container holding twenty-four fluid ounces or more, anywhere within the Commonwealth. Licenses for places of storage shall be limited to those maintained by manufacturers on July eighteenth, one thousand nine hundred thirty-five, and the board shall issue no licenses for places of storage in addition to those maintained on July eighteenth, one thousand nine hundred thirty-five. The application for such license shall be in such form and contain such information as the board shall require. All such licenses shall be granted for the calendar year. Every manufacturer shall keep at his or its principal place of business within the Commonwealth daily permanent records which shall show, (1) the quantities of raw materials received and used in the manufacture of malt or brewed beverages and the quantities of malt or brewed beverages manufactured and stored, (2) the sales of malt or brewed beverages, (3) the quantities of malt or brewed beverages stored for hire or transported for hire by or for the licensee, and (4) the names and addresses of the purchasers or other recipients thereof. Every place licensed as a manufacturer shall be subject to inspection by members of the board or by persons duly authorized and designated by the board, at any and all times of the day or night, as they may deem necessary, for the detection of violations of this act or of the rules and regulations of the board, or for the purpose of ascertaining the correctness of the records required to be kept by licensees. The books and records of such licensees shall at all times be open to inspection by members of the board or by persons duly authorized and designated by the board. Members of the board and its duly authorized agents shall have the right, without hindrance, to enter any place which is subject to inspection hereunder or any place where such records are kept for the purpose of making such inspections and making transcripts thereof.

(b) The board shall issue to any reputable person who applies therefor, pays the license fee hereinafter prescribed, and files the bond hereinafter required, a distributor's or importing distributor's license for the place which such person desires to maintain for the sale of malt or brewed beverages, not for consumption on the

premises where sold, and in quantities of not less than a case of twenty-four containers, each container holding seven fluid ounces or more, or a case of twelve containers, each container holding twenty-four fluid ounces or more, and such containers to be the original containers as prepared for the market by the manufacturer at the place of manufacture.

Such license shall authorize the holder thereof to sell or deliver malt or brewed beverages in quantities above specified anywhere within the Commonwealth of Pennsylvania, which, in the case of distributors, have been purchased only from persons licensed under this act as manufacturers or importing distributors, and in the case of importing distributors, have been purchased from manufacturers or persons outside this Commonwealth engaged in the legal sale of malt or brewed beverages or from manufacturers or importing distributors licensed under this article.

(c) The aforesaid licenses shall be issued only to reputable individuals, partnerships and associations who are, or whose members are, citizens of the United States and have for two years prior to the date of their applications been residents of the Commonwealth of Pennsylvania, or to reputable corporations organized or duly registered under the laws of the Commonwealth of Pennsylvania. Such licenses shall be issued to corporations duly organized or registered under the laws of the Commonwealth of Pennsylvania only when it appears that all of the officers and directors of the corporation are citizens of the United States and have been residents of the Commonwealth of Pennsylvania for a period of at least two years prior to the date of application, and that at least fifty-one per centum of the capital stock of such corporation is actually owned by individuals who are citizens of the United States and have been residents of the Commonwealth of Pennsylvania for a period of at least two years prior to the date of application.

Section 432. Malt and Brewed Beverages Retail Licenses.—(a) Subject to the restrictions hereinafter provided in this act, and upon being satisfied of the truth of the statements in the application, that the premises and the applicant meet all the requirements of this act and the regulations of the board, that the applicant seeks a license for a reputable hotel, eating place or club, as defined in this act, the board shall, in the case of a hotel or eating place, grant and issue, and in the case of a club may, in its discretion, issue or refuse the applicant a retail dispenser's license.

(b) In the case of hotels and eating places, licenses shall be issued only to reputable persons who are citizens of the United States and have for two years been resi-

dents of the Commonwealth of Pennsylvania at the date of their application, or to reputable corporations organized or duly registered under the laws of the Commonwealth of Pennsylvania, all of whose officers and directors are citizens of the United States. In the case of incorporated clubs, licenses shall be issued only to those incorporated under the laws of Pennsylvania.

(c) No retail dispenser's license shall be granted in any municipality in which the electors shall, as hereinafter provided, have voted against the licensing therein of places where malt or brewed beverages may be sold for consumption on the premises where sold.

(d) The board shall, in its discretion, grant or refuse any new license or the transfer of any license to a new location if such place proposed to be licensed is within three hundred feet of any church, hospital, charitable institution, school, or public playground, or if such new license or transfer is applied for a place where the principal business conducted is the sale of liquid fuels and oil. The board shall not issue new licenses, except as herein otherwise provided, in any license district more than twice each license year, effective from specific dates fixed by the board, and new licenses shall not be granted unless the application therefor is filed at least thirty days before the effective date of the license.

(e) Every applicant for a new or for the transfer of an existing license to another premises not then licensed shall post, for a period of at least fifteen days beginning with the day the application is filed with the board, in a conspicuous place on the outside of the premises or in a window plainly visible from the outside of the premises for which the license is applied, a notice of such application, in such form, of such size, and containing such provisions as the board may require by its regulations. Proof of the posting of such notice shall be filed with the board.

Section 433. Public Service Licenses.—The board may issue public service malt and brewed beverage licenses to a railroad, pullman or steamship company permitting malt or brewed beverages to be sold at retail 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 board may issue a master license to railroad or pullman companies to cover the maximum number of cars which the company shall estimate that it will operate within the Commonwealth on any one day. Such licensees shall file monthly reports with the

board showing the maximum number of cars operated at any time on any day during the preceding month, and if it appears that more cars have been operated than covered by its license it shall forthwith remit to the board the sum of ten dollars for each extra car so operated. The board 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 board in refusing, suspending or revoking any such license may appeal to the court of quarter sessions of Dauphin County in the same manner as provided in this article for appeals from refusals of licenses.

Section 434. License Year.—(a) Licenses issued under this article to distributors, importing distributors and retail dispensers shall, unless revoked in the manner provided in this act, be valid for the license year which may be established by the board for the particular license district in which the license issues.

(b) Malt or brewed beverage licenses issued under this article to manufacturers and public service companies shall, unless revoked in the manner herein provided, be valid for the calendar year for which they are issued. Licenses to such manufacturers and public service companies may be issued at any time during a calendar year.

Section 435. Filing of Applications for Distributors', Importing Distributors' and Retail Dispensers' Licenses; Filing Fee.—Every person intending to apply for a distributor's, importing distributor's or retail dispenser's license, as aforesaid, in any municipality of this Commonwealth, shall file with the board his or its application. All such applications shall be filed at a time to be fixed by the board for the particular license district as set up by the board under the provisions of this act. The applicant shall, at the time of filing the application and bond, pay said board the filing fee of ten dollars, as hereinafter specified.

Section 436. Application for Distributors', Importing Distributors' and Retail Dispensers' Licenses.—Application for distributors', importing distributors' and retail dispensers' licenses shall contain or have attached thereto the following information and statements:

(a) The name and residence of the applicant and how long he has resided there, 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 organized or registered under the laws of the Com-

monwealth, when and where incorporated, with the names and addresses of each officer and director, all of whom shall be citizens of the United States; if the application is for a distributor's or importing distributor's license and the applicant *therefor is a corporation, the application shall also contain a statement of facts showing the qualifications of the corporation, as hereinbefore required, together with the names and addresses of all stockholders.

(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 article, except as hereinafter 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 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 malt or brewed beverages or spirituous and vinous liquors revoked, or has during the same period been convicted 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 malt or brewed 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, and such additional information as the board may require.

(i) Every club applicant shall file with and as a part of its application a list of the names and addresses of its members, directors, officers, agents and employes, together with the dates of their admission, election or employment, and such other information with respect to its affairs as the board shall require.

(j) The application must be verified by affidavit of applicant, and if any false statement is intentionally made in any part of the application, the affiant shall be deemed guilty of a misdemeanor and, upon conviction, shall be subject to the penalties provided by this article.

* "therefore" in original.

Section 437. Prohibitions Against the Grant of Licenses.—(a) The board shall refuse to grant any licenses unless the application therefor contains the information required by this act, and the premises meet such reasonable sanitary requirements as the board, by regulation, shall prescribe.

(b) The board shall refuse to grant a license to any club when it appears that the operation of such license would inure to the benefit of individual members, officers, agents or employes of the club, rather than to the benefit of the entire membership of the club.

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

(d) No person who holds, either by appointment or election, any public office which involves the duty to enforce any of the penal laws of the United States of America or any of the penal laws of this Commonwealth or any penal ordinance or resolution of any political subdivision of this Commonwealth shall be issued any manufacturer's, importing distributor's, distributor's or retail dispenser's license, nor shall such a person have any interest, directly or indirectly, in any such license.

(e) No distributor's or importing distributor's license shall be issued for any premises in any part of which there is operated any retail license for the sale of liquor or malt or brewed beverages.

Section 438. Number and Kinds of Licenses Allowed Same Licensee.—(a) Any retail dispenser may be granted licenses to maintain, operate or conduct any number of places for the sale of malt or brewed beverages, but a separate license must be secured for each place where malt or brewed beverages are sold.

(b) No person shall possess or be issued more than one distributor's or importing distributor's license.

(c) No person shall possess more than one class of license, except that a holder of a retail dispenser's license may also be a holder of a retail liquor license.

Section 439. Malt or Brewed Beverage License Fees.—No public service license and no license to any manufacturer, distributor, importing distributor or retail dispenser shall be issued under the provisions of this subdivision (B) until the licensee shall have first paid an annual license fee, as follows:

(a) In the case of a manufacturer, the license fee shall be one thousand dollars (\$1,000) for each place of manufacture and shall be paid to the board. The fee for all such licenses when applied for and issued on or after April 1, but prior to July 1, shall be three-fourths of the annual fee; July 1, but prior to October 1, shall

be one-half of the annual fee; October 1, but prior to January 1, shall be one quarter of the annual fee.

(b) In the case of a distributor, the license fee shall be four hundred dollars (\$400) and shall be paid to the board.

(c) In the case of an importing distributor, the license fee shall be nine hundred dollars (\$900) and shall be paid to the board.

(d) In the case of a retail dispenser, except clubs, the license fee shall be graduated according to the population of the municipality in which the place of business is located and shall be paid to the board, as follows:

(1) Less than 10,000	\$100
(2) 10,000 and more, but less than 50,000 ..	\$150
(3) 50,000 and more, but less than 100,000	\$200
(4) 100,000 and more, but less than 150,000	\$250
(5) 150,000 and more	\$300

(e) In the case of a club, the fee shall be twenty-five dollars in all cases and shall be paid to the board.

(f) In the case of a public service license for cars, the fee shall be ten dollars per car for the maximum number of cars operated on any one day on which malt or brewed beverages are sold, to be paid to the board.

(g) In the case of a public service license for the sale of malt or brewed beverages on a boat or vessel, the fee shall be fifty dollars for each such vessel or boat and shall be paid to the board.

(h) The fee for filing applications for licenses and for renewals shall be ten dollars which, together with fees for transfers, shall be paid to the board.

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

Section 440. Sales by Manufacturers of Malt or Brewed Beverages; Minimum Quantities.—No manufacturer shall sell any malt or brewed beverages for consumption on the premises where sold, nor sell or deliver any such malt or brewed beverages in other than original containers approved as to capacity by the board, nor in quantities of less than a case of twenty-four containers, each container holding seven fluid ounces or more, or a case of twelve containers, each container holding twenty-four fluid ounces or more; nor shall any manufacturer maintain or operate within the Commonwealth any place or places other than the place or places covered by his or its license where malt or brewed beverages are sold or where orders are taken.

Section 441. Distributors' and Importing Distributors' Restrictions on Sales, Storage, Etc.—(a) No distributor or importing distributor shall purchase, receive or resell any malt or brewed beverages except in the original containers as prepared for the market by the manufacturer at the place of manufacture.

(b) No distributor or importing distributor shall sell any malt or brewed beverages in quantities of less than a case of twenty-four containers, each container holding seven fluid ounces or more, or a case of twelve containers, each container holding twenty-four fluid ounces or more: Provided, That no malt or brewed beverages sold or delivered shall be consumed upon the premises of the distributor or importing distributor, or in any place provided for such purpose by such distributor or importing distributor.

(c) No distributor or importing distributor shall maintain or operate any place where sales are made other than that for which the license is granted.

(d) No distributor or importing distributor shall maintain any place for the storage of malt or brewed beverages except in the same municipality in which the licensed premises is located and unless the same has been approved by the board. In the event there is no place of cold storage in the same municipality, the board may approve a place of cold storage in the nearest municipality.

Section 442. Retail Dispensers' Restrictions on Purchases and Sales.—(a) No retail dispenser shall purchase or receive any malt or brewed beverages except in original containers as prepared for the market by the manufacturer at the place of manufacture. The retail dispenser may thereafter break the bulk upon the licensed premises and sell or dispense the same for consumption on or off the premises so licensed: Provided, however, That no retail dispenser may sell malt or brewed beverages for consumption off the premises in quantities in excess of one hundred forty-four fluid ounces: Provided, further, That no club licensee may sell any malt or brewed beverages for consumption off the premises where sold or to persons not members of the club.

(b) No retail dispenser shall sell any malt or brewed beverages for consumption on the licensed premises except in a room or rooms or place on the licensed premises at all times accessible to the use and accommodation of the general public, but this section shall not be interpreted to prohibit a retail dispenser from selling malt or brewed beverages in a hotel or club house in any room of such hotel or club house occupied by a bona fide registered guest or member entitled to purchase the same.

Section 443. Interlocking Business Prohibited.—(a) No manufacturer of malt or brewed beverages and no officer or director of any such manufacturer shall at the same time be a distributor, importing distributor or retail dispenser, or an officer, director or stockholder or creditor of any distributor, importing distributor or

retail dispenser, nor, except as hereinafter provided, be the owner, proprietor or lessor of any place for which a license has been issued for any importing distributor, distributor or retail dispenser, or for which a hotel, restaurant or club liquor license has been issued.

(b) No distributor or importing distributor and no officer or director of any distributor or importing distributor shall at the same time be a manufacturer, a retail dispenser or a liquor licensee, or be an officer, director, stockholder or creditor of a manufacturer, a retail dispenser or a liquor licensee, or, directly or indirectly, own any stock of, or have any financial interest in, or be the owner, proprietor or lessor of, any place covered by any other malt or brewed beverage or liquor license.

(c) No licensee licensed under this subdivision (B) of Article IV and no officer or director of such licensee shall, directly or indirectly, own any stock of, or have any financial interest in, any other class of business licensed under this subdivision.

(d) Excepting as hereinafter provided, no malt or brewed beverage manufacturer, importing distributor or distributor shall in any wise be interested, either directly or indirectly, in the ownership or leasehold of any property or in any mortgage against the same, for which a liquor or retail dispenser's license is granted; nor shall any such manufacturer, importing distributor or distributor, either directly or indirectly, lend any moneys, credit or equivalent thereof to, or guarantee the payment of any bond, mortgage, note or other obligation of, any liquor licensee or retail dispenser, in equipping, fitting out, or maintaining and conducting, either in whole or in part, an establishment or business operated under a liquor or retail dispenser's license, excepting only the usual and customary credits allowed for returning original containers in which malt or brewed beverages were packaged for market by the manufacturer at the place of manufacture.

(e) Excepting as hereinafter provided, no manufacturer of malt or brewed beverages 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 or importing distributor's license is granted; nor shall any such manufacturer, either directly or indirectly, lend any moneys, credit, or their equivalent to, or guarantee the payment of any bond, mortgage, note or other obligation of, any distributor or importing distributor, in equipping, fitting out, or maintaining and conducting, either in whole or in part, an establishment or business where malt or brewed beverages are licensed for sale by a distributor

or importing distributor, excepting only the usual credits allowed for the return of original containers in which malt or brewed beverages were originally packaged for the market by the manufacturer at the place of manufacture.

(f) No distributor, importing distributor or retail dispenser shall in anywise receive, either directly or indirectly, any credit, loan, moneys or the equivalent thereof from any other licensee, or from any officer, director or firm member of any other licensee, or from or through a subsidiary or affiliate of another licensee, or from any firm, association or corporation, except banking institutions, in which another licensee or any officer, director or firm member of another licensee has a substantial interest or exercises a control of its business policy, for equipping, fitting out, payment of license fee, maintaining and conducting, either in whole or in part, an establishment or business operated under a distributor's, importing distributor's or retail dispenser's license, excepting only the usual and customary credits allowed for the return of original containers in which malt or brewed beverages were packaged for the market by the manufacturer at the place of manufacture.

(g) The purpose of this section is to require a separation of the financial and business interests between the various classes of business regulated by subdivision (B) of this article, 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 by a malt or brewed beverage manufacturer of any place occupied by a distributor, importing distributor or retail dispenser after the manufacturer has continuously owned and had a conflicting interest in such place for a period of at least five years prior to the eighteenth day of July, one thousand nine hundred thirty-five.

The term "manufacturer" as used in this section shall include manufacturers of malt or brewed beverages as defined in this act and any person manufacturing any malt or brewed beverages outside of this Commonwealth.

Section 444. Malt or Brewed Beverages Manufactured Outside This Commonwealth.—(a) In addition to compliance with all other provisions of this act, the board shall require each person desiring to sell any malt or brewed beverages manufactured outside this Commonwealth to Pennsylvania licensees, and shall require each Pennsylvania licensee who desires to purchase and resell any such malt or brewed beverages, to pay to the board the same fees as are required to be paid by Pennsylvania

licensees or by persons or licensees in any state, territory or country outside of Pennsylvania who desires to sell malt or brewed beverages manufactured in Pennsylvania to licensees in such other state, territory or country of origin of such malt or brewed beverages not manufactured in Pennsylvania, and to observe and comply with the same regulations, prohibitions and restrictions as are required of or enforced against Pennsylvania licensees or persons who desire to purchase and resell malt or brewed beverages manufactured in Pennsylvania in such other state, territory or country of origin.

(b) In all cases where the board shall have issued any reciprocal regulations or orders concerning malt or brewed beverages manufactured in any state, territory or country other than Pennsylvania, no Pennsylvania licensee shall purchase any such malt or brewed beverages if their importation has been prohibited, or if not entirely prohibited, unless such regulations or orders have been observed and complied with by the Pennsylvania licensee and by the person from or through whom the Pennsylvania licensee desires to purchase.

(c) Any malt or brewed beverages manufactured outside of Pennsylvania which are sold, transported or possessed in Pennsylvania contrary to any such regulations or orders of the board, or without the payment of the fees herein required, shall be considered contraband and shall be confiscated by the board and disposed of in the same manner as any other illegal liquor or malt or brewed beverages.

(d) Upon learning of the commission by a manufacturer of malt or brewed beverages whose principal place of business is outside this Commonwealth, or by any servant, agent, employe or representative of such manufacturer, within or partly within and partly outside this Commonwealth, of any violation of this act or any laws of this Commonwealth relating to liquor, alcohol or malt or brewed beverages, or of any regulation of the board adopted pursuant thereto, or of any violation of any laws of this Commonwealth or of the United States of America relating to the tax payment of liquor or malt or brewed beverages, the board shall cite such manufacturer to appear before it or its examiner not less than ten nor more than fifteen days from the date of mailing such manufacturer at his principal place of business, wherever located, by registered mail, a notice to show cause why the further importation into this Commonwealth of malt or brewed beverages manufactured by him should not be prohibited.

(e) Upon such hearing, whether or not an appearance was made by such outside manufacturer, if satisfied that any such violation has occurred, the board is spe-

cifically empowered and directed to immediately issue an order prohibiting the importation of malt or brewed beverages manufactured by such manufacturer into this Commonwealth for a period of not less than six months nor more than three years.

(f) Notice of such board action shall be given immediately to such manufacturer and to all persons licensed to import malt or brewed beverages within this Commonwealth by mailing a copy of such order to such manufacturer at its principal place of business, wherever located, and to such licensees at their licensed premises. Thereafter, it shall be unlawful for any person licensed to import malt or brewed beverages within this Commonwealth to purchase or sell any malt or brewed beverages manufactured by such outside manufacturer during the term of such prohibition.

(g) Any violation of such prohibitory order shall be a misdemeanor and shall be punished in the same manner as herein provided for any other violation of this act, and shall also constitute grounds for revocation or suspension of a license to import malt or brewed beverages.

(h) In all such cases, the board shall file of record at least a brief statement in the form of an opinion of the reasons for the ruling or order.

(i) Any outside manufacturer aggrieved by the action of the board may appeal to the quarter sessions court of Dauphin County in the same manner as herein provided for appeals from refusals to grant licenses.

(C) General Provisions Applying to Both Liquor and Malt and Brewed Beverages.

Section 461. Limiting Number of Retail Licenses To Be Issued In Each Municipality.—(a) No licenses shall hereafter be granted by the board for the retail sale of malt or brewed beverages or the retail sale of liquor and malt or brewed beverages in excess of one of such licenses of any class for each one thousand inhabitants or fraction thereof in any municipality, exclusive of licenses granted to hotels, as defined in this section, and clubs; but at least one such license may be granted in each municipality, except in municipalities where the electors have voted against the granting of any retail licenses. Nothing contained in this section shall be construed as denying the right to the board to renew or to transfer existing retail licenses of any class notwithstanding that the number of such licensed places in a municipality shall exceed the limitation hereinbefore prescribed; but where such number exceeds the limitation prescribed by this section, no new license, except for hotels as defined in this section, shall be granted so long as said limitation is exceeded.

(b) The board shall have the power to increase the number of licenses in any such municipality which in the opinion of the board is located within a resort area.

(c) The word "hotel" as used in this section shall mean any reputable place operated by a responsible person of good reputation where the public may, for a consideration, obtain sleeping accommodations, and which shall have the following number of bedrooms and requirements in each case—at least one-half of the required number of bedrooms shall be regularly available to transient guests seven days weekly, except in resort areas; at least one-third of such bedrooms shall be equipped with hot and cold water, a lavatory, commode, bathtub or shower and a clothes closet; and an additional one-third of the total of such required rooms shall be equipped with lavatory and commode:

(1) In municipalities having a population of less than three thousand, at least twelve permanent bedrooms for the use of guests.

(2) In municipalities having a population of three thousand and more but less than ten thousand inhabitants, at least sixteen permanent bedrooms for the use of guests.

(3) In municipalities having a population of ten thousand and more but less than twenty-five thousand inhabitants, at least thirty permanent bedrooms for the use of guests.

(4) In municipalities having a population of twenty-five thousand and more but less than one hundred thousand inhabitants, at least forty permanent bedrooms for the use of guests.

(5) In municipalities having a population of one hundred thousand and more inhabitants, at least fifty permanent bedrooms for the use of guests.

(6) A public dining room or rooms operated by the same management accommodating at least thirty persons at one time and a kitchen, apart from the dining room or rooms, in which food is regularly prepared for the public.

(7) Each room to be considered a bedroom under the requirements of this section shall have an area of not less than eighty square feet and an outside window.

(8) The provisions of this subsection (c) shall not apply to hotel licenses granted prior to the first day of September, one thousand nine hundred forty-nine, or that have been granted on any application made and pending prior to said date, nor to any renewal or transfer thereof, or hotels under construction or for which a bona fide contract had been entered into for construction prior to said date. In such cases, the provisions of sec-

tion one of the act, approved the twenty-fourth day of June, one thousand nine hundred thirty-nine (Pamphlet Laws 806), shall continue to apply.

Section 462. Licensed Places May Be Closed During Period of Emergency.—The board may, with the approval of the Governor,

(a) Temporarily close all licensed places within any municipality during any period of emergency proclaimed to be such by the Governor.

(b) Advance by one hour the hours prescribed in this act as the hours during which liquor and malt or brewed beverages may be sold in any municipality during such part of the year when daylight saving time may be observed generally in such municipality.

Section 463. Places of Amusement Not To Be Licensed; Penalty.—(a) No license for the sale of liquor or malt or brewed beverages in any quantity shall be granted to the proprietors, lessees, keepers or managers of any theater, circus, museum or other place of amusement, nor shall any house be licensed for the sale of liquor or malt or brewed beverages which has passage or communication to or with any theater, circus, museum or other place of amusement, and any license granted contrary to this act shall be null and void.

(b) Any proprietor, lessee, keeper or manager of any theater, circus, museum or other place of amusement, or any other person who shall violate the provisions of this section, shall be guilty of a misdemeanor and, upon conviction thereof, shall be sentenced to pay a fine of one hundred dollars and to undergo an imprisonment of not less than thirty days.

Section 464. Hearings Upon Refusal of Licenses, Renewals or Transfers; Appeals.—The board may of its own motion, and shall upon the written request of any applicant for club, hotel or restaurant liquor license, or any applicant for any malt or brewed beverage license other than a public service license, or for renewal or transfer thereof, whose application for such license, renewal or transfer has been refused, fix a time and place for hearing of such application for license or for renewal or transfer thereof, notice of which hearing shall be mailed to the applicant at the address given in his application. Such hearing shall be before the board, a member thereof, or an examiner designated by the board. At such hearing, the board shall present its reasons for its refusal or withholding of license, renewal or transfer thereof. The applicant may appear in person or by counsel, may cross-examine the witnesses for the board and may present evidence which shall likewise be subject to cross-examination by the board. Such hearing shall be stenographically recorded. The exam-

iner shall thereafter report to the board upon such hearing. The board shall thereupon grant or refuse the license, renewal or transfer thereof. In considering the renewal of a license, the board shall not refuse any such renewal on the basis of the propriety of the original issuance or any prior renewal of such license. If the board shall refuse such license, renewal or transfer following such hearing, notice in writing of such refusal shall be mailed to the applicant at the address given in his application. In all such cases, the board shall file of record at least a brief statement in the form of an opinion of the reasons for the ruling or order and furnish a copy thereof to the applicant. Any applicant who has appeared before the board or any agent thereof at any hearing, as above provided, who is aggrieved by the refusal of the board to issue any such license or to renew or transfer any such license may appeal, or any church, hospital, charitable institution, school or public playground located within three hundred feet of the premises applied for, aggrieved by the action of the board in granting the issuance of any such license or the transfer of any such license, may take an appeal limited to the question of such grievance, within twenty days from date of refusal or grant, to the court of quarter sessions of the county in which the premises applied for is located or the county court of Allegheny County. Such appeal shall be upon petition of the aggrieved party, who shall serve a copy thereof upon the board, whereupon a hearing shall be held upon the petition by the court upon ten days' notice to the board, which shall be represented in the proceeding by the Department of Justice. The said appeal shall act as a supersedeas unless upon sufficient cause shown the court shall determine otherwise. The court shall hear the application de novo on questions of fact, administrative discretion and such other matters as are involved, at such time as it shall fix, of which notice shall be given to the board. The court shall either sustain or over-rule the action of the board and either order or deny the issuance of a new license or the renewal or transfer of the license to the applicant. The parties to the proceeding may, within thirty days from the filing of the order or decree of said court, appeal therefrom to the Superior Court.

The jurisdiction of the county court of Allegheny County conferred hereby shall be exclusive within the territorial limits of its jurisdiction.

Section 465. All Licensees to Furnish Bond.—(a) No license shall be issued to any applicant under the provisions of this article until such applicant has filed with the board an approved bond and a warrant of attorney to confess judgment payable to the Common-

wealth of Pennsylvania in the amount hereinafter prescribed.

(b) Bonds of all such applicants shall have as surety a surety company authorized to do business in this Commonwealth, or shall have deposited therewith, as collateral security, cash or negotiable obligations of the United States of America or the Commonwealth of Pennsylvania in the same amount as herein provided for the penal sum of bonds. In all cases where cash or securities in lieu of other surety have been deposited with the board, the depositor shall be permitted to continue the same deposit from year to year on each renewal of license, but in no event shall he be permitted to withdraw his deposit during the time he holds said license, or until six months after the expiration of the license held by him, or while revocation proceedings are pending against such license. All cash or securities received by the board in lieu of other surety shall be turned over by the board to the State Treasurer and held by him. The State Treasurer shall repay or return money or securities deposited with him to the respective depositors only on the order of the board.

(c) No such bond shall be accepted until approved by the board. All such bonds shall be conditioned for the faithful observance of all the laws of this Commonwealth relating to liquor, alcohol and malt or brewed beverages and the regulations of the board. All bonds shall be retained by the board.

(d) The penal sum of the respective bonds filed under the provisions of this section shall be as follows:

(1) Manufacturers of malt or brewed beverages, ten thousand dollars (\$10,000.00) for each place at which the licensee is authorized to manufacture.

(2) Liquor importers, ten thousand dollars (\$10,000.00) for each license.

(3) Sacramental wine licensees, ten thousand dollars (\$10,000.00).

(4) Importing distributors of malt or brewed beverages, two thousand dollars (\$2,000.00).

(5) Hotel, restaurant, club and public service liquor licensees, two thousand dollars (\$2,000.00), but in the case of a railroad or pullman company, such penal sum shall cover every dining, club or buffet car of such company operated under such license.

(6) Distributors of malt or brewed beverages, one thousand dollars (\$1,000.00).

(7) Retail dispensers and public service malt or brewed beverage licensees, one thousand dollars (\$1,000.00) for each place at which the licensee is authorized to sell malt or brewed beverages, except that in the case of railroad or pullman companies, said penal sum

shall be one thousand dollars (\$1,000.00), irrespective of the number of licensed cars operated by the company.

(e) Every such bond may be forfeited when a license is revoked and shall be turned over to the Attorney General for collection if and when the licensee's license shall have been revoked and his bond forfeited as provided in this act.

Section 466. Disposition of Cash and Securities Upon Forfeiture of Bond.—After notice from the board that any of the aforesaid bonds have been forfeited, the State Treasurer shall immediately pay into the State Stores Fund all cash deposited as collateral with such bond, and when securities have been deposited with such bond, the State Treasurer shall sell, at private sale, at not less than the prevailing market price, any such securities so deposited as collateral with such forfeited bond. The State Treasurer shall thereafter deposit in the State Stores Fund the net amount realized from the sale of such securities, except that if the amount so realized, after deducting proper costs and expenses, is in excess of the penal amount of the bond, such excess shall be paid over by him to the obligor on such forfeited bond.

Section 467. Display of License.—Every license issued under this article shall be constantly and conspicuously exposed under transparent substance on the licensed premises and no license shall authorize sales until this section has been complied with.

Section 468. Licenses Not Assignable; Transfers.—(a) Licenses issued under this article may not be assigned. The board, upon payment of the transfer filing fee and the execution of a new bond, is hereby authorized to transfer any license issued by it under the provisions of this article from one person to another or from one place to another, or both, within the same municipality, as the board 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, nor, except as herein provided, to a place as to which a license has been revoked. Except in cases of emergency such as death, serious illness, or circumstances beyond the control of the licensee, as the board may determine such circumstances to justify its action, transfers of licenses may be made only at times fixed by the board. In the case of the death of a licensee, the board may transfer the license to the surviving spouse or personal representative or to a person designated by him. From any refusal to grant a transfer or upon the grant of any transfer, the party aggrieved shall have the right of appeal to the proper court and therefrom to the Superior Court, in the manner hereinbefore provided.

(b) In the event that any person to whom a license shall have been issued under the provisions of this article shall become insolvent, make an assignment for the benefit of creditors, become a bankrupt by either voluntary or involuntary action, the license of such person shall immediately terminate and be cancelled without any action on the part of the board, and there shall be no refund made or credit given for the unused portion of the license fee for the remainder of the license year for which said license was granted. Thereafter, no license shall be issued by the board for the premises wherein said license was conducted to any assignee, committee, trustee, receiver, or successor of such licensee, until a hearing has been held by the board as in the case of a new application for license. In all such cases, the board shall have the sole and final discretion as to the propriety of the issuance of a license for such premises and as to the time it shall issue and the period for which it shall be issued, and shall have the further power to exact conditions under which said license shall be conducted.

Section 469. Applications for Transfers; Fees.— Every applicant for a transfer of a license under the provisions of this article shall file a written application with the board, together with a filing fee of twenty dollars (\$20.00) if the license to be transferred is a liquor license, and ten dollars (\$10.00) if the license is a malt or brewed beverage license. Such applications shall be in such form and shall be filed at such times as the board shall in its regulations prescribe. Each such applicant shall also file an approved bond as required on original applications for such licenses.

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 the filing fee as herein provided.

Section 470. Renewal of Licenses; Temporary Provisions for Licensees in Armed Service.—(a) All applications for renewal of licenses under the provisions of this article shall be filed at least sixty days before the expiration date of same and not thereafter. Unless the board shall have given ten days' previous notice to the applicant of objections to the renewal of his license, based upon violation by the licensee or his servants, agents or employes of any of the laws of the Commonwealth or regulations of the board relating to the manufacture, transportation, use, storage, importation, possession or sale of liquors, alcohol or malt or brewed beverages, or the conduct of a licensed establishment, or unless the applicant has by his own act become a person of ill repute, or unless the premises do not meet the re-

quirements of this act or the regulations of the board, the license of a licensee shall be renewed when the applicant shall file with the board a new approved bond and shall pay the requisite filing fee and license fee specified in this act.

(b) In cases where a licensee or his servants, agents or employes are arrested, charged with violating any of the laws of this Commonwealth relating to liquor, alcohol or malt or brewed beverages, and where the board has on file in such cases reports of its enforcement officers or investigators or from other sources that a licensee or his servants, agents or employes have violated any of the aforementioned laws and a proceeding to revoke such licensee's license is or is about to be instituted, and such arrest occurs or report of violations is received or revocation proceeding instituted or about to be instituted during the time a renewal application of such license is pending before the board, the board may, in its discretion, renew the license, notwithstanding such alleged violations, but such renewal license may be revoked if and when the licensee or any of his servants, agents or employes are convicted of or plead guilty to violations under the previous license, as aforesaid, or if and when such previous license is for any reason revoked.

In the event such renewal license is revoked by the board, neither the license fee paid for such license nor any part thereof shall be returned to the licensee, but the license bond filed with the application for such renewal of license shall not be forfeited.

(c) Notwithstanding anything to the contrary in this section, any individual who holds a restaurant or hotel liquor license or a retail dispenser (hotel or eating place) malt or brewed beverage license in effect at the time such individual enters the armed forces of the United States of America, may surrender to the board for safekeeping the said license and, if surrendered, shall furnish the board with documentary evidence as to his entering such armed forces. Upon surrender of the license, the board shall, without the filing of an application for renewal or surety bond, the payment of filing and license fees, renew the said license from year to year and hold the same in its possession for the benefit of such licensee. A license so renewed by the board shall to all intents and purposes be considered as in full force and effect, notwithstanding the licensee is not exercising the privileges thereunder, and shall be returned to the said licensee at any time within one year from the date of his honorable discharge from the armed forces of the United States upon the filing of an application therefor, surety bond, and payment of the filing and license fees as hereinafter provided. The said application for return of li-

license shall be on a form prescribed by the board, accompanied by a filing fee in the sum of ten dollars (\$10.00) and the prescribed license fee, except that when such application is filed after a portion of the then current license term has elapsed, the license fee shall be prorated on a monthly basis for the balance of the license year: Provided, however, That the said license shall not be returned if the electors of the municipality in which the licensed establishment is situate have voted against the granting of retail liquor licenses or against the granting of retail dispenser licenses, as the case may be, under the local option provision of this act. In the event the premises originally covered by the license are not available for occupancy by the licensee at the time he files his application for return of license, as hereinbefore provided, he shall be permitted to file an application for transfer of the license to other premises in the same municipality. Such transfer of the license shall be subject to all of the provisions of this act pertaining to the transfer of such licenses.

This subsection (c) was enacted due to conditions caused by the present war and shall remain in effect only until the termination of said war and one year thereafter.

Section 471. Revocation and Suspension of Licenses.—Upon learning of any violation of this act or any laws of this Commonwealth relating to liquor, alcohol or malt or brewed beverages, or of any regulations of the board adopted pursuant to such laws, of any violation of any laws of this Commonwealth or of the United States of America relating to the tax-payment of liquor or malt or brewed beverages by any licensee within the scope of this article, his officers, servants, agents or employes, or upon any other sufficient cause shown, the board may, within one year from the date of such violation or cause appearing, cite such licensee to appear before it or its examiner, not less than ten nor more than fifteen days from the date of sending such licensee, by registered mail, a notice addressed to him at his licensed premises, to show cause why such license should not be suspended or revoked. Hearings on such citations shall be held in the same manner as provided herein for hearings on applications for license. Upon such hearing, if satisfied that any such violation has occurred or for other sufficient cause, the board shall immediately suspend or revoke the license, notifying the licensee thereof by registered letter addressed to his licensed premises. Such suspensions and revocations shall not go into effect until twenty days have elapsed from the date of notice of issuance of the board's order, during which time the licensee may take an appeal as pro-

vided for in this act. When a license is revoked, the licensee's bond may be forfeited by the board. Any licensee whose license is revoked shall be ineligible to have a license under this act until the expiration of three years from the date such license was revoked. In the event the board shall revoke a license, no license shall be granted for the premises or transferred to the premises in which the said license was conducted for a period of at least one year after the date of the revocation of the license conducted in the said premises, except in cases where the licensee or a member of his immediate family is not the owner of the premises, in which case the board may, in its discretion, issue or transfer a license within the said year. In all such cases, the board shall file of record at least a brief statement in the form of an opinion of the reasons for the ruling or order. In the event the person whose license was suspended or revoked by the board shall feel aggrieved by the action of the board, he shall have the right to appeal to the court of quarter sessions or the county court of Allegheny County in the same manner as herein provided for appeals from refusals to grant licenses. Upon appeal, the court so appealed to shall, in the exercise of its discretion, sustain, reject, alter or modify the findings, conclusions and penalties of the board, based on the findings of fact and conclusions of law as found by the court. The aforesaid appeal shall act as a supersedeas unless upon sufficient cause shown the court shall determine otherwise. The licensee or the board may, within thirty days from the filing of the order or decree of said court, file an appeal therefrom to the Superior Court. In those cases where the board shall suspend a license, the board may accept from the licensee an offer in compromise as a penalty in lieu of such suspension and thereupon rescind such suspension. In the case of a manufacturer of malt or brewed beverages, the offer in compromise shall be at the rate of one hundred dollars (\$100) for each day of suspension; in the case of a liquor importer, sacramental wine licensee and a malt or brewed beverage importing distributor, thirty dollars (\$30); in the case of a distributor of malt or brewed beverages, twenty (\$20) for each day of suspension; and in the case of a hotel, restaurant and club liquor licensee, and a retail malt or brewed beverage dispenser, or transporter for hire, ten dollars (\$10) for each day of suspension. No offer in compromise may be accepted by the board in those cases where the suspension is for a period in excess of 100 days.

The jurisdiction of the county court of Allegheny County conferred hereby shall be exclusive within the territorial limits of its jurisdiction.

Section 472. Local Option.—In any municipality, an election may be held on the date of the primary election immediately preceding any municipal election, but not oftener than once in four years, to determine the will of the electors with respect to the granting of liquor licenses to hotels, restaurants and clubs, or not oftener than once in four years, with respect to the granting of licenses to retail dispensers of malt and brewed beverages within the limits of such municipality, under the provisions of this act: Provided, however, Where an election shall have been held at the primary preceding a municipal election in any year, another election may be held under the provisions of this act at the primary occurring the fourth year after such prior election. Whenever electors equal to at least twenty-five per centum of the highest vote cast for any office in the municipality at the last preceding general election shall file a petition with the county board of elections of the county for a referendum on the question of granting either of said classes of licenses, the said county board of elections shall cause a question to be placed on the ballots or on the voting machine board and submitted at the primary immediately preceding the municipal election occurring at least sixty days thereafter. Said proceedings shall be in the manner and subject to the provisions of the election laws which relate to the signing, filing and adjudication of nomination petitions, insofar as such provisions are applicable.

When the question is in respect to the granting of liquor licenses, it shall be in the following form:

Do you favor the granting of liquor licenses for the sale of liquor in of _____ ?	Yes
	No

When the question is in respect to the granting of licenses to retail dispensers of malt and brewed beverages, it shall be in the following form:

Do you favor the granting of malt and brewed beverage retail dispenser licenses for consumption on premises where sold in the of _____ ?	Yes
	No

In case of a tie vote, or if a majority of the voting electors on such question vote "yes," then liquor licenses shall be granted by the board to hotels, restaurants and clubs, or malt and brewed beverage retail dispenser li-

censes shall be granted by the board, as the case may be, in such municipality, as provided by this act; but if a majority of the electors voting on such question vote "no," then the board shall have no power to grant or to renew upon their expiration any licenses of the class so voted upon in such municipality unless and until at a later election a majority of the voting electors vote "yes" on such question.

(D) Unlawful Acts; Penalties.

Section 491. Unlawful Acts Relative to Liquor, Alcohol and Liquor Licensees.—

It shall be unlawful—

(1) Sales of Liquor. For any person, by himself or by an employe or agent, to expose or keep for sale, or directly or indirectly, or upon any pretense or upon any device, to sell or offer to sell any liquor within this Commonwealth, except in accordance with the provisions of this act and the regulations of the board. This clause shall not be construed to prohibit hospitals, physicians, dentists or veterinarians who are licensed and registered under the laws of this Commonwealth from administering liquor in the regular course of their professional work and taking into account the cost of the liquor so administered in making charges for their professional service, or a pharmacist duly licensed and registered under the laws of this Commonwealth from dispensing liquor on a prescription of a duly licensed physician, dentist or veterinarian, or selling medical preparations containing alcohol, or using liquor in compounding prescriptions or medicines and making a charge for the liquor used in such medicines, or a manufacturing pharmacist or chemist from using liquor in manufacturing preparations unfit for beverage purposes and making a charge for the liquor so used. All such liquors so administered or sold by hospitals, physicians, dentists, veterinarians, pharmacists or chemists shall conform to the Pharmacopoeia of the United States, the National Formulary, or the American Homeopathic Pharmacopoeia.

(2) Possession or Transportation of Liquor or Alcohol. For any person, except a manufacturer or the board or the holder of a sacramental wine license or of an importer's license, to possess or transport any liquor or alcohol within this Commonwealth which was not lawfully acquired prior to January first, one thousand nine hundred and thirty-four, or has not been purchased from a Pennsylvania Liquor Store or in accordance with the board's regulations. The burden shall be upon the person possessing or transporting such liquor or alcohol to prove that it was so acquired. But nothing herein contained shall prohibit the manufacture or possession

of wine by any person in his home for consumption of himself, his family and guests and not for sale, not exceeding, during any one calendar year, two hundred gallons, any other law to the contrary notwithstanding. Such wine shall not be manufactured, possessed, offered for sale or sold on any licensed premises.

(3) Purchase of Liquor or Alcohol. For any person within this Commonwealth, by himself or by an employe or agent, to attempt to purchase, or directly or indirectly, or upon any pretense or device whatsoever, to purchase any liquor or alcohol from any person or source other than a Pennsylvania Liquor Store, except in accordance with the provisions of this act or the regulations of the board.

(4) Liquor Packages Without Official Seal. For any person, except a manufacturer or the board or the holder of a sacramental wine license or of an importer's license, or a priest, clergyman or rabbi who has purchased wine from the holder of a sacramental wine license, to have or keep any liquor within the Commonwealth unless the package (except the decanter or other receptacle containing liquor for immediate consumption) in which the liquor is contained while containing that liquor bears the official seal of the board. The use of decanters or other similar receptacles by licensees shall be permitted only in the case of wines and then only in accordance with the regulations of the board, but nothing herein contained shall prohibit the manufacture and possession of wine as provided in (2) of this section.

(5) Failure to Break Empty Liquor Containers. For any restaurant, hotel or club licensee, his servants, agents or employes, to fail to break any package in which liquors were contained within twenty-four hours after the original contents were removed therefrom.

(6) Sales by Restaurant and Hotel Liquor Licensees. For any restaurant or hotel licensee, his servants, agents or employes, to sell any liquor or malt or brewed beverages for consumption on the licensed premises except in a room or rooms or place on the licensed premises at all times accessible to the use and accommodation of the general public, but this section shall not be interpreted to prohibit a hotel licensee, or a restaurant licensee when the restaurant is located in a hotel, from selling liquor or malt or brewed beverages in any room of such hotel occupied by a bona fide guest.

(7) Sales of Liquor by Manufacturers and Licensed Importers. For any manufacturer or licensed importer of liquor in this Commonwealth, his agents, servants or employes, to sell or offer to sell any liquor in this Commonwealth except to the board for use in Pennsylvania Liquor Stores, and in the case of a manufacturer, to the

holder of a sacramental wine license or an importer's license, but a manufacturer or licensed importer may sell or offer to sell liquor to persons outside of this Commonwealth.

(8) Importation and Sales of Alcohol. For any person, to import alcohol into this Commonwealth, or to sell alcohol to any person, except in accordance with the regulations of the board.

(9) Possession of Alcohol. For any person, to have alcohol in his possession, except in accordance with the provisions of this act and the regulations of the board.

(10) Fortifying, Adulterating or Contaminating Liquor. For any licensee or any employe or agent of a licensee or of the board, to fortify, adulterate or contaminate any liquor, except as permitted by the regulations of the board, or to refill wholly or in part, with any liquid or substance whatsoever, any bottle or other container bearing the official seal of the board.

(11) Importation of Liquor. For any person, other than the board or the holder of a sacramental wine license or of an importer's license, to import any liquor whatsoever into this Commonwealth, but this section shall not be construed to prohibit railroad and pullman companies from selling liquors purchased outside the Commonwealth in their dining, club and buffet cars which are covered by public service liquor licenses and which are operated in this Commonwealth.

(12) Delivery of Liquor by Certain Licensees. For a liquor licensee permitted to deliver liquor, to make any deliveries except in his own vehicles bearing his name, address and license number on each side in letters not smaller than four inches in height, or in the vehicle of another person duly authorized to transport liquor within this Commonwealth.

(13) Violation of Certain Rules and Regulations of Board. For any person, to violate any rules and regulations adopted by the board to insure the equitable wholesale and retail sale and distribution of liquor and alcohol through the Pennsylvania Liquor Stores.

(14) Offering Commission or Gift to Members of Board or State Employe. For any person selling or offering to sell liquor or alcohol to, or purchasing at wholesale liquor or alcohol from, the board, either directly or indirectly, to pay or offer to pay any commission, profit or remuneration, or to make or offer to make any gift to any member or employe of the board or other employe of the Commonwealth or to anyone on behalf of such member or employe.

Section 492. Unlawful Acts Relative to Malt or Brewed Beverages and Licensees.—

It shall be unlawful—

(1) Manufacturing Without License. For any person, to manufacture malt or brewed beverages, unless such person holds a valid manufacturer's license for such purpose issued by the board.

(2) Sales of Malt or Brewed Beverages for Consumption on the Premises. 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 malt or brewed beverages, unless such person holds a valid retail dispenser license or a valid liquor license issued by the board authorizing the sale of malt or brewed beverages for consumption upon such premises.

(3) Sales of Malt or Brewed Beverages Not for Consumption on the Premises. For any person, to sell to another any malt or brewed beverages not for consumption upon the premises where sold, unless such person holds a valid license permitting such sale.

(4) Sunday Sales of Malt or Brewed Beverages by Manufacturers, Importing Distributors or Distributors. For any manufacturer of malt or brewed beverages, importing distributor or distributor, or the servants, agents or employes of the same, to sell, trade or barter in malt or brewed beverages between the hours of twelve o'clock midnight of any Saturday and two o'clock in the forenoon of the following Monday.

(5) Sunday Sales of Malt or Brewed Beverages by Hotels, Eating Places or Public Service Licensees. For any hotel or eating place holding a retail dispenser's license, or any malt or brewed beverage public service licensee, or the servants, agents or employes of such licensees, to sell, trade or barter in malt or brewed beverages between the hours of twelve o'clock midnight of any Saturday and seven o'clock in the forenoon of the following Monday, or between the hours of two o'clock antemeridian and seven o'clock antemeridian of any week day.

(6) Sales of Malt or Brewed Beverages on Election Day by Hotels, Eating Places or Public Service Licensees. For any hotel or eating place holding a retail dispenser's license, or any malt or brewed beverage public service licensee, or his servants, agents or employes, to sell, furnish or give any malt or brewed beverages to any person after two o'clock antemeridian, or until one hour after the time fixed by law for the closing of polling places on days on which a general, municipal, special or primary election is being held.

(7) Clubs Selling Between Three O'Clock Antemeridian and Seven O'Clock Antemeridian. For any club retail dispenser, or its servants, agents or employes, to sell malt or brewed beverages between the hours of

three o'clock antemeridian and seven o'clock antemeridian on any day.

(8) Transportation of Malt or Brewed Beverages. For any person, to transport malt or brewed beverages except in the original containers, or to transport malt or brewed beverages for another who is engaged in selling either liquor or malt or brewed beverages, unless such person shall hold (a) a license to transport for hire, alcohol, liquor and malt or brewed beverages, as hereinafter provided in this act, or (b) shall hold a permit issued by the board and shall have paid to the board such permit fee, not exceeding one hundred dollars (\$100), and shall have filed with the board a bond in the penal sum of not more than two thousand dollars (\$2000), as may be fixed by the rules and regulations of the board, any other law to the contrary notwithstanding.

(9) Transportation of Malt or Brewed Beverages by Licensee. For a malt or brewed beverage licensee, to deliver or transport any malt or brewed beverages, excepting in vehicles bearing the name and address and license number of such licensee painted or affixed on each side of such vehicle in letters no smaller than four inches in height.

(10) Importing or Transporting Malt or Brewed Beverages Without Tax Stamps. For any person, to transport within or import any malt or brewed beverages into this Commonwealth, except in accordance with the rules and regulations of the board, or for any person to transport malt or brewed beverages into or within this Commonwealth, unless there shall be affixed to the original containers in which such malt or brewed beverages are transported, stamps or crowns evidencing the payment of the malt liquor tax to the Commonwealth: Provided, however, That this clause shall not be construed to prohibit transportation of malt or brewed beverages through this Commonwealth and not for delivery therein, if such transporting is done in accordance with the rules and regulations of the board.

(11) Delivery of Malt or Brewed Beverages With Other Commodities. For any manufacturer, importing distributor or distributor, or his servants, agents or employes, except with board approval, to deliver or transport any malt or brewed beverages in any vehicle in which any other commodity is being transported.

(12) Distributors and Importing Distributors Engaging in Other Business. For any distributor or importing distributor, or his servants, agents or employes, without the approval of the board, and then only in accordance with board regulations, to engage in any other business whatsoever, except the business of distributing malt or brewed beverages.

(13) Possession or Storage of Liquor or Alcohol by Certain Licensees. For any distributor, importing distributor or retail dispenser, or his servants, agents or employes, to have in his possession, or to permit the storage of on the licensed premises or in any place contiguous or adjacent thereto accessible to the public or used in connection with the operation of the licensed premises, any alcohol or liquor.

(14) Malt or Brewed Beverage Licensees Dealing in Liquor or Alcohol. For any malt or brewed beverage licensee, other than a manufacturer, or the servants, agents or employes thereof, to manufacture, import, sell, transport, store, trade or barter in any liquor or alcohol.

(15) Selling to Persons Doing Illegal Business. For any malt or brewed beverage licensee, or his servants, agents or employes, to knowingly sell any malt or brewed beverages to any person engaged in the business of illegally selling liquor or malt or brewed beverages.

(16) Distributors and Importing Distributors Failing to Keep Records. For any importing distributor or distributor engaged in the sale of products, other than malt or brewed beverages, to fail to keep such complete separate records covering in every respect his transactions in malt or brewed beverages as the board shall by regulation require.

(17) Fortifying, Adulterating or Contaminating Malt or Brewed Beverages. For any person, to fortify, adulterate, contaminate, or in any wise to change the character or purity of, the malt or brewed beverages from that as originally marketed by the manufacturer at the place of manufacture.

Section 493. Unlawful Acts Relative to Liquor, Malt and Brewed Beverages and Licensees.—The term "licensee," when used in this section, shall mean those persons licensed under the provisions of Article IV, unless the context clearly indicates otherwise.

It shall be unlawful—

(1) Furnishing Liquor or Malt or Brewed Beverages to Certain Persons. For any licensee or the board, or any employe, servant or agent of such licensee or of the board, or any other person, to sell, furnish or give any liquor or malt or brewed beverages, or to permit any liquor or malt or brewed beverages to be sold, furnished or given, to any person visibly intoxicated, or to any insane person, or to any minor, or to habitual drunkards, or persons of known intemperate habits.

(2) Purchase or Sale of Liquor or Malt or Brewed Beverages on Credit. For any licensee, his agent, servant or employe, to sell or offer to sell or purchase or receive any liquor or malt or brewed beverages except for cash, excepting credit extended by a hotel or club to a bona

fide guest or member; no right of action shall exist to collect any claim for credit extended contrary to the provisions of this clause. Nothing herein contained shall prohibit a licensee from crediting to a purchaser the actual price charged for original containers returned by the original purchaser as a credit on any sale, or from refunding to any purchaser the amount paid by such purchaser for such containers or as a deposit on containers when title is retained by the vendor, if such original containers have been returned to the licensee. Nothing herein contained shall prohibit a manufacturer from extending usual and customary credit for liquor or malt or brewed beverages sold to customers or purchasers who live or maintain places of business outside of the Commonwealth of Pennsylvania, when the liquor or malt or brewed beverages so sold are actually transported and delivered to points outside of the Commonwealth: Provided, however, That as to all transactions affecting malt or brewed beverages to be resold or consumed within this Commonwealth, every licensee shall pay and shall require cash deposits on all returnable original containers which contain not more than one hundred twenty-eight fluid ounces, and all such cash deposits shall be refunded upon return of the original containers.

(3) Exchange of Liquor or Malt or Brewed Beverages For Merchandise, etc. For any licensee or the board, or any employe, servant or agent of a licensee or of the board, to sell, offer to sell or furnish any liquor or malt or brewed beverages 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 liquor or malt or brewed beverages.

(4) Peddling Liquor or Malt or Brewed Beverages. For any person, to hawk or peddle any liquor or malt or brewed beverages in this Commonwealth.

(5) Failure to Have Brands as Advertised. For any licensee, his servants, agents or employes, to advertise or hold out for sale any liquor or malt or brewed beverages by trade name or other designation which would indicate the manufacturer or place of production of the said liquor or malt or brewed beverages, unless he shall actually have on hand and for sale a sufficient quantity of the particular liquor or malt or brewed beverages so advertised to meet requirements to be normally expected as a result of such advertisement or offer.

(6) Brand or Trade Name on Spigot. For any licensee, his agents, servants or employes, to furnish or serve any malt or brewed beverages from any faucet, spigot or other dispensing apparatus, unless the trade name or brand of the product served shall appear in full sight of the customer and in legible lettering upon such faucet, spigot or dispensing apparatus.

(7) Alcoholic Strength on Label of Malt or Brewed Beverages. For any licensee, or his servants, agents or employes, to transport, sell, deliver or purchase any malt or brewed beverages upon which there shall appear a label or other informative data which in any manner refers to the alcoholic contents of the malt or brewed beverage, or which refers in any manner to the original alcoholic strength, extract or balling proof from which such malt or brewed beverage was produced. This clause shall not be construed to prohibit a manufacturer from designating upon the label or descriptive data the alcoholic content of malt or brewed beverages intended for shipment into another state or territory, when the laws of such state or territory require that the alcoholic content of the malt or brewed beverage must be stated upon the package.

(8) Advertisements on Labels Giving Alcoholic Content of Malt or Brewed Beverages. For any manufacturer or other licensee, or his servants, agents or employes, to issue, publish or post, or cause to be issued, published or posted, any advertisement of any malt or brewed beverage including a label which shall refer in any manner to the alcoholic strength of the malt or brewed beverage manufactured, sold or distributed by such licensees, or to use in any advertisement or label such words as "full strength," "extra strength," "high test," "high proof," "pre-war strength," or similar words or phrases, which would lead or induce a consumer to purchase a brand of malt or brewed beverage on the basis of its alcoholic content, or to use in or on any advertisement or label any numeral, unless adequately explained in type of the same size, prominence and color, or for any licensee to purchase, transport, sell or distribute any malt or brewed beverage advertised or labeled contrary to the provisions of this clause.

(9) Retail Licensees Furnishing Free Lunch, etc. For any retail liquor licensee or any retail dispenser, his agents, servants or employes, to furnish, give or sell below a fair cost any lunch to any consumer, except such articles of food as the board may authorize and approve.

(10) Entertainment on Licensed Premises (Except Clubs); Permits; Fees. For any licensee, his servants, agents or employes, except club licensees, to permit in any licensed premises or in any place operated in connection therewith, dancing, theatricals or floor shows of any sort, or moving pictures other than television, or such as are exhibited through machines operated by patrons by the deposit of coins, which project pictures on a screen not exceeding in size twenty-four by thirty inches and which forms part of the machine, unless the licensee shall first have obtained from the board a special

permit to provide such entertainment, or for any licensee, under any circumstances, to permit in any licensed premises any lewd, immoral or improper entertainment, regardless of whether a permit to provide entertainment has been obtained or not. The board shall have power to provide for the issue of such special permits, and to collect a fee for such permits equal to one-fifth of the annual license fee but not less than twenty-five dollars (\$25). All such fees shall be paid into the State Stores Fund. No such permit shall be issued in any municipality which, by ordinance, prohibits amusements in licensed places. Any violation of this clause shall, in addition to the penalty herein provided, subject the licensee to suspension or revocation of his permit and his license.

(11) Licensees Employed by Others. For any hotel, restaurant or club liquor licensee, or any malt or brewed beverage licensee, or any servant, agent or employe of such licensee, to be at the same time employed, directly or indirectly, by any other person engaged in the manufacture, sale, transportation or storage of liquor, malt or brewed beverages or alcohol.

(12) Failure to Have Records on Premises. For any liquor licensee, or any importing distributor, distributor or retail dispenser, to fail to keep on the licensed premises for a period of at least two years complete and truthful records covering the operation of his licensed business, particularly showing the date of all purchases of liquor and malt or brewed beverages, the actual price paid therefor, and the name of the vendor, including State Store receipts, or for any licensee, his servants, agents or employes, to refuse the board or an authorized employe of the board access thereto or the opportunity to make copies of the same when the request is made during business hours.

(13) Retail Licensees Employing Minors. For any hotel, restaurant or club liquor licensee, or any retail dispenser, to employ any minor or to permit any minor to render any service whatever in or about the licensed premises, except in accordance with board regulations, nor shall any entertainer be employed or permitted to perform in any licensed premises in violation of the labor laws of this Commonwealth.

(14) Permitting Undesirable Persons or Minors to Frequent Premises. For any hotel, restaurant or club liquor licensee, or any retail dispenser, his servants, agents or employes, to permit persons of ill repute, known criminals, prostitutes or minors to frequent his licensed premises or any premises operated in connection therewith, except minors accompanied by parents, guardians, or under proper supervision.

(15) Cashing Pay Roll Checks. For any licensee or his servants, agents or employes, to cash pay roll checks, except in accordance with board regulations.

(16) Furnishing or Delivering Liquor or Malt or Brewed Beverages at Unlawful Hours. For any licensee, his servants, agents or employes, to give, furnish, trade, barter, serve or deliver any liquor or malt or brewed beverages to any person during hours or on days when the licensee is prohibited by this act from selling liquor or malt or brewed beverages.

(17) Licensees, etc., Interested or Employed in Manufacturing or Sale of Equipment or Fixtures. For any licensee, or any officer, director, stockholder, servant, agent or employe of any licensee, to own any interest, directly or indirectly, in or be employed or engaged in any business which involves the manufacture or sale of any equipment, furnishings or fixtures to any hotel, restaurant or club licensees, or to any importing distributors, distributors or retail dispensers: Provided, however, That as to malt or brewed beverage licensees, the provisions of this subsection shall not apply to such a conflicting interest if it has existed for a period of not less than three years prior to the first day of January, one thousand nine hundred thirty-seven, and the board shall approve.

(18) Displaying Price of Liquor or Malt or Brewed Beverages. For any restaurant, hotel or club liquor licensee, or any importing distributor, distributor or retail dispenser, or the servants, agents or employes of such licensees, to display on the outside of any licensed premises or to display any place within the licensed premises where it can be seen from the outside, any advertisement whatsoever referring, directly or indirectly, to the price at which the licensee will sell liquor or malt or brewed beverages.

(19) Licensee's Outside Advertisements. For any retail liquor licensee or any retail dispenser, distributor or importing distributor, to display in any manner whatsoever on the outside of his licensed premises, or on any lot of ground on which the licensed premises are situate, or on any building of which the licensed premises are a part, a sign of any kind, printed, painted or electric, advertising any brand of liquor or malt or brewed beverage, and it shall be likewise unlawful for any manufacturer, distributor or importing distributor, to permit the display of any sign which advertises either his products or himself on any lot of ground on which such licensed premises are situate, or on any building of which such licensed premises are a part.

(20) Retail Liquor and Retail Malt or Brewed Beverages Licensee's Inside Advertisements. For any retail

liquor or retail malt or brewed beverages licensee, to display or permit the display in the show window or doorways of his licensed premises, any placard or sign advertising the brands of liquor or malt or brewed beverages produced by any one manufacturer, if the total display area of any such placard or sign advertising the products of any one manufacturer exceeds three hundred square inches. Nothing herein shall prohibit a licensee from displaying inside his licensed premises point of sale displays advertising brand names of products sold by him, other than a window or door display: Provided, That the total cost of all such point of sale advertising matter relating to products of any one manufacturer shall not exceed the sum of twenty dollars (\$20) at any one time, and no single piece of advertising shall exceed a cost of ten dollars (\$10). All such advertising material, including the window and door signs, may be furnished by a manufacturer, distributor or importing distributor.

(21) Refusing The Right of Inspection. For any licensee, or his servants, agents or employes, to refuse the board or any of its authorized employes the right to inspect completely the entire licensed premises at any time during which the premises are open for the transaction of business, or when patrons, guests or members are in that portion of the licensed premises wherein either liquor or malt or brewed beverages are sold.

(22) Allowance or Rebate to Induce Purchases. For any licensee, or his servants, agents or employes, to offer, pay, make or allow, or for any licensee, or his servants, agents or employes, to solicit or receive any allowance or rebate, refunds or concessions, whether in the form of money or otherwise, to induce the purchase of liquor or malt or brewed beverages or any other commodity manufactured or sold by the licensee.

(23) Money or Valuables Given to Employes to Influence Actions of Their Employers. For any licensee, or any agent, employe or representative of any licensee, to give or permit to be given, directly or indirectly, money or anything of substantial value, in an effort to induce agents, employes or representatives of customers or prospective customers to influence their employer or principal to purchase or contract to purchase liquor or malt or brewed beverages from the donor of such gift, or to influence such employers or principals to refrain from dealing or contracting to deal with other licensees.

(24) Things of Value Offered as Inducement. For any licensee under the provisions of this article, or the board or any manufacturer, or any employe or agent of a manufacturer, licensee or of the board, to offer to give anything of value or to solicit or receive 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 liquor or malt or brewed beverage, or to offer or give or solicit or receive anything of value as a premium or present to induce the purchase of liquor or malt or brewed beverage, or for any other purpose whatsoever in connection with the sale of such liquor or malt or brewed beverage, or for any licensee, manufacturer or other person to offer or give to trade or consumer buyers any prize, premium, gift or other similar inducement, except advertising novelties of nominal value which the board shall define: Provided, however, That this section shall not apply to the return of any monies specifically deposited for the return of the original container to the owners thereof.

(25) Employment of Females in Licensed Places. For any licensee or his agent, to employ or permit the employment of any female at his licensed hotel, restaurant or eating place to mix or serve liquor or malt or brewed beverages behind the bar, or to employ any female for the purpose of enticing customers, or to encourage them to drink liquor, or make assignations for improper purposes: Provided, That nothing in this section shall be construed to prevent the employment of any female waitress who regularly takes orders for food from serving food, liquor or malt or brewed beverages at tables; also, that nothing shall prevent any such licensees from employing any female stenographer, hotel secretary, clerk or other employe for their respective positions: Provided, further, That nothing in this section shall be so construed as to prevent the wife of any such licensee or agent from mixing or serving liquor or malt or brewed beverages behind the bar of any such licensed place.

Any person violating the provisions of this clause shall be guilty of a misdemeanor and, upon conviction of the same, shall be sentenced to pay a fine of not less than one hundred dollars (\$100), nor more than five hundred dollars (\$500), for each and every female so employed, or undergo an imprisonment of not less than three (3) months, nor more than one (1) year, or either or both, at the discretion of the court having jurisdiction of the case. The board shall have the power to revoke or refuse licenses for violation of this clause.

Section 494. Penalties.—(a) Any person who shall violate any of the provisions of this article, except as otherwise specifically provided, 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), nor more than three hundred dollars (\$300), and on failure to pay such fine, to imprisonment for not less than one month, nor more than three months, and for any subsequent offense, shall be sentenced to pay

a fine of not less than three hundred dollars (\$300), nor more than five hundred dollars (\$500), and to undergo imprisonment for a period not less than three months, nor more than one year.

(b) The right of the board to suspend and revoke licenses granted under this article shall be in addition to the penalty set forth in this section.

Section 495. Minors' Identification Cards; Licensees Saved From Prosecution.—(a) The statement of registration signed and issued to any registered elector by a Registrar, Commissioner or Clerk under the provisions of any permanent personal registration law of this Commonwealth shall, for the purpose of this act, be and accepted as an identification card.

(b) Such identification card shall be presented by the holder thereof upon request of any State Liquor Store or any licensee, or the servant, agent or employe thereof, for the purpose of aiding such store, licensee, or the servant, agent or employe to determine whether or not such person is twenty-one years of age and upwards when such person desires alcoholic beverage at a State Liquor Store or licensed establishment.

(c) In addition to the presentation of such identification card, the agent of the State Liquor Store or the licensee or his servant, agent or employe shall require the person whose age may be in question to fill in and sign a card in the following form:

.....195.....
I,, hereby represent to, a State Store or licensee of the Pennsylvania Liquor Control Board, that I am of full age and discretion and over the age of 21 years, having been born on 19....., at This statement is made to induce said store or licensee above named to sell or otherwise furnish alcoholic beverages to the undersigned.

Serial Number of Registration Card:

I understand that I am subject to a fine of \$100.00 and thirty days imprisonment for any misrepresentation herein.

.....
(Name)
.....
(Address)

Witness:

Name

Address

Such statement shall be printed upon a 3 inch by 5 inch or 4 inch by 5 inch file card, which card shall be filed alphabetically by the State Liquor Store or licensee,

at or before the close of business on the day of which said certificate is executed, in a file box containing a suitable alphabetical index, and which card shall be subject to examination by any officer, agent or employe of the Liquor Control Board at any and all times.

(d) It shall be unlawful for the owner of an identification card, as defined by this act, to transfer said card to any other person for the purpose of aiding such person to secure alcoholic beverage. Any person who shall transfer such identification card for the purpose of aiding such transferee to obtain alcoholic beverage shall be guilty of a misdemeanor and, upon conviction thereof, shall be sentenced to pay a fine of not more than one hundred dollars (\$100), or undergo imprisonment for not more than thirty (30) days. Any person not entitled thereto who shall have unlawfully procured or have issued or transferred to him, as aforesaid, identification card, and any person who shall make any false statement on any card required by subsection (c) hereof to be signed by him shall be guilty of a misdemeanor and, upon conviction thereof, shall be sentenced to pay a fine of not more than one hundred dollars (\$100), or undergo imprisonment for not more than thirty (30) days.

(e) The signed statement in the possession of a licensee may be offered as a defense in all civil and criminal prosecutions for serving a minor, and no penalty shall be imposed if the Liquor Control Board or the courts are satisfied that the licensee acted in good faith.

ARTICLE V.

DISTILLERIES, WINERIES, BONDED WAREHOUSES, BAILEES FOR HIRE AND TRANSPORTERS FOR HIRE.

Section 501. License Required.—Except as otherwise provided in this article, and except as otherwise provided in article four as to malt and brewed beverages, it shall be unlawful for any person without a license obtained under provisions of this article to hold in storage as bailee for hire, or transport for hire, any malt or brewed beverage, or to manufacture, produce, distill, develop or use in the process of manufacture, denature, redistill, recover, rectify, blend, reuse, hold in bond, hold in storage as bailee for hire, or transport for hire, within this Commonwealth, any alcohol or liquor, except that a person may manufacture wine out of grapes grown in Pennsylvania by fermentation only and with no alcohol or alcoholic product added thereto by way of fortification and sell the same to a licensed winery.

Section 502. Exemptions.—No license hereunder shall be required from any registered pharmacist; or a

physician licensed by the State Board of Medical Education and Licensure; or any person who makes and sells vinegar, nonalcoholic cider and fruit juices; or any person who manufactures, stores, sells or transports methanol, propanol, butanol and amanol; or any person who conducts a wholesale drug business; or any person who manufactures alcoholic preparations not fit for use as a beverage, other than denatured alcohol or for beverage purposes; any person engaged in the manufacture; possession or sale of patent, patented or proprietary medicines, toilet, medicinal or antiseptic preparations unfit for beverage purposes, or solutions or flavoring extracts or syrups unfit for beverage purposes; or any person who manufactures or sells paints, varnishes, enamels, lacquers, stains or paint, or varnish removing or reducing compounds, or wood fillers; or any person who manufactures any substance where the alcohol or any liquor is changed into other chemical substances and does not appear in the finished product as alcohol or liquor; or any common carrier by railroad which is subject to regulation by the Pennsylvania Public Utility Commission of the Commonwealth of Pennsylvania, or scheduled common carriers by air of mail and passengers; or any person who sells, stores or transports alcohol or liquor completely denatured, as specified by the board.

Section 503. Qualifications for License.—No license shall be issued under the provisions of this article to any person unless (a) in case of individuals, he or she is a citizen of the United States of America, (b) in case of companies or unincorporated associations of individuals, each and every one is a citizen of the United States of America, (c) in case of corporations, each and every stockholder thereof is a citizen of the United States of America.

Section 504. Applications; Filing Fees.—(a) Every applicant for a license under this article shall file with the board a written application in such form as the board shall from time to time require. Every such application shall be accompanied by a filing fee of ten dollars (\$10), the prescribed license fee and the bond hereinafter specified, and shall set forth:

1. The legal names of the applicant and of the owner of the place where business under the license will be carried on, with their residence addresses by street and number, if a partnership, of each separate partner, and if a corporation, of each individual officer thereof.

2. The exact location of said place of business and of every place to be occupied or used in connection with such business, the productive capacity of each plant where any alcohol or liquor is to be manufactured, produced, distilled, rectified, blended, developed or used

in the process of manufacture, denatured, redistilled, recovered, reused, the capacity of every warehouse or other place where such alcohol or liquor or malt or brewed beverage is to be held in bond or stored for hire, or the equipment to be used where a transportation business is to be carried on under the license.

3. That each and every one of the applicants is a citizen of the United States of America.

4. Such other relevant information as the board shall from time to time require by rule or regulation.

(b) Each application must be verified by affidavit of the applicant made before any officer legally qualified to administer oaths, and if any false statement is wilfully made in any part of said application, the applicant or applicants shall be deemed guilty of a misdemeanor and, upon conviction, shall be subject to the penalties provided by this article.

Section 505. Licenses Issued.—Upon receipt of the application in the form herein provided, the proper fees and an approved bond as herein designated, the board may grant to such applicant a license to engage in, (a) the operation of a winery; or, (b) the manufacturing, producing, distilling, developing, or using in the process of manufacturing, denaturing, redistilling, recovering, rectifying, blending and reusing of alcohol and liquor; or, (c) the holding in bond of alcohol and liquor; or, (d) the holding in storage, as bailee for hire, of alcohol, liquor and malt or brewed beverages; or, (e) the transporting for hire of alcohol, liquor and malt or brewed beverages.

Section 506. Bonds Required.—(a) No license shall be issued to any such applicant until he has filed with the board an approved bond, duly executed, payable to the Commonwealth of Pennsylvania, together with a warrant of attorney to confess judgment in the penal sum herein set forth. All such bonds shall be conditioned for the faithful observance of all the laws of this Commonwealth and regulations of the board relating to alcohol, liquor and malt or brewed beverages and the conditions of the license, and shall have as surety a duly authorized surety company, or shall have deposited therewith, as collateral *security, cash or negotiable obligations of the United States of America or the Commonwealth of Pennsylvania in the same amount as herein provided for the penal sum of bonds.

(b) In all cases where cash or securities in lieu of other surety have been deposited with the board, the depositor shall be permitted to continue the same deposit from year to year on each renewal of license, but in no event shall he be permitted to withdraw his deposit

* "securities" in original.

during the time he holds said license, or until six months after the expiration of the license held by him, or while revocation proceedings are pending against such licensee.

(c) All cash or securities received by the board in lieu of other surety shall be turned over by the board to the State Treasurer and held by him. The State Treasurer shall repay or return money or securities deposited with him to the respective depositors only on the order of the board.

(d) After notice from the board that such a bond has been forfeited, the State Treasurer shall immediately pay into the State Stores Fund all cash deposited as collateral with such bond, and when securities have been deposited with such a bond, the State Treasurer shall sell at private sale, at not less than the prevailing market price, any such securities so deposited as collateral with any such forfeited bond. The State Treasurer shall thereafter deposit in the State Stores Fund the net amount realized from the sale of such securities, except that if the amount so realized, after deducting proper costs and expenses, is in excess of the penal amount of the bond, such excess shall be paid over by him to the obligor on such forfeited bond.

(e) The penal sum of bonds required to be filed by applicants for license shall be as follows:

In the case of a distillery (manufacturer), the bond shall be in the amount of ten thousand dollars (\$10,000); in the case of a bonded warehouse, a bailee for hire and a transporter for hire, each shall be in the amount of three thousand dollars (\$3000); and in the case of a winery, shall be in the amount of five thousand dollars (\$5000). Such bonds shall be filed with and retained by the board.

(f) Every such bond shall be turned over to the Department of Justice to be collected if and when the licensee's license shall have been revoked and his bond forfeited as provided in this act.

Section 507. Hearings Upon Refusal of Licenses.—The board may of its own motion, and shall upon the written request of any applicant for license or for renewal thereof whose application for such license or renewal has been refused, fix a time and place for hearing of such application or renewal, notice of which hearing shall be sent to the applicant, by registered mail, at the address given in his application. Such hearing shall be before the board, a member thereof, or an examiner designated by the board. At such hearing, the board shall present its reasons for its refusal or withholding of such license or renewal thereof. The applicant may appear in person or by counsel, may cross-examine the witnesses for the board, and may present evidence which shall likewise

be subject to cross-examination by the board. Such hearing shall be stenographically recorded. The examiner shall thereafter report to the board. The board shall thereafter grant or refuse the license or renewal thereof. If the board shall refuse such license or renewal following such hearing, notice in writing of such refusal shall be mailed to the applicant at the address given in his application. In all cases, the board shall file of record at least a brief statement in the form of an opinion of the reasons for the ruling or order.

Section 508. License Fees.—The annual fee for every license issued to a winery shall be two hundred and fifty dollars (\$250). The annual fee for every license issued to a distillery (manufacturer) shall be twenty-five hundred dollars (\$2500) per annum if the annual production is five hundred thousand (500,000) proof gallons or less, and an additional fee of one hundred dollars (\$100) for each one hundred thousand (100,000) proof gallons or fraction thereof in excess of five hundred thousand (500,000) proof gallons, but for the purpose of determining the amount of the fee payable by a distillery, the annual production of alcohol that is denatured by the manufacturer thereof during the license year in Pennsylvania and not elsewhere shall be excluded, but alcohol or liquor used by the manufacturer thereof during the license year in rectification or blending shall not be excluded, except that no fee for a distillery shall be less than twenty-five hundred dollars (\$2500) per annum. The annual fee for all other licenses shall be one hundred dollars (\$100). The fee for any license when applied for and issued on or after April first, but prior to July first, shall be three-fourths of the annual fee; July first, but prior to October first, shall be one-half of the annual fee; October first, but prior to January first, one-fourth of the annual fee.

For the purpose of this section, the term "proof gallon" shall mean a gallon liquid which contains one-half its volume of alcohol of a specific gravity of seven thousand nine hundred thirty-nine ten thousandths (.7939) at sixty degrees Fahrenheit.

Section 509. License Must Be Posted; Business Hours.—Licenses shall be issued by the board under its official seal. Every license so issued must at all times be posted in a conspicuous place where the business is carried on under it, and said place of business must be kept open during general business hours of every day in the year except Sundays and legal holidays.

Section 510. Containers To Be Labeled.—All persons, except as exempted by section five hundred two hereof, manufacturing, producing, distilling, developing or using in the process of manufacture, de-

naturing, redistilling, recovering, rectifying, blending, reusing, holding in bond, holding in storage as bailee for hire, or transporting for hire of alcohol or liquor under the provisions of this article, shall securely and permanently attach to every container ready for shipment thereof as the same is manufactured, produced, distilled, developed, denatured, redistilled, recovered, rectified, blended, reused, a label stating the name of the manufacturer, kind and quantity of alcohol or liquor contained therein, and the date of its manufacture, together with the number of the license authorizing the manufacture thereof, and all persons possessing such alcohol or liquor in wholesale quantities shall securely keep and maintain such label thereon.

Section 511. License To Specify Each Place Authorized For Use.—Every license issued under the provision of this article shall specify by definite location every place to be occupied or used in connection with the business to be conducted thereunder. It shall be unlawful for the holder of any license to occupy or use any place in connection with any business authorized under a license other than the place or places designated therein.

Section 512. Records To Be Kept.—Every person holding a license issued under the provisions of this article shall keep on the licensed premises daily permanent records which shall show, (a) the quantities of any alcohol or liquor manufactured, produced, distilled, developed, denatured, redistilled, recovered, reused, stored in bond, stored as bailee for hire, received or used in the process of manufacture by him, and of all other material used in manufacturing or developing any alcohol or liquor; (b) the sales or other disposition of any alcohol, liquor or malt or brewed beverages if covered by said license; (c) the quantities thereof, if any, stored in bond, stored for hire, or transported for hire by or for the licensee; and (d) the names and addresses of the purchasers or other recipients thereof: Provided, however, That persons holding licenses issued under the provisions of this article for the transportation for hire of any alcohol, liquor or malt or brewed beverages shall not be required to keep the above records, but shall keep daily permanent records showing the names and addresses of the persons from whom any alcohol, liquor or malt or brewed beverage was received and to whom delivered, and such other permanent records as the board shall prescribe.

Section 513. Premises and Records Subject To Inspection.—Every place operated under license secured under the provisions of this article where any alcohol, liquor or malt or brewed beverage covered by the license

is manufactured, produced, distilled, developed or used in the process of manufacture, denatured, redistilled, rectified, blended, recovered, reused, held in bond, stored for hire or in connection with a licensee's business, shall be subject to inspection by members of the board or by persons duly authorized and designated by the board at any and all times of the day or night, as they may deem necessary, (a) for the detection of violations of this act or of the rules and regulations of the board promulgated under the authority of this act, or (b) for the purpose of ascertaining the correctness of the records required by this act to be kept by licensees and the books and records of licensees, and the books and records of their customers, in so far as they relate to purchases from said licensees, shall at all times be open to inspection by the members of the board or by persons duly authorized and designated by the board for the purpose of making inspections as authorized by this section. Members of the board and the persons duly authorized and designated by the board shall have the right, without fee or hindrance, to enter any place which is subject to inspection hereunder, or any place where records subject to inspection hereunder are kept, for the purpose of making such inspections.

Section 514. Suspension and Revocation of Licenses.—(a) Upon learning of any violation of this act or of any rule or regulation promulgated by the board under the authority of this act, or any violation of any laws of this Commonwealth or of the United States of America relating to the tax payment of alcohol, liquor or malt or brewed beverages by the holder of a license issued under the provisions of this article, or upon other sufficient cause, the board may, within one year from the date of such violation or cause appearing, cite such licensee to appear before it or its examiner not less than ten (10) nor more than fifteen (15) days from the date of sending such licensee, by registered mail, a notice addressed to his licensed premises, to show cause why the license should not be suspended or revoked. Hearings on such citations shall be held in the same manner as provided herein for hearings on applications for license. And upon such hearing, if satisfied that any such violation has occurred or for other sufficient cause, the board shall immediately suspend or revoke such license, notifying the licensee thereof by registered letter addressed to his licensed premises, or to the address given in his application where no licensed premises is maintained in Pennsylvania.

(b) When a license is revoked, the licensee's bond may be forfeited by the board. Any licensee whose license is revoked shall be ineligible to have a license under this

act or under any other act relating to alcohol, liquor or malt or brewed beverages until the expiration of three (3) years from the date such license was revoked. In the event the board shall revoke a license, no license shall be granted for the premises or transferred to the premises in which said license was conducted for a period of at least one (1) year after the date of the revocation of the license conducted in the said premises, except in cases where the licensee or a member of his immediate family is not the owner of the premises, in which case the board may, in its discretion, issue or transfer a license within said year. In all such cases, the board shall file of record at least a brief statement in the form of an opinion of the reasons for the ruling or order.

Section 515. Appeals.—Any licensee aggrieved by any decision of the board refusing, suspending or revoking a license under the provisions of this article may appeal within twenty (20) days from the date of refusal, suspension or revocation to the court of quarter sessions of the county in which the licensed premises or the premises to be licensed are located. In the event an applicant or a licensee shall have no place of business established within the Commonwealth, his appeal shall be to the court of quarter sessions of Dauphin County. Such appeal shall be upon petition of the applicant or licensee, as the case may be, who shall serve a copy thereof upon the board. The said appeal shall act as a supersedeas, unless upon sufficient cause shown the court shall determine otherwise. The court shall hear the application de novo at such time as it shall fix, of which notice shall be given to the board. The court shall, in the case of a refusal by the board, either sustain such refusal or order the issuance of the license to the applicant. The parties to such proceeding may, within thirty (30) days from the filing of said court order or decree, appeal therefrom to the Superior Court.

Section 516. Compromise Penalty In Lieu of Suspension.—In those cases where the board shall suspend a license, the board may accept from the licensee an offer in compromise as a penalty in lieu of such suspension and shall thereupon rescind its order of suspension. In the case of a distillery licensee, the offer in compromise shall be at the rate of one hundred dollars (\$100) for each day of suspension; in the case of a bonded warehouse, bailee for hire and transporter for hire licensees, twenty-five dollars (\$25) for each day; and in the case of a winery licensee, fifty dollars (\$50) for each day. No offer in compromise may be accepted by the board in those cases where the suspension is for a period in excess of one hundred (100) days.

Section 517. Expiration of Licenses; Renewals.—All licenses issued under this article shall expire at the close of the calendar year, but new licenses for the succeeding year shall be issued upon written application therefor, duly verified by affidavit, stating that the facts in the original application are unchanged, and upon payment of the fee as hereinafter provided and the furnishing of a new bond, without the filing of further statements or the furnishing of any further information unless specifically requested by the board: Provided, however, That any such license issued to a corporation shall expire thirty (30) days after any change in the officers of such corporation, unless the name and address of each such new officer of such corporation shall, within that period, be reported to the board by certificate, duly verified. Applications for renewals must be made not less than thirty (30) nor more than sixty (60) days before the first day of January of the ensuing year. All applications for renewal received otherwise shall be treated as original applications.

Section 518. Unlawful Acts.—(a) It shall be unlawful for any person to transport any illegal alcohol, liquor or malt or brewed beverages.

(b) Whenever any person withdraws or removes any alcohol or liquor which has not been denatured from any distillery, denaturing plant, winery or bonded warehouse for the purpose of denaturing the same, it shall be unlawful for any such person to use, sell or conceal, or attempt to use, sell or conceal, or be concerned in the sale, use or concealment of, any such alcohol or liquor, unless before such sale or use the said alcohol or liquor shall be denatured by adding thereto denaturing material or materials or admixtures thereof which render it unfit for beverage purposes.

(c) It shall be unlawful for any person to recover and reuse or attempt to recover and reuse, by redistillation or by any other process or means whatsoever, any alcohol or liquor from denatured alcohol or from any other liquid, or to knowingly use, sell, conceal, or otherwise dispose of, alcohol or liquor so recovered or redistilled.

Section 519. Penalties.—Any person or persons who knowingly violate any of the provisions of this article, or any person who shall violate any of the conditions of any license issued under the provisions of this article, or who shall falsify any record or report required by this article to be kept, or who shall violate any rule or regulation of the board, or who shall interfere with, hinder or obstruct any inspection authorized by this article, or prevent any member of the board or any person duly authorized and designated by the board from entering any place which such member of the board

or such person is authorized by this article to enter for the purpose of making an inspection, or who shall violate any other provision of this article, 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), nor more than five thousand dollars (\$5000), or undergo imprisonment of not more than three (3) years, or both, at the discretion of the court.

ARTICLE VI.

Property Illegally Possessed or Used; Forfeitures; Nuisances.

(A) Forfeitures.

Section 601. Forfeiture of Property Illegally Possessed or Used.—No property rights shall exist in any liquor, alcohol or malt or brewed beverage illegally manufactured or possessed, or in any still, equipment, material, utensil, vehicle, boat, vessel, animals or aircraft used in the illegal manufacture or illegal transportation of liquor, alcohol or malt or brewed beverages, and the same shall be deemed contraband and shall be forfeited to the Commonwealth. No such property when in the custody of the law shall be seized or taken therefrom on any writ of replevin or like process.

Section 602. Forfeiture Proceedings.—(a) The proceedings for the forfeiture or condemnation of all property 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, verified by oath or affirmation of any officer or citizen, containing the following: (1) a description of the property so seized; (2) a statement of the time and place where seized; (3) the owner, if known; (4) the person or persons in possession, if known; (5) an allegation that the same had been possessed or used or was intended for use in violation of this act; (6) and, a prayer for an order of forfeiture that the same be adjudged forfeited to the Commonwealth, unless cause be shown to the contrary.

(b) 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 or the Attorney General.

(c) 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 cannot be found within the jurisdiction of the court, notice of said petition shall be given by an advertisement in only one newspaper of general circulation published in the county where such property shall have been seized, once a week for two (2) successive weeks. No other advertisement of any sort shall be necessary, any other law to the contrary notwithstanding. 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 ten (10) days from the date of the last publication.

(d) 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.

(e) 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 (1) that he is the owner of said property, (2) that he lawfully acquired the same, and (3) that it was not unlawfully used or possessed.

In the event such claimant shall prove by competent evidence to the satisfaction of the court that said liquor, alcohol or malt or brewed beverage, or still, equipment, material, utensil, vehicle, boat, vessel, container, animal or aircraft was lawfully acquired, possessed and used, then the court may order the same returned or delivered to the claimant; but if it appears that the property was unlawfully possessed or used, the court shall order it destroyed, delivered to a hospital, or turned over to the board, as hereinafter provided.

Section 603. Disposition of Forfeited Property.—If, upon petition as hereinbefore provided and hearing before the court of quarter sessions, it appears that any liquor, alcohol or malt or brewed beverage was so illegally possessed, or property so used in the illegal manufacture or transportation of liquor, alcohol or malt or brewed beverage, such liquor, alcohol, malt or brewed beverage or property shall be adjudged forfeited and condemned and shall be disposed of as follows:

(a) Upon conviction of any person of a violation of any of the provisions of this act, the court shall order the sheriff to destroy all such condemned liquor, alcohol or malt or brewed beverage and property seized or obtained from such defendants, except that the court may order the liquor, alcohol or malt or brewed beverages, or any part thereof, to be delivered to a hospital for its use, and make return to the court of compliance with said order; and any vehicle, container, boat, vessel, animals or aircraft seized under the provisions of this act shall be disposed of as hereinafter provided.

(b) In any case in which the defendant is acquitted of a violation of this act and denies the ownership or possession thereof, or no claimant appears for same, or appearing, is unable to sustain claim thereof, the court shall order all such condemned liquor, alcohol and malt or brewed beverages and property (except vehicles, boats, vessels, containers, animals and aircraft) publicly destroyed by the sheriff, except that the court may order the liquor, alcohol or malt or brewed beverages, 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.

(c) In the case of any vehicle, boat, vessel, container, animal or aircraft seized under the provisions of this act and condemned, the court shall order the same to be delivered to the board for its use or for sale or disposition by the board, in its discretion. Notice of such sale shall be given in such manner as the board may prescribe. The proceeds of such sale shall be paid into the State Stores Fund.

Section 604. Motor Vehicle Licenses To Be Revoked.—In addition to the foregoing provisions, the court may, in its order of condemnation, and in every conviction under this act where it shall appear that liquor, alcohol or malt or brewed beverages were unlawfully transported in a motor vehicle, declare that the license issued by the Department of Revenue for any motor vehicle so forfeited and condemned, or issued to any defendant convicted of transporting liquor, alcohol or malt or brewed beverages 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 and order of condemnation made to certify such conviction to the Secretary of Revenue, who shall suspend or revoke the license issued for such motor vehicles: Provided, That a license may be issued for such motor vehicle to the board or to any purchaser of the vehicle after the sale thereof, as above provided.

Section 605. Application of Subdivision.—The provisions of this subdivision shall apply to the disposition

of any liquor, alcohol or malt or brewed beverage or property in the custody of the law or of any officer at the time of the passage of this act.

(B) Nuisances.

Section 611. Nuisances; Actions To Enjoin.—(a) Any room, house, building, boat, vehicle, structure or place, except a private home, where liquor, alcohol or malt or brewed beverages are manufactured, possessed, sold, transported, offered for sale, bartered or furnished, or stored in bond, or stored for hire, in violation of this act, and all such liquids, beverages and property kept or used in maintaining the same, are hereby declared to be common nuisances, and any person who maintains such a common nuisance shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to the same penalties provided in section four hundred ninety four of this act.

(b) 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 or by the district attorney of the proper county. 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 liquids, beverages 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 liquor, alcohol or malt or brewed beverage shall be manufactured, sold, offered for sale, transported, bartered or furnished, or stored in bond, or stored for hire in such room, house, building, structure, boat, vehicle, or place, or any part thereof.

(c) 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 neither liquor, alcohol, nor malt or brewed beverages will thereafter be manufactured, sold, transported, offered for sale, bartered or furnished, or stored in bond, or stored for hire therein or thereon in violation of this act, and that he will pay all fines, costs and damages that may be assessed for any violation of this act upon said property.

ARTICLE VII.

Dealing in Distillery Bonded Warehouse Certificates.

(A) Preliminary Provisions.

Section 701. Definitions and Interpretation.—(a) When used in this article, the following words or phrases, unless the context clearly indicates otherwise, shall have the meanings ascribed to them in this section.

“Agent” shall mean and include every person employed by a distillery certificate broker to sell, offer for sale or delivery, to purchase, exchange, or to enter into agreements for the purchase, sale or exchange, or to solicit subscriptions to, or orders for, or to undertake to dispose of, or to deal in any manner in, distillery bonded warehouse certificates.

“Fraud,” “fraudulent” and “fraudulent practice” shall include any misrepresentation in any manner of a relevant fact not made honestly and in good faith; any promise or representation or prediction as to the future not made honestly and in good faith, or an intentional failure to disclose a material fact; the gaining, directly or indirectly, through the purchase, sale or exchange of distillery bonded warehouse certificates, of any promotion fee or profit, selling or managing commission or profit, so gross and exorbitant as to be unconscionable and fraudulent; and any scheme, device, artifice or investment plan to obtain such an unconscionable profit: Provided, however, that nothing herein shall limit or diminish the full meaning of the terms “fraud” and “fraudulent” as applied or accepted in courts of law or equity.

(b) Nothing contained in this article shall be construed as permitting the holder or owner of a distillery bonded warehouse certificate, as defined in this act, to secure possession of the whiskey or other potable distilled spirits named or designated in such certificate, except in accordance with the provisions of this act and the

laws of this Commonwealth hereafter enacted relating to alcohol or alcoholic beverages and the regulations of the board adopted and promulgated thereunder.

(B) Permits.

Section 702. Unlawful to Act as a Distillery Certificate Broker or to Buy or Sell Distillery Bonded Warehouse Certificate Without a Permit.—It shall be unlawful for any person, except as hereinafter exempted, directly or through an agent, to sell, purchase, exchange, offer for sale, deliver, enter into agreements for the purchase, sale, exchange, solicit subscriptions to, orders for, undertake to dispose of, deal in any manner in, distillery bonded warehouse certificates, without first having obtained a permit to act as a distillery certificate broker as provided in this article.

Section 703. Authority to Issue Permits to Distillery Certificate Brokers.—Subject to the provisions of this article and regulations promulgated under this act, the board shall have authority to issue to any reputable financially responsible person whose plan of business in dealing in distillery bonded warehouse certificates is not deemed by the board to constitute “fraudulent practice,” as defined herein, a permit to act as distillery certificate broker.

Section 704. Application for Permit; Filing Fee.—Every applicant for a distillery certificate broker permit shall file a written application with the board outlining his plan of business in dealing in distillery bonded warehouse certificates, in such form and containing such other information as the board shall from time to time prescribe, which shall be accompanied by a filing fee of ten dollars (\$10) and the prescribed permit fee. If the applicant is a natural person, his application must show that he is a citizen of the United States, and if a corporation, the application must show that the corporation was created under the laws of Pennsylvania or holds a certificate of authority to transact business in Pennsylvania. The application shall be signed and verified by oath or affirmation of the applicant, if a natural person, or in the case of an association, by a member or partner thereof, or in the case of a corporation, by an executive officer thereof or any person specifically authorized by the corporation to sign the application, to which shall be attached written evidence of his authority. If the applicant is an association, the application shall set forth the names and addresses of the persons constituting the association, and if a corporation, the names and addresses of all the officers thereof. All applications must be verified by affidavit of applicant and if any false statement is intentionally made in any part of the ap-

plication, the signer shall be guilty of a misdemeanor and, upon indictment and conviction, shall be subject to penalties provided by this article.

Section 705. Issuance of Permits.—Upon receipt of the application and proper fees and upon being satisfied of the truth of the statements in the application, and being also satisfied that the applicant's plan of business in dealing in distillery bonded warehouse certificates does not constitute "fraudulent practice," as defined in this article, and that the applicant is a person of good repute and financially responsible, the board may issue to such applicant a permit authorizing the permittee to sell, purchase, exchange, pledge and deal in distillery bonded warehouse certificates.

Section 706. Office or Place of Business to be Maintained.—Every applicant for a distillery certificate broker permit under this article and every person to whom such a permit is issued shall maintain an office or place of business within the Commonwealth.

Section 707. Permit Fee; Permits Not Assignable or Transferable; Display of Permit; Term of Permit.—Every applicant for distillery certificate broker permit shall, before receiving such permit, pay to the board an annual permit fee of one hundred dollars (\$100). Permits issued under this act may not be assigned or transferred and shall be conspicuously displayed at the place of business of the permittee. All permits shall be valid only during the year for which issued and shall automatically expire on the thirty-first day of December of each calendar year unless suspended, revoked or cancelled prior thereto.

Section 708. Records to be Kept.—Every person holding a permit issued under this act shall keep daily permanent records containing a complete record of all transactions in distillery bonded warehouse certificates within this Commonwealth, in such form and manner as the board may from time to time prescribe. Such records shall be available for examination by the board's officers at the broker's principal place of business or office in Pennsylvania.

Section 709. Renewal of Permits.—Upon the filing of an application and the payment of the prescribed filing fee and permit fee in the same amount as herein required on original applications for permits, the board may renew the permit for the calendar year beginning January first, provided such application for renewal is filed and fee paid on or before December fifteenth of the preceding year, unless the board shall have given previous notice of objections to the renewal of the permit, based upon violation of this article or the board's regulations promulgated thereunder, or unless the applicant has by his

own act become a person of ill repute or ceases to be financially responsible.

Section 710. Permit Hearings; Appeals From Refusal of the Board to Issue or Renew Permits.—The board may of its own motion, and shall upon written request of any applicant for distillery certificate broker permit or for renewal thereof whose application for such permit or renewal has been refused, fix a time and place for hearings of such application for permit or for renewal thereof, notice of which hearing shall be sent by registered mail to the applicant at the address given in his application. Such hearing shall be before the board or a member thereof. At such hearing, the board shall present its reasons for its refusal or withholding a permit or renewal thereof. The applicant may appear in person or by counsel, cross-examine the witnesses of the board, and may present evidence which shall be subject to cross-examination by the board. Such hearings shall be stenographically recorded. The board shall thereupon grant or refuse the permit or renewal thereof. If the board shall refuse such permit or renewal following such hearing, notice in writing of such refusal shall be sent by registered mail to the applicant at the address given in his application. In all such cases, the board shall file of record at least a brief statement in the form of an opinion of the reasons for the ruling or order and furnish a copy thereof to the applicant. Any applicant who has appeared before the board at any hearing, as above provided, who is aggrieved by the refusal of the board to issue or to renew a distillery certificate broker permit, may appeal within twenty days from the date of refusal to the court of common pleas of Dauphin County.

Section 711. Procedure of Appeal; Record to be Certified; Cost of Preparing Record; Appeal to Supreme Court.—Such appeal to the court of common pleas of Dauphin County shall be upon petition of the applicant against the board officially as defendant, alleging therein in brief detail the action and decision complained of and praying for a reversal thereof. Upon service of a summons upon the board, returnable within ten days from its date, the board shall, on or before the return day, file an answer in which it shall allege by way of defense the grounds for its decision. It shall also, on or before the return day of such summons, certify to the court of common pleas of Dauphin County the record of the proceedings to which the petition refers. Such record shall include the testimony taken therein, the findings of fact, if any, of the board based upon such testimony, a copy of all orders made by the board in the proceedings, and a copy of the action or decision of the board which the petition calls upon the court to reverse. The cost of pre-

paring and certifying such record shall be paid to the board by the petitioner and taxed as part of the costs in the case, to be paid as directed by the court upon the final determination of the case.

Upon the filing of the board's answer, the case before the court of common pleas of Dauphin County shall be at issue without further pleadings, and upon application of either party the case shall be advanced and heard without delay. Mere technical irregularities in the procedure of the board shall be disregarded.

The case shall be heard upon the record certified to the court by the board. Additional testimony shall not be taken before the court, but the court may, in proper cases, remit the record to the board for the taking of further testimony.

From the decision of the court of common pleas of Dauphin County, an appeal may be taken by either party to the Supreme Court of Pennsylvania as in other cases.

Section 712. Revocation and Suspension of Permit.— Upon learning of any violation of this act or regulations of the board promulgated thereunder, or any violation of any laws of this Commonwealth or of the United States of America by the permittee, his officers, servants, agents or employes, or upon any other sufficient cause shown, the board may cite such permittee to appear before it or a member thereof not less than ten or more than fifteen days from the date of sending such permittee, by registered mail, a notice addressed to him at the address set forth in the application for permit, to show cause why such permit should not be suspended or revoked. When such notice is duly addressed and deposited in the post office, it shall be deemed due and sufficient notice. Hearings on such citations shall be held in the same manner as provided herein for hearing on application for permit. Upon such hearing, if satisfied that any such violation has occurred, or for other sufficient cause, the board shall immediately suspend or revoke the permit, notifying the permittee thereof by registered letter addressed to the address set forth in the application for permit. Any permittee whose permit is revoked shall be ineligible to have a permit under this act until the expiration of three years from the date such permit was revoked. In all such cases, the board shall file of record at least a brief statement in the form of an opinion of the reasons for the ruling or order. In the event the person whose permit was suspended or revoked by the board shall feel aggrieved by the action of the board, he shall have the right to appeal to the court of common pleas of Dauphin County in the same manner as herein provided for appeals from refusals to grant permits.

LAWS OF PENNSYLVANIA,

(C) Permittees' Registered Agents.

Section 721. Unlawful to Act as Agent or to Employ Agents Without Registration.—It shall be unlawful for a distillery certificate broker to employ any person to act as agent, or for any person to act as agent for any distillery certificate broker, in purchasing, exchanging, offering for sale, delivering, entering into agreements for the purchase, sale, exchange, soliciting subscriptions to, orders for, undertaking to dispose of, dealing in any manner in, distillery bonded warehouse certificates, without such person first having been registered as an agent as provided in this article.

Section 722. Registered Agents.—Every person holding a distillery certificate broker permit under this article who desires to employ an agent or agents in the operation of his business under the permit shall make application to the board for registration of such agent or agents. Every such permittee's application shall set forth the name of the permittee and the address of his main office or principal place of business in Pennsylvania, and the full address where complete records are maintained covering the permittee's operations in Pennsylvania. With each such permittee's application there shall be filed an agent's application for each agent to be registered. Permittees' applications for agents and agents' applications shall contain such information as the board shall from time to time require, and shall be signed and verified by oath or affirmation of the agent. Each application shall be accompanied by two unmounted photographs of the agent.

Section 723. Registration Fee.—Every application for the registration of agents filed by a permittee shall be accompanied by a registration fee in the amount of ten dollars (\$10) for each agent to be registered, which shall cover the agent's registration from date of approval until December thirty-first of the year in which approved. Registrations may be renewed for a period of one calendar year upon the filing of a new application and payment of the same registration fee as herein provided for original registration, together with agent's new application and photographs of each agent. Applications for renewal of registration shall be filed not later than December fifteenth of each year.

Section 724. Registration and Issuance of Identification Card.—Upon receipt of the application, the proper fees, and upon being satisfied of the truth of the statements in the application and that the applicant is a person of good reputation and the applicant seeks a registration as defined in this act, the board may register such agent and issue to him an identification card.

Section 725. Hearings Upon Refusal of the Board; Appeals.—In the event that the board shall refuse to issue or to renew an agent's registration, a hearing shall be had and an appeal from the board's order may be taken to the same court and in the same manner as herein provided in the case of refusal of the board to issue or renew distillery certificate broker permits.

Section 726. Revocation and Suspension of Agents' Registrations.—Upon learning of any violation of this act or regulation of the board promulgated thereunder, or any violation of any laws of this Commonwealth or of the United States of America by a registered agent, the board may revoke or suspend the agent's registration in the same manner as provided herein for the revocation and suspension of distillery certificate broker permits. In the event the agent whose license was suspended or revoked by the board shall feel aggrieved by the action of the board, he shall have the right to appeal to the court of common pleas of Dauphin County in the same manner as herein provided for appeals in the case of suspension or revocation of distillery certificate broker permits.

Section 727. Identification Cards.—Upon approval by the board of the application for registration of an agent, there shall be issued to such registered agent an identification card containing the name and address of the distillery certificate broker, the name, address and physical description of the agent. There shall also be affixed to the identification card a photograph of the agent, and no identification card shall be valid until signed by both the distillery certificate broker and the agent and counter-signed by a representative of the board.

Before any agent's registration can be changed from one distillery certificate broker to another, the identification card of such agent shall either be returned to the board by the broker under whom he is registered, or such broker shall file with the board a notice in writing that he has knowledge of and consents to the employment of such agent by the other broker.

When the employment of any agent is terminated, the broker shall immediately notify the board and the identification card issued to the agent shall be surrendered to the board.

(D) Exemptions.

Section 731. Bank and Trust Companies and Other Persons.—Bank and trust companies and other persons duly authorized within this Commonwealth to engage in the business of lending money to licensed distillers, rectifiers, importers and distillery certificate brokers may, without a permit required under the provisions of

this act, accept distillery bonded warehouse certificates as security or collateral for any loan made in the regular conduct of their business, and such banks and trust companies and other persons may liquidate such security or collateral by sale only to licensed distillers, rectifiers, importers or distillery certificate brokers.

Section 732. Distillers, Rectifiers and Importers.—Duly licensed distillers, rectifiers and importers may, without a permit required under the provisions of this article, deal in distillery bonded warehouse certificates, but only with other duly licensed distillers, rectifiers, importers and with distillery certificate brokers.

Section 733. Certificates Owned Since July 24, 1939.—Persons other than licensed distillers, rectifiers, importers and distillery certificate brokers, holding distillery bonded warehouse certificates on and since the twenty-fourth day of July, one thousand nine hundred thirty-nine, may dispose of same without a permit required under the provisions of this act, but only to or through a distillery certificate broker holding a permit from the board.

(E) Administration and Enforcement.

Section 741. Duties of the Board.—It shall be the duty of the board to see that the provisions of this article are at all times properly administered and obeyed, and to take such measures and make such investigations as will detect the violations of any provisions thereof. In the event it shall discover any violation, it shall, in addition to revoking any permit or registration of an agent, take such measures as may be necessary to cause the apprehension and prosecution of all persons deemed guilty thereof.

(F) Fines and Penalties.

Section 751. Penalties.—Any person who shall violate any of the provisions of this article, or who shall engage in any fraud or fraudulent practice, as defined herein, shall be guilty of a misdemeanor and, upon conviction thereof, shall be sentenced to pay the costs of prosecution and a fine of not less than one thousand dollars (\$1000), nor more than five thousand dollars (\$5000), or undergo imprisonment of not less than one year, nor more than five years, or both, at the discretion of the court.

ARTICLE VIII.

Disposition of Moneys Collected Under Provisions of Act.

Section 801. Moneys Paid Into Liquor License Fund and Returned to Municipalities.—(a) The following

fees collected by the board under the provisions of this act shall be paid into the State Treasury through the Department of Revenue into a special fund to be known as the "Liquor License Fund":

(1) License fees for hotel, restaurant and club liquor licenses.

(2) License fees for retail dispensers' (malt and brewed beverages) licenses.

(b) The moneys in the Liquor License Fund shall, on the first days of February and August of each year, be paid by the board to the respective municipalities in which the respective licensed places are situated, in such amounts as represent the aggregate license fees collected from licenses in such municipalities during the preceding period.

(c) The board shall have the power to appropriate moneys in the Liquor License Fund for the payment of claims for refunds allowed and approved by the board for moneys paid into the Liquor License Fund because of the over-payment or overcharge on license fees. In the event that the moneys in the Liquor License Fund have been distributed to the respective municipalities, the board shall have the authority to deduct from the next semi-annual payment to the respective municipalities the amount of any over-payment previously refunded by the board to any person on account of an overcharge or over-payment on a license fee.

Section 802. Moneys Paid Into The State Stores Fund for Use of the Commonwealth.—All moneys, except fees to be paid into the Liquor License Fund as provided by the preceding section, collected, received or recovered under the provisions of this act for license fees, permit fees, filing fees and registration fees, from forfeitures, sales of forfeited property, compromise penalties and sales of liquor and alcohol at the Pennsylvania Liquor Stores, shall be paid into the State Treasury through the Department of Revenue into a special fund to be known as "The State Stores Fund."

All moneys in such fund shall be available for the purposes for which they are appropriated by law.

Section 803. Alcohol Tax Moneys Paid Into General Fund.—All taxes collected or received by the board on sales of taxable alcohol under the provisions of this act shall be paid into the State Treasury through the Department of Revenue into the General Fund.

ARTICLE IX.

Repeals.

Section 901. Acts and Parts of Acts Repealed.—The following acts and parts of acts and all amendments

thereof are hereby repealed to the extent hereinafter specified:

Section five of the act, passed in one thousand seven hundred five (1 Sm. L. 25), entitled "An act to restrain people from labour on the first day of the week," absolutely.

The act, passed in one thousand seven hundred five (1 Sm. L. 43), entitled "An act for selling beer and ale by wine-measure," absolutely.

The act, passed the thirty-first day of May, one thousand seven hundred eighteen (1 Sm. L. 104), entitled "An act empowering the Justices to settle the prices of liquors in public houses, and *provender for horses in public stables," absolutely.

The act, passed the twenty-sixth day of August, one thousand seven hundred twenty-one (1 Sm. L. 126), entitled "A Supplementary act to a law of this province, entitled 'An act that no public house or inn, within this province, be kept without license,' " absolutely.

Section twenty of the act, approved the thirtieth day of March, one thousand eight hundred eleven (Pamphlet Laws 145), entitled "An act to amend and consolidate the several acts relating to the settlement of the public accounts and the payment of the public monies, and for other purposes," absolutely.

The act, approved the fourteenth day of March, one thousand eight hundred fourteen (Pamphlet Laws 100), entitled "An act providing for the inspection of spirituous liquors," absolutely.

Sections one, two, three and four of the act, approved the second day of April, one thousand eight hundred twenty-two (Pamphlet Laws 286), entitled "An act to prevent the disturbance of meetings held for the purpose of religious worship," absolutely.

The act, approved the eighth day of March, one thousand eight hundred fifteen (Pamphlet Laws 91), entitled "An act altering the mode of issuing tavern licenses," absolutely.

The act, approved the thirteenth day of March, one thousand eight hundred fifteen (Pamphlet Laws 171), entitled "A supplement to the act, entitled 'An act providing for the inspection of spirituous liquors,' passed the fourteenth day of March, one thousand eight hundred and fourteen, and for the prevention of fraud in the purchase or sale of flour or whiskey," absolutely.

The act, approved the twenty-seventh day of March, one thousand eight hundred twenty-one (Pamphlet Laws 133), entitled "An act to regulate inspections," absolutely.

The act, approved the second day of April, one thousand eight hundred twenty-one (Pamphlet Laws 244),

* "provendor" in original.

entitled "An act laying a duty on the retailers of foreign merchandise," in so far as it relates to wine or distilled liquors.

Section two of the act, approved the second day of April, one thousand eight hundred twenty-two (Pamphlet Laws 226), entitled "A further supplement to the act, entitled 'An act relative to habitual Drunkards,' " absolutely.

The act, approved the sixteenth day of January, one thousand eight hundred twenty-three (Pamphlet Laws 10), entitled "A supplement to the act entitled, 'An act providing for the inspection of spirituous liquors,' " absolutely.

Section one of the act, approved the twelfth day of April, one thousand eight hundred twenty-five (Pamphlet Laws 247), entitled "An act more effectually to secure the collection of the revenue from tavern licenses, and for other purposes," absolutely.

The act, approved the seventh day of April, one thousand eight hundred thirty (Pamphlet Laws 352), entitled "An act to regulate inns and taverns," absolutely.

The act, approved the fifteenth day of February, one thousand eight hundred thirty-two (Pamphlet Laws 73), entitled "A supplement to an act entitled 'An act to regulate inns and taverns,' passed April seventh, eighteen hundred and thirty," absolutely.

Sections one, two, three, four, five, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six and twenty-seven of the act, approved the eleventh day of March, one thousand eight hundred thirty-four (Pamphlet Laws 117), entitled "An act relating to Inns, Taverns, and retailers of vinous and spirituous liquors," absolutely.

Sections one hundred twenty-three, one hundred twenty-four, one hundred twenty-five, one hundred twenty-six, one hundred twenty-seven, one hundred twenty-eight, one hundred twenty-nine, one hundred thirty, one hundred thirty-one, one hundred thirty-two, one hundred thirty-three, one hundred thirty-four, one hundred thirty-five, one hundred thirty-six, one hundred thirty-seven, one hundred thirty-eight, one hundred thirty-nine and one hundred forty of the act, approved the fifteenth day of April, one thousand eight hundred thirty-five (Pamphlet Laws 384), entitled "An act relating to Inspections," absolutely.

Section sixty-six of the act, approved the thirteenth day of June, one thousand eight hundred thirty-six (Pamphlet Laws 589), entitled "An act relating to lunatics and habitual drunkards," absolutely.

Section twenty-two of the act, approved the twenty-seventh day of May, one thousand eight hundred forty (Pamphlet Laws 548), entitled "An act to erect the town of South Easton, in the county of Northampton, into a borough, and for other purposes," absolutely.

The act, approved the twenty-ninth day of March, one thousand eight hundred forty-one (Pamphlet Laws 121), entitled "An act supplementary to the various Acts relating to Tavern Licenses," absolutely.

Section forty-four of the act, approved the twenty-fifth day of March, one thousand eight hundred forty-two (Pamphlet Laws 192), entitled "An act to appoint Commissioners to Re-survey and mark that portion of the county line, which divides the township of Bristol, in the county of Philadelphia, from the township of Cheltenham, in the county of Montgomery, and for other purposes," absolutely.

Section four of the act, approved the twenty-first day of April, one thousand eight hundred forty-six (Pamphlet Laws 431), entitled "An act to authorize the voters of Mifflin county to decide the question of tavern license therein, and to prohibit the sale of intoxicating drinks within specified limits in certain counties," absolutely.

Sections twenty, twenty-one, twenty-two, twenty-three, thirty-one, thirty-two and thirty-three of the act, approved the tenth day of April, one thousand eight hundred forty-nine (Pamphlet Laws 570), entitled "An act to create a sinking fund, and to provide for the gradual and certain extinguishment of the debt of the commonwealth," absolutely.

The act, approved the sixteenth day of April, one thousand eight hundred forty-nine (Pamphlet Laws 657), entitled "An act to change the mode of granting tavern licenses in the city and county of Philadelphia," absolutely.

Sections five, six and eight of the act, approved the thirtieth day of April, one thousand eight hundred fifty (Pamphlet Laws 634), entitled "An act regulating the hunting of deer in the county of Warren; and relative to hawkers and peddlers in the counties of Carbon, Butler and Union; authorizing the Philadelphia, Germantown and Norristown railroad company to become stockholders in the Chester Valley railroad company; relative to the sale of spirituous and vinous liquors in Washington county; and to the licensing of inn-keepers in this commonwealth; to the estate of John Claar, deceased; legitimating John Diffenbach, of Lancaster county; and authorizing the sale of the real estate of Darius Grimes, of Fayette county, deceased," absolutely.

Section eight of the act, approved the fourteenth day of April, one thousand eight hundred fifty-one (Pamphlet Laws 569), entitled "A further supplement to the act entitled 'An Act authorizing the Governor to incorporate the Bear Mountain Railroad Company,' and for other purposes, passed July thirteenth, one thousand eight hundred and forty-two, and relative to roads, streets, and alleys in the borough of Pottsville, in Schuylkill county, to hawkers and peddlers in Armstrong and Carbon counties, to the Bethany and Dingman's choice turnpike road, to the district of West Philadelphia, to the bottling of cider and malt liquors, licensing billiard rooms and bowling saloons, to the district of Moyamensing, and to authorize Charles B. Mench to sell certain real estate," absolutely.

Sections one, two, three, six, seven and eight of the act, approved the eighth day of May, one thousand eight hundred fifty-four (Pamphlet Laws 663), entitled "An act to protect certain domestic and private Rights, and prevent abuses in the Sale and Use of Intoxicating Drinks," absolutely.

The act, approved the twenty-sixth day of January, one thousand eight hundred fifty-five (Pamphlet Laws 53), entitled "An act to prevent the Sale of Intoxicating Liquors on the First Day of the Week, commonly called Sunday," absolutely.

Sections one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, thirty, thirty-two, *thirty-three and thirty-four of the act, approved the thirty-first day of March, one thousand eight hundred fifty-six (Pamphlet Laws 200), entitled "An act to Regulate the Sale of Intoxicating Liquors," absolutely.

Sections one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-three and twenty-four of the act, approved the twentieth day of April, one thousand eight hundred fifty-eight (Pamphlet Laws 365), entitled "A supplement to an act to Regulate the Sale of Intoxicating Liquors, approved the thirty-first of March, Anno Domini one thousand eight hundred and fifty-six," absolutely.

The act, approved the twenty-first day of April, one thousand eight hundred fifty-eight (Pamphlet Laws 393), entitled "A further supplement to an act relative to the Inspection of Liquors," absolutely.

* "thirty-three" in original.

Section two of the act, approved the seventeenth day of March, one thousand eight hundred fifty-nine (Pamphlet Laws 167), entitled "An act relating to Trustees of Farmers' High Schools of Pennsylvania," absolutely.

The act, approved the fourteenth day of April, one thousand eight hundred fifty-nine (Pamphlet Laws 653), entitled "An act relating to the granting of Licenses to Hotel, Inn, or Tavern Keepers," absolutely.

The act, approved the twenty-ninth day of March, one thousand eight hundred sixty (Pamphlet Laws 346), entitled "An act to prevent Recovery for the Sale of Adulterated Liquors," absolutely.

The act, approved the fifteenth day of April, one thousand eight hundred sixty-three (Pamphlet Laws 480), entitled "An act relating to the inspection of domestic distilled spirits," absolutely.

The act, approved the twenty-second day of March, one thousand eight hundred sixty-seven (Pamphlet Laws 40), entitled "A further supplement to an act to regulate the granting of licenses to hotels and eating houses, approved March thirty-first, one thousand eight hundred and fifty-six," absolutely.

The act, approved the twenty-ninth day of April, one thousand eight hundred sixty-seven (Pamphlet Laws 95), entitled "A supplement to an act, entitled 'An act to prevent the sale of intoxicating liquors on the first day of the week, commonly called Sunday,' approved February twenty-six, one thousand eight hundred and fifty-five," absolutely.

Sections two and four of the act, approved the eighth day of April, one thousand eight hundred seventy-three (Pamphlet Laws 566), entitled "An act to provide for the appointment of mercantile appraisers in the city of Philadelphia, defining the duties of the same, and constituting a board of appeal," absolutely.

Sections two, three, four, five, six, seven, eight, nine, ten, eleven and twelve of the act, approved the twelfth day of April, one thousand eight hundred seventy-five (Pamphlet Laws 40), entitled "An act to repeal an act to permit the voters of this commonwealth to vote every three years on the question of granting licenses to sell intoxicating liquors, and to restrain and regulate the sale of the same," absolutely.

Section one of the act, approved the twelfth day of April, one thousand eight hundred seventy-five (Pamphlet Laws 48), entitled "An act to prevent the sale of intoxicating liquors, and for the preservation of order at soldiers' encampments or re-unions," absolutely.

The act, approved the second day of June, one thousand eight hundred eighty-one (Pamphlet Laws 43), entitled "An act to prevent the use of poisonous or dele-

terious drugs or chemicals, or impure or injurious materials, or those prejudicial to the public health, in the brewing or manufacture of ale, beer or other malt liquors, or in the fermentation, distillation or manufacture of any vinous or spirituous liquors, and to provide for the punishment of any persons using the same," absolutely.

The act, approved the ninth day of July, one thousand eight hundred eighty-one (Pamphlet Laws 162), entitled "An act to prohibit the granting of a license for the sale of liquors to proprietors, lessees, keepers or managers of theaters or other places of amusement," absolutely.

Section four of the act, approved the twenty-eighth day of May, one thousand eight hundred eighty-five (Pamphlet Laws 27), entitled "An act supplementary to an act, entitled 'An act to protect children from neglect and cruelty, and relating to their employment, protection and adoption,' approved the eleventh day of June, one thousand eight hundred and seventy-nine, providing for the further protection of minors, and regulating the boarding and maintaining of infant children for hire," in so far as it relates to premises for which a hotel, restaurant or club liquor license or a retail dispenser's license is held.

The act, approved the twenty-fourth day of May, one thousand eight hundred eighty-seven (Pamphlet Laws 194), entitled "An act providing for the licensing of wholesale dealers in intoxicating liquors," absolutely.

The act, approved the second day of June, one thousand eight hundred ninety-one (Pamphlet Laws 173), 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," absolutely.

The act, approved the ninth day of June, one thousand eight hundred ninety-one (Pamphlet Laws 257), entitled "An act to restrain and regulate the sale of vinous and spirituous, malt or brewed liquors or any admixture thereof by wholesale," absolutely.

The act, approved the twentieth day of June, one thousand eight hundred ninety-three (Pamphlet Laws 474), entitled "An act authorizing distillers of spirituous or vinous liquors to sell such liquors of their own manufacture in original packages of not less than forty gallons, without being required to take out a license as is now required by existing laws," absolutely.

Section one of the act, approved the twenty-fifth day of May, one thousand eight hundred ninety-seven (Pam-

phlet Laws 93), entitled "An act relating to the prosecutions of licensed dealers and their employes on the charge of furnishing intoxicating liquors to minors, and prescribing the penalty therefor," absolutely.

The act, approved the twenty-first day of June, one thousand eight hundred ninety-seven (Pamphlet Laws 176), entitled "An act providing that the manufacturers who shall pay a certain sum, annually, into the Treasury of the Commonwealth, shall sell only malt or brewed liquors of their own manufacture to dealers only who have been licensed by the court," absolutely.

The act, approved the thirtieth day of July, one thousand eight hundred ninety-seven (Pamphlet Laws 464), 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," absolutely.

Section one of the act, approved the eleventh day of May, one thousand nine hundred one (Pamphlet Laws 162), entitled "A supplement to an act, entitled 'An act to restrain and regulate the sale of vinous and spirituous, malt or brewed liquors, or any admixture thereof,' approved the thirteenth day of May, Anno Domini one thousand eight hundred and eighty-seven," absolutely.

The act, approved the nineteenth day of June, one thousand nine hundred one (Pamphlet Laws 572), entitled "An act authorizing the several courts of quarter sessions of this Commonwealth to grant licenses to sell intoxicating liquors at retail, wholesale or by brewers for a longer or shorter period than one year in certain cases but only for the purpose of changing the date from which annual licenses shall thereafter run and take effect," absolutely.

The act, approved the twenty-second day of April, one thousand nine hundred three (Pamphlet Laws 257), entitled "An act to amend the second section of an act, entitled 'An act to protect certain domestic and private rights and prevent abuses in the sale and use of intoxicating drinks,' approved the eighth day of May, Anno Domini one thousand eight hundred and fifty-four, in relation to the penalties and fines therein prescribed, and giving the court discretionary power in relation thereto," absolutely.

Section one of the act, approved the twenty-second day of April, one thousand nine hundred three (Pamphlet Laws 259), entitled "An act providing for the payment of liquor license money to school districts, in townships in which the roads shall be made and repaired by taxpayers pursuant to the act of twelfth of June, Anno Domini one thousand eight hundred and ninety-three, and its supplements," absolutely.

The act, approved the twenty-third day of April, one thousand nine hundred three (Pamphlet Laws 265), entitled "A supplement to an act, entitled 'An act to restrain and regulate the sale of vinous and spirituous, malt or brewed liquors, or any admixture thereof,' approved the thirteenth day of May, Anno Domini one thousand eight hundred and eighty-seven," absolutely.

The act, approved the twenty-seventh day of April, one thousand nine hundred three (Pamphlet Laws 317), entitled "An act amending section three of an act, 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, store-keepers 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,' approved the thirtieth day of July, Anno Domini one thousand eight hundred and ninety-seven, by providing that, in counties having a population of more than five hundred thousand (500,000) and less than one million (1,000,000), the cost of publishing the list of applicants for liquor licenses shall be paid out of the general funds of the county, and not deducted from the fees paid by such applicants for expenses connected therewith," absolutely.

The act, approved the twenty-ninth day of March, one thousand nine hundred seven (Pamphlet Laws 38), entitled "An act to amend section two of an act, 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,' approved the thirtieth day of July, Anno Domini one thousand eight hundred and ninety-seven, by changing the

* "fee" omitted in original.

time when the treasurers of the respective counties shall pay all license funds to the State Treasurer and to the treasurers of the respective municipalities," absolutely.

The act, approved the twenty-seventh day of April, one thousand nine hundred seven (Pamphlet Laws 122), entitled "An act authorizing licensed wholesale liquor sellers and dealers to purchase vinous, spirituous, malt, or brewed liquors, in kegs, barrels, or otherwise in bulk, and to transfer the same into bottles or smaller packages; and to sell the same in such bottles or smaller packages, in certain quantities, and fixing the annual license-fee of such dealers in cities of the first class, second class, third class, and in boroughs and townships," absolutely.

The act, approved the twenty-ninth day of May, one thousand nine hundred seven (Pamphlet Laws 307), entitled "An act regulating the payment of retail liquor license-fees in this Commonwealth," absolutely.

The act, approved the twenty-second day of April, one thousand nine hundred nine (Pamphlet Laws 136), entitled "An act regulating the payment of brewers' wholesale and bottlers' license fees in this Commonwealth," absolutely.

The act, approved the second day of April, one thousand nine hundred thirteen (Pamphlet Laws 32), entitled "An act permitting any wholesale or retail licensed liquor dealer or bottler to keep such licensed place of business open during the pendency of any application for transfer of license," absolutely.

The act, approved the fourteenth day of May, one thousand nine hundred thirteen (Pamphlet Laws 203), entitled "An act to provide and fix fees and compensation to be received by constables in this Commonwealth for visiting places where liquors are sold or kept," absolutely.

The act, approved the twelfth day of June, one thousand nine hundred thirteen (Pamphlet Laws 490), entitled "An act prohibiting the offering or giving of premium by any person, partnership, or corporation, licensed to sell vinous, spirituous, malt, or brewed liquors at wholesale or retail, for the return of caps, stoppers, corks, stamps, or labels taken from any bottle, case, keg, barrel, or package containing such vinous, spirituous, malt, or brewed liquors, and providing a penalty for the violation thereof," absolutely.

Section one of the act, approved the twenty-second day of July, one thousand nine hundred thirteen (Pamphlet Laws 914), entitled "An act authorizing any person, firm or corporation, owning or operating distilleries producing only denatured alcohol for industrial purposes, and not for use as a beverage or for medicinal purposes, to operate such distillery without a license; regulating

the taxation of such corporations; requiring certain reports to be made to the Auditor General, and providing penalties," in so far as it exempts any person, firm or corporation owning or operating a distillery from the necessity of obtaining a license under the provisions of this act to operate such distillery.

The act, approved the seventeenth day of July, one thousand nine hundred seventeen (Pamphlet Laws 1020), entitled "An act amending an act, entitled 'An act prohibiting the offering or giving of premium, by any person, partnership, or corporation licensed to sell vinous, spirituous, malt, or brewed liquors, at wholesale or retail, for the return of caps, stoppers, corks, stamps, or labels taken from any bottle, case, keg, barrel, or package containing such vinous, spirituous, malt, or brewed liquors, and providing a penalty for the violation thereof,' approved the twelfth day of June, Anno Domini one thousand nine hundred thirteen; prohibiting the offer or *gift or premiums or presents as an inducement for the purchase of liquors, or for any other purpose," absolutely.

The act, approved the eighteenth day of July, one thousand nine hundred seventeen (Pamphlet Laws 1071), entitled "An act amending section one of an act, approved the fourteenth day of May, one thousand nine hundred thirteen, entitled 'An act to provide and fix fees and compensation to be received by constables in this Commonwealth for visiting places where liquors are sold or kept,'" absolutely.

The act, approved the twenty-sixth day of February, one thousand nine hundred nineteen (Pamphlet Laws 9), entitled "An act to amend section one of an 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,'" absolutely.

The act, approved the eighth day of May, one thousand nine hundred nineteen (Pamphlet Laws 167), entitled "An act providing for the refunding of liquor license fees and additional taxes to wholesale and retail dealers, brewers, distillers, rectifiers, compounders, bottlers, agents, and other persons, prevented from engag-

* "gifts" in original.

ing in business by order or regulation of the President or Secretary of War; providing for the return of the proportions thereof paid to municipalities and the Commonwealth; and making an appropriation," absolutely.

The act, approved the twenty-sixth day of June, one thousand nine hundred nineteen (Pamphlet Laws 673), entitled "An act permitting wholesale or retail dealers, brewers, distillers, rectifiers, compounders, bottlers, agents, or other persons licensed to deal in or sell any vinous, spirituous, malt or brewed liquors, to surrender licenses heretofore granted and issued; authorizing county treasurers to refund a proportionate amount of the annual license fee and additional license tax where such licenses have been surrendered or where the licensees have been prevented from selling thereunder by any State or Federal laws or regulation; and requiring the State Treasurer and the municipalities to contribute to the amount so refunded; and making an appropriation," absolutely.

The act, approved the twenty-first day of July, one thousand nine hundred nineteen (Pamphlet Laws 1069), entitled "An act to provide for the manufacture or distillation and sale of ethyl alcohol for medicinal, scientific, mechanical, commercial, and other lawful purposes, and the issuance of licenses therefor; and providing a penalty for violation of the provisions hereof," absolutely.

Section forty-two of the act, approved the seventeenth day of May, one thousand nine hundred twenty-one (Pamphlet Laws 869), entitled "An act providing for the organization, government, discipline, maintenance, and regulation of the armed land forces of this Commonwealth," in so far as it relates to liquor or malt or brewed beverages.

The act, approved the nineteenth day of February, one thousand nine hundred twenty-six (Pamphlet Laws 16), 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 for 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 manufac-

ture, denaturization, redistillation, recovery, reuse, holding in bond, holding in storage by bailees for hire, sale at wholesale, and transportation for hire, of any alcohol or alcoholic liquid, by certain persons; also providing for fees and the disposition thereof; also authorizing the inspection of the records of 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," absolutely.

The act, approved the third day of May, one thousand nine hundred thirty-three (Pamphlet Laws 252), entitled "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," absolutely.

The act, approved the twenty-ninth day of November, one thousand nine-hundred thirty-three (Pamphlet Laws 13, (1933-34)), entitled "An act creating an independent administrative board to be known as the Pennsylvania Liquor Control Board," absolutely.

The act, approved the twenty-ninth day of November, one thousand nine hundred thirty-three (Pamphlet Laws 15, (1933-34)), entitled "An act to regulate and restrain the sale, importation, and use of certain alcoholic beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board, the Department of Public Instruction, other officers of the State government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, *connections with, and transactions in such beverages by licensees and others; making disposition of the receipts from State stores and of license fees; and imposing penalties," absolutely.

* "connection" in original.

The act, approved the eighth day of December, one thousand nine hundred thirty-three (Pamphlet Laws 57, (1933-34)), entitled "An act to amend the title and certain sections of the act, approved the nineteenth day of February, one thousand nine hundred 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 *manufacturer, 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'; 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, of any alcohol or alcoholic liquid, by certain persons; also providing for fees and the disposition thereof; also authorizing the inspection of the records of 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, by providing that the act shall be administered by the Pennsylvania Liquor Control Board; making the act consistent with the repeal of the Eighteenth Amendment; changing definitions and exemptions; bringing rectifiers and blenders within the act; allowing appeals to the courts; providing for the abatement of nuisances; and increasing fees," absolutely.

The act, approved the twentieth day of December, one thousand nine hundred thirty-three (Pamphlet Laws 75, (1933-34)), entitled "An act to amend the title and certain sections of the act, approved the third day of May, one thousand nine hundred thirty-three (Act number **ninety-one), entitled '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,

* "manufacturing" in original.

** "92" in original.

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,' by limiting the provisions of the act to malt liquors, as defined therein, and clarifying certain provisions of the act," absolutely.

The act, approved the eighteenth day of July, one thousand nine hundred thirty-five (Pamphlet Laws 1217), entitled "An act to reenact and amend the title and the act, approved the third day of May, one thousand nine hundred and thirty-three (Pamphlet Laws, two hundred fifty-two), entitled '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,' as amended, by providing for the issue by the county treasurer of retail dispensers' licenses, and by the Pennsylvania Liquor Control Board of distributors', importing distributors', and manufacturers' licenses; regulating the business of manufacturers of malt and brewed beverages; and providing for the issue of public service licenses and special permits relating to entertainment and transportation for hire by said board; changing, fixing, and providing for the fixing of permit and license fees, and providing for the disposition thereof; providing for the abatement of nuisances; providing for the revocation and suspension of licenses by the court of quarter sessions and the board; further regulating the manufacture, sale, transportation and traffic in malt and brewed beverages; prescribing penalties; and repealing inconsistent acts," absolutely.

The act, approved the eighteenth day of July, one thousand nine hundred thirty-five (Pamphlet Laws 1246), entitled "An act to reenact and amend the title and the act approved the twenty-ninth day of November, one thousand nine hundred and thirty-three (Pam-

phlet Laws, fifteen—one thousand nine hundred thirty-three-one thousand nine hundred thirty-four), entitled 'An act to regulate and restrain the sale, importation, and use of certain alcoholic beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board, the Department of Public Instruction, other officers of the State government, courts and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, connections with, and transactions in such beverages by licenses and others; making disposition of the receipts from State stores and of license fees; and imposing penalties,' by extending the provisions of said act to the manufacture and possession of alcohol, alcoholic beverages and malt or brewed beverages; permitting licensees to sell malt or brewed beverages for consumption off premises; providing for the revocation and suspension of licenses by the board and the court of quarter sessions, and conferring additional powers and imposing additional duties on the board, including power to fix the form and capacity of packages and containers, and the duty to require certain manufacturers and other persons to secure permit and pay permit fees; conferring power on agents of the board to arrest on view without warrant and to confiscate property unlawfully used, and providing for the destruction and disposition thereof; providing for the disposition of license and filing fees; providing that fines and penalties collected shall be for the use of counties; legalizing the home manufacture and possession of wine; extending the civil service provisions of this act; further regulating the manufacture, sale and traffic in alcohol, alcoholic beverages and malt and brewed beverages; prescribing penalties and repealing existing laws," absolutely.

The act, approved the eighteenth day of July, one thousand nine hundred thirty-five (Pamphlet Laws 1283), entitled "An act to amend clauses (i) and (l) of section two, and section three of the act, approved the nineteenth day of February, one thousand nine hundred and twenty-six (Pamphlet Laws, sixteen), entitled, as amended 'An act regulating, under permit, through the Pennsylvania Liquor Control Board, the manufacture, production, distillation, development, use in manufacture, * denaturization, redistillation, rectification, blend-

* "production, distillation, development, use in manufacture," repeated in original.

ing, recovery, reuse, holding in bond, holding in storage by bailees for hire, and transportation for hire, of any alcohol, alcoholic liquid or alcoholic beverage, by certain persons; requiring the registration of Federal permits; also providing for fees and the disposition thereof, and for appeals to the courts; also authorizing the inspection of the records of permittees and purchasers of said alcohol, alcoholic liquid, and alcoholic beverages; 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,' as amended; further defining distilleries and wineries; and providing for the licensure and rights of manufacturers of wine," absolutely.

The act, approved the sixteenth day of June, one thousand nine hundred thirty-seven (Pamphlet Laws 1762), entitled "An act to re-enact and further amend the title and the act, approved the twenty-ninth day of November, one thousand nine hundred and thirty-three (Pamphlet Laws, fifteen—one thousand nine hundred thirty-three—thirty-four), entitled, as amended 'An act to regulate and restrain the sale, manufacture, possession, transportation, importation, traffic in, and use of alcohol, and alcoholic and malt or brewed beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents, the Department of Public Instruction, other officers of the State government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on and off the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, connection with, and transactions in such beverages by licensees and others; making disposition of the receipts from State stores and of fees; and imposing penalties,' further regulating the manufacture, sale, importation, use, and traffic in liquors, alcohol, and malt and brewed beverages; conferring additional powers and imposing additional duties on the Pennsylvania Liquor Control Board; further regulating those licensed under this act; imposing additional filing fees; and increasing fees for certain permits; and providing for the disposition thereof; further regulating the establishment of State liquor stores, and the employment and use of personnel by the board; regulating and providing the procedure for the granting, transfer, revocation, and suspension of licenses, and for compromises in certain cases, and the disposition of moneys arising therefrom; providing

for the forfeiture of certain property; regulating the jurisdiction of courts, and local option procedure; prohibiting certain interlocking business; and providing penalties," absolutely.

The act, approved the sixteenth day of June, one thousand nine hundred thirty-seven (Pamphlet Laws 1811), entitled "An act to re-enact and amend the act, approved the nineteenth day of February, one thousand nine hundred twenty-six (Pamphlet Laws, sixteen), entitled, as amended 'An act regulating, under permit, through the Pennsylvania Liquor Control Board, the manufacture, production, distillation, development, use in manufacture, denaturization, redistillation, rectification, blending, recovery, reuse, holding in bond, holding in storage by bailees for hire, and transportation for hire, of any alcohol, alcoholic liquid or alcoholic beverage, by certain persons; requiring the registration of Federal permits; also providing for fees and the disposition thereof, and for appeals to the courts; also authorizing the inspection of the records of permittees and purchasers of said alcohol, alcoholic liquid, and alcoholic beverages; 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,' further regulating the manufacture, sale, use, and traffic in alcohol and alcoholic liquids; conferring additional powers and imposing additional duties upon the Pennsylvania Liquor Control Board; further regulating those licensed under this act; imposing filing fees; changing the method of calculating certain license fees; providing for the use of the word "license" instead of "permit"; regulating and providing the procedure for the granting, suspension, and revocation of licenses, and for compromises in certain cases; providing for the disposition of fees, compromise penalties, and forfeitures; regulating the jurisdiction of courts; and providing penalties," absolutely.

The act, approved the sixteenth day of June, one thousand nine hundred thirty-seven (Pamphlet Laws 1827), entitled "An act to re-enact and further amend the title and the act, approved the third day of May, one thousand nine hundred and thirty-three (Pamphlet Laws, two hundred fifty-two), entitled, as amended 'An act to regulate and restrain the traffic in malt and brewed beverages, as herein defined; providing for the licensing of the manufacture, transportation, sale and distribution of such beverages; imposing license and permit 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 Pennsylvania Liquor Control Board, quarter sessions courts, district attorneys, the Department of Justice, proper authorities of political subdivisions of the State, and election officers; providing penalties; and repealing existing acts,' defining and further defining and regulating licensees, application for licenses, and sales by licensees, and fixing fees for amusement permits; regulating the granting, suspension, revocation, and transfer of licenses, and the procedure therefor, and conferring jurisdiction on certain courts; providing for the granting of licenses by the Pennsylvania Liquor Control Board instead of the county treasurer, and prescribing the powers and duties of said board; providing for compromises where licenses are suspended, and for the disposition of application license permit fees, forfeitures, and penalties; and providing penalties," absolutely.

The act, approved the twenty-fifth day of June, one thousand nine hundred thirty-seven (Pamphlet Laws 2073), entitled "An act to amend section five of the act, approved the twenty-ninth day of November, one thousand nine hundred thirty-three (One thousand nine hundred thirty-three-one thousand nine hundred thirty-four—Pamphlet Laws, thirteen), entitled 'An act creating an independent administrative board to be known as the Pennsylvania Liquor Control Board,' by making further provision with respect to the fidelity bonds of the members, secretary, and employes of the board," absolutely.

The act, approved the twenty-sixth day of June, one thousand nine hundred thirty-nine (Pamphlet Laws 764), entitled "An act to regulate and restrain the sale, purchase, exchange, pledge, and dealing in distillery bonded warehouse certificate for whiskey or any other potable distilled spirits, except ethyl alcohol; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board; authorizing the granting of permits and registration of agents to deal in such certificates, and the suspension and revocation of such permits and registration of agents; providing for hearings and appeals to the court of common pleas; forbidding transaction in such certificates in this State except as herein provided; prescribing and imposing penalties; and providing for the disposition of filing, registration and permit fees," absolutely.

The act, approved the twenty-fourth day of June, one thousand nine hundred thirty-nine (Pamphlet Laws 802), entitled "An act to further amend clause (a) of section four hundred and seven of the act, approved the

twenty-ninth day of November, one thousand nine hundred and thirty-three (Pamphlet Laws, fifteen, 1933-34), entitled, as amended 'An act to regulate and restrain the sale, manufacture, possession, transportation, importation, traffic in, and use of alcohol, and alcoholic and malt or brewed beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents, the Department of Public Instruction, other officers of the State government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on and off the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, connection with, and transactions in such beverages by licensees and others; providing for the forfeiture of certain property; making disposition of the receipts from State stores and of fees; and imposing penalties,' changing the fees for hotel and restaurant liquor licenses in certain cases," absolutely.

The act, approved the twenty-fourth day of June, one thousand nine hundred thirty-nine (Pamphlet Laws 804), entitled "An act to amend clause (e) of section six hundred and nine of the act, approved the twenty-ninth day of November, one thousand nine hundred and thirty-three (Pamphlet Laws, fifteen, 1933-34), entitled, as amended 'An act to regulate and restrain the sale, manufacture, possession, transportation, importation, traffic in, and use of alcohol, and alcoholic and malt or brewed beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents, the Department of Public Instruction, other officers of the State government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on and off the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices, in connection with, and transactions in such beverages by licensees and others; providing for the forfeiture of certain property; making disposition of the receipts from State stores and of fees; and imposing penalties,' as reenacted and amended permitting hotel, restaurant and club licensees to own land but not the buildings thereon where such land is leased and the buildings owned by a holder of a retail dispenser's license under the beverage license law," absolutely.

The act, approved the twenty-fourth day of June, one thousand nine hundred thirty-nine (Pamphlet Laws 806), entitled "An act limiting the number of licenses for the retail sale of liquor, malt or brewed beverages, or malt and brewed beverages, to be issued by the Pennsylvania Liquor Control Board; defining hotels, and prescribing the accommodations required of hotels in certain municipalities," except insofar as the provisions of section one, as amended, shall apply to hotel licenses granted prior to the first day of September, one thousand nine hundred forty-nine, or granted on any application made and pending prior to said date, or to any renewal or transfer of such licenses, or to hotels under construction or for which a bona fide contract had been entered into for construction prior to said date.

The act, approved the eighteenth day of July, one thousand nine hundred forty-one (Pamphlet Laws 408), entitled "An act relative to the employment of females in hotels, taverns, saloons and eating houses for the mixing or sale of alcoholic drinks, and the penalty for violation thereof," absolutely.

The act, approved the twenty-fourth day of July, one thousand nine hundred forty-one (Pamphlet Laws 480), entitled "An act to further amend section two of the act, approved the third day of May, one thousand nine hundred thirty-three (Pamphlet Laws, two hundred fifty-two), entitled, as amended, 'An act to regulate and restrain the traffic in malt and brewed beverages, as herein defined; providing for the licensing of the manufacture, transportation, sale and distribution of such beverages; imposing license and permit 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 the Pennsylvania Liquor Control Board, quarter sessions courts, district attorneys, the Department of Justice, proper authorities of political subdivisions of the State, and election officers; providing penalties; and repealing existing acts,' by permitting clubs to waive or reduce or pay dues payable by members in military service," absolutely.

The act, approved the twenty-fourth day of July, one thousand nine hundred forty-one (Pamphlet Laws 483), entitled "An act to further amend section two of the act, approved the twenty-ninth day of November, one thousand nine hundred thirty-three (Pamphlet Laws, fifteen, 1933-34), entitled 'An act to regulate and restrain the sale, manufacture, possession, transportation,

importation, traffic in, and use of alcohol, and alcoholic and malt or brewed beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents, the Department of Public Instruction, other officers of the State government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on and off the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, connection with, and transactions in such beverages by licensees and others; providing for the forfeiture of certain property; making disposition of the receipts from State stores and of fees; and imposing penalties,' by permitting clubs to waive or reduce or pay dues payable by members in military service," absolutely.

The act, approved the sixteenth day of April, one thousand nine hundred forty-three (Pamphlet Laws 60), entitled "An act to further amend section four hundred ten of the act, approved the twenty-ninth day of November, one thousand nine hundred and thirty-three (Pamphlet Laws, fifteen, one thousand nine hundred thirty-three and thirty-four), entitled, as amended 'An act to regulate and restrain the sale, manufacture, possession, transportation, importation, traffic in, and use of alcohol, and alcoholic and malt or brewed beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents, the Department of Public Instruction, other officers of the State government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on and off the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, connection with, and transactions in such beverages by licensees and others; providing for the forfeiture of certain property; making disposition of the receipts from State stores and of fees; and imposing penalties,' by postponing the time for the taking effect of orders of the Pennsylvania Liquor Control Board, suspending or revoking licenses for a period of twenty days, during which time the licensee may take an appeal," absolutely.

The act, approved the twenty-first day of May, one thousand nine hundred forty-three (Pamphlet Laws 332), entitled "An act to further amend subsection

fourteen of section six hundred two of the act, approved the twenty-ninth day of November, one thousand nine hundred and thirty-three (Pamphlet Laws, fifteen—1933-34) entitled, as amended 'An act to regulate and restrain the sale, manufacture, possession, transportation, importation, traffic in, and use of alcohol, and alcoholic and malt or brewed beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents, the Department of Public Instruction, other officers of the State government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on and off the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales of practices in, connection with, and transactions in such beverages by licensees and others; providing for the forfeiture of certain property; making disposition of the receipts from State stores and of fees; and imposing penalties'; exempting certain coin operated motion picture machines from provisions of the act requiring special permits," absolutely.

The act, approved the twenty-first day of May, one thousand nine hundred forty-three (Pamphlet Laws 374), entitled "An act to further amend section sixteen of the act, approved the third day of May, one thousand nine hundred thirty-three (Pamphlet Laws, two hundred fifty-two), entitled, as amended 'An act to regulate and restrain the traffic in malt and brewed beverages, as herein defined; providing for the licensing of the manufacture, transportation, sale and distribution of such beverages; imposing license and permit 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 the Pennsylvania Liquor Control Board, quarter sessions courts, district attorneys, the Department of Justice, proper authorities of political subdivisions of the State, and election officers; providing penalties; and repealing existing acts,' by providing for the surrendering by persons in military service of licenses granted to them, the renewal thereof by the board during the licensee's continuance in such service, and the renewal thereof thereafter," absolutely.

* "township" in original.

The act, approved the twenty-first day of May, one thousand nine hundred forty-three (Pamphlet Laws 401), entitled "An act to amend section four hundred nine of the act, approved the twenty-ninth day of November, one thousand nine hundred thirty-three (Pamphlet Laws, fifteen, 1933-34), entitled, as amended 'An act to regulate and restrain the sale, manufacture, possession, transportation, importation, traffic in, and use of alcohol, and alcoholic and malt or brewed beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents, the Department of Public Instruction, other officers of the State government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on and off the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, connection with, and transactions in such beverages by licensees and others; providing for the forfeiture of certain property; making disposition of the receipts from State stores and of fees; and imposing penalties,' by providing for the surrendering by persons in military service of licenses granted to them, the renewal thereof by the board during licensee's continuance in such service, and the renewal thereof thereafter," absolutely.

The act, approved the twenty-first day of May, one thousand nine hundred forty-three (Pamphlet Laws 403), entitled "An act to further amend sections two, three hundred five, section six hundred two and section six hundred three of the act, approved the twenty-ninth day of November, one thousand nine hundred thirty-three (Pamphlet Laws, fifteen—1933-34), entitled, as amended 'An act to regulate and restrain the sale, manufacture, possession, transportation, importation, traffic in, and use of alcohol, and alcoholic and malt or brewed beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents, the Department of Public Instruction, other officers of the State government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on and off the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, connection with, and transactions in such beverages by licensees and others; providing for the forfeiture of

certain property; making disposition of the receipts from State stores and of fees; and imposing penalties,' by defining "Official Seal"; authorizing the designation of wholesale or retail stores; authorizing the Pennsylvania Liquor Control Board to adopt and enforce rules and regulations, to insure the equitable wholesale and retail sale and distribution of liquor and alcohol through the Pennsylvania liquor stores during times of shortage, and making it unlawful to violate any such rules and regulations," absolutely.

The act, approved the twenty-seventh day of May, one thousand nine hundred forty-three (Pamphlet Laws 688), entitled "An act to further amend sections four hundred four and four hundred ten of the act, approved the twenty-ninth day of November, one thousand nine hundred thirty-three (Pamphlet Laws fifteen—1933-34), entitled, as amended 'An act to regulate and restrain the sale, manufacture, possession, transportation, importation, traffic in, and use of alcohol, and alcoholic and malt or brewed beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents, the Department of Public Instruction, other officers of the State government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on and off the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, connection with, and transactions in such beverages by licensees and others; providing for the forfeiture of certain property; making disposition of the receipts from State stores and of fees; and imposing penalties,' conferring jurisdiction on the county court of Allegheny County, in cases of appeals from the Pennsylvania Liquor Control Board," absolutely.

The act, approved the twenty-seventh day of May, one thousand nine hundred forty-three (Pamphlet Laws 694), entitled "An act to further amend sections seven and thirteen of the act, approved the third day of May, one thousand nine hundred thirty-three (Pamphlet Laws, two hundred fifty-two), entitled, as amended 'An act to regulate and restrain the traffic in malt and brewed beverages, as herein defined; providing for the licensing of the manufacture, transportation, sale and distribution of such beverages; imposing license and permit 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 the Pennsylvania Liquor Control Board, quarter sessions courts, district attorneys, the Department of Justice, proper authorities of political subdivisions of the State, and election officers; providing penalties; and repealing existing acts,' conferring jurisdiction on the county court of Allegheny County in cases of appeals from the Pennsylvania Liquor Control Board," absolutely.

The act, approved the twenty-third day of May, one thousand nine hundred forty-seven (Pamphlet Laws 287), entitled "An act providing that the statement of registration issued to electors and his signed declaration of age shall be sufficient proof of age for the purchase of alcoholic beverages; prohibiting transfers thereof and false statements; imposing penalties, and saving from prosecution licensees serving holders of such statements making such declarations," absolutely.

The act, approved the fourteenth day of April, one thousand nine hundred forty-nine (Pamphlet Laws 481), entitled "An act to further amend section five of the act, approved the nineteenth day of February, one thousand nine hundred twenty-six (Pamphlet Laws 16), entitled, as amended 'An act regulating, under permit, through the Pennsylvania Liquor Control Board, the manufacture, production, distillation, development, use in manufacture, denaturization, redistillation, rectification, blending, recovery, reuse, holding in bond, holding in storage by bailees for hire, and transportation for hire, of any alcohol, alcoholic liquid or alcoholic beverage, by certain persons; requiring the registration of Federal permits; also providing for fees and the disposition thereof, and for appeals to the courts; also authorizing the inspection of the records of permittees and purchasers of said alcohol, alcoholic liquid, and alcoholic beverages; 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,' by exempting scheduled common carriers by air of mail and passengers from license requirement," absolutely.

The act, approved the twenty-eighth day of April, one thousand nine hundred forty-nine (Pamphlet Laws 764), entitled "An act to further amend section four hundred twelve and subsections (9) and (10) of section six hundred two of the act, approved the twenty-ninth day of November, one thousand nine hundred thirty-three (Pamphlet Laws 15, 1933-34), entitled, as amended 'An act to regulate and restrain the sale, manufacture, possession, transportation, importation, traffic in, and

use of alcohol, and alcoholic and malt or brewed beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents, the Department of Public Instruction, other officers of the State government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on and off the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, connection with, and transactions in such beverages by licensees and others; providing for the forfeiture of certain property; making disposition of the receipts from State stores and of fees; and imposing penalties,' by further regulating advertisements allowed on and about licensed premises and increasing the quantity of malt or brewed beverages which may be sold in a single sale by certain licensees for consumption off premises," absolutely.

The act, approved the twenty-eighth day of April, one thousand nine hundred forty-nine (Pamphlet Laws 769), entitled "An act to further amend the act, approved the third day of May, one thousand nine hundred thirty-three (Pamphlet Laws 252), entitled, as amended, 'An act to regulate and restrain the traffic in malt and brewed beverages, as herein defined; providing for the licensing of the manufacture, transportation, sale and distribution of such beverages; imposing license and permit 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 the Pennsylvania Liquor Control Board, quarter sessions courts, district attorneys, the Department of Justice, proper authorities of political subdivisions of the State, and election officers; providing penalties; and repealing existing acts,' by providing the quantity of malt or brewed beverages to be sold by any manufacturer, distributor, importing distributor, or retail dispenser; further regulating advertisements allowed on and about licensed premises," absolutely.

The act, approved the second day of May, one thousand nine hundred forty-nine (Pamphlet Laws 896), entitled "An act to further amend subsection fourteen of section six hundred two of the act, approved the twenty-ninth day of November, one thousand nine

hundred and thirty-three (Pamphlet Laws 15, 1933-34), entitled, as amended 'An act to regulate and restrain the sale, manufacture, possession, transportation, importation, traffic in, and use of alcohol, and alcoholic and malt or brewed beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents, the Department of Public Instruction, other officers of the State Government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on and off the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, connection with, and transactions in such beverages by licensees and others; providing for the forfeiture of certain property; making disposition of the receipts from State stores and of fees; and imposing penalties,' by exempting television exhibitions from provisions of the act requiring special permits," absolutely.

The act, approved the ninth day of May, one thousand nine hundred forty-nine (Pamphlet Laws 964), entitled "An act to amend section one of the act, approved the twenty-fourth day of June, one thousand nine hundred thirty-nine (Pamphlet Laws 806), entitled 'An act limiting the number of licenses for the retail sale of liquor, malt or brewed beverages, or malt and brewed beverages, to be issued by the Pennsylvania Liquor Control Board; defining hotels, and prescribing the accommodations required of hotels in certain municipalities,' changing the requirements necessary for a hotel to qualify under said act," except in so far as it shall apply to hotel licenses granted prior to September first, one thousand nine hundred forty-nine, or granted on any application made and pending prior to said date, or to any renewal or transfer of such licenses, or to hotels under construction or for which a bona fide contract had been entered into for construction prior to said date.

The act, approved the twentieth day of May, one thousand nine hundred forty-nine (Pamphlet Laws 1482), entitled "An act to further amend section four hundred fifteen of the act, approved the twenty-ninth day of November, one thousand nine hundred and thirty-three (Pamphlet Laws, fifteen—one thousand nine hundred thirty-three and thirty-four), entitled, as amended 'An act to regulate and restrain the sale, manufacture, possession, transportation, importation, traffic in, and use of alcohol, and alcoholic and malt or brewed beverages; conferring powers and imposing duties upon the Penn-

sylvania Liquor Control Board and its agents, the Department of Public Instruction, other officers of the State government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on and off the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, connection with, and transactions in such beverages by licensees and others; providing for the forfeiture of certain property; making disposition of the receipts from State stores and of fees; and imposing penalties,' by permitting holders of importers' licenses to sell liquor when in original containers of ten gallons or greater capacity to licensed manufacturers within this Commonwealth," absolutely.

The act, approved the twentieth day of May, one thousand nine hundred forty-nine (Pamphlet Laws 1546), entitled "An act to amend the act, approved the third day of May, one thousand nine hundred thirty-three (Pamphlet Laws 252), entitled, as amended 'An act to regulate and restrain the traffic in malt and brewed beverages, as herein defined; providing for the licensing of the manufacture, transportation, sale and distribution of such beverages; imposing license and permit 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 the Pennsylvania Liquor Control Board, quarter sessions courts, district attorneys, the Department of Justice, proper authorities of political subdivisions of the State, and election officers; providing penalties; and repealing existing acts,' by further defining the parties who may appeal and the powers of courts in certain appeals from the board and providing for certain appeals to the Superior Court," absolutely.

The act, approved the twentieth day of May, one thousand nine hundred forty-nine (Pamphlet Laws 1551), entitled "An act to amend the act, approved the twenty-ninth day of November, one thousand nine hundred thirty-three (Pamphlet Laws 15, 1933-34), entitled, as amended 'An act to regulate and restrain the sale, manufacture, possession, transportation, importation, traffic in, and use of alcohol, and alcoholic and malt or brewed beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents, the Department of Public In-

struction, other officers of the State government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on and off the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, connection with, and transactions in such beverages by licensees and others; providing for the forfeiture of certain property; making disposition of the receipts from State stores and of fees; and imposing penalties,' by further defining the parties who may appeal and the powers of courts in certain appeals from the board and providing for certain appeals to the Superior Court," absolutely.

Section 902. General Repeal Clause.—All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

APPROVED—The 12th day of April, A. D. 1951.

JOHN S. FINE

No. 22

AN ACT

To further amend subsection A of section 201 of the act, approved the fifteenth day of May, one thousand nine hundred thirty-three (Pamphlet Laws 624), entitled, as amended, "An act relating to the business of banking, and to the exercise of fiduciary powers by corporations; providing for the organization of corporations with fiduciary powers, and of banking corporations, with or without fiduciary powers, including the conversion of National banks into State banks, and for the licensing of private bankers and employes' mutual banking associations; defining the rights, powers, duties, liabilities, and immunities of such corporations, of existent corporations authorized to engage in a banking business, with or without fiduciary powers, of private bankers and employes' mutual banking associations, and of the officers, directors, trustees, shareholders, attorneys, and other employes of all such corporations, employes' mutual banking associations or private bankers, or of affiliated corporations, associations, or persons; restricting the exercise of banking powers by any other corporation, association, or *person, and of fiduciary powers by any other corporation; conferring powers and imposing duties upon the courts, prothonotaries, recorders of deeds, and certain State

* "persons" in original.