

LEGISLATURE OF PENNSYLVANIA.

FILE OF THE HOUSE OF REPRESENTATIVES.

No. **1142** Session of
1919.

INTRODUCED BY MR. VICKERMAN, MARCH 31, 1919.

REFERRED TO COMMITTEE ON LAW AND ORDER,
APRIL 1, 1919.

AN ACT

Providing for the appointment of a prohibition commissioner and deputy commissioners fixing their salaries and providing for the payment of their expenses defining the powers and duties of the commissioner and his deputies relative to the administration and enforcement of the laws of the Commonwealth relating to the manufacture sale and distribution of intoxicating liquors and the liquor traffic including the power to subpoena witnesses providing penalties and making an appropriation

1 Section 1 *Be it enacted by the Senate and House of Repre-*
2 *sentatives of the Commonwealth of Pennsylvania in General Assembly*
3 *met and it is hereby enacted by the authority of the same That:*
4 *on or before the first day of January one thousand*
5 *nine hundred and twenty the Governor by and with the*
6 *advice and consent of the Senate shall appoint a prohi-*
7 *bition commissioner for the Commonwealth of Pennsylvania.*

1 The prohibition commissioner shall hold office for a term
2 of four years and until his successor is appointed and
3 qualified. The commissioner so appointed shall receive an
4 annual salary of six thousand dollars and in addition
5 thereto he shall be paid his actual and necessary
6 expenses incurred in the performance of his duties. The
7 prohibition commissioner shall before entering upon the
8 duties of his office take the oath of office prescribed by
9 the constitution and shall give bond to be approved by
10 the Governor in the sum of ten thousand dollars condi-
11 tioned for the faithful performance of the duties of his
12 office.

13 Section 2 The prohibition commissioner with the approval
14 of the Governor shall appoint eight deputies who shall
15 each receive an annual salary of three thousand dollars
16 together with their actual and necessary expenses incurred
17 in the performance of their duties. He may also appoint
18 clerks and stenographers as may be necessary and fix
19 their salaries. The deputy commissioners shall each take
20 the oath of office prescribed by the constitution and shall
21 give bond to be approved by the Governor in the sum
22 of five thousand dollars conditioned for the faithful perform-
23 ance of the duties of their respective offices.

24 Section 3 The prohibition commissioner and his deputies
25 shall be provided with suitable offices and office furniture
26 and supplies by the Board of Commissioners of Public
27 Grounds and Buildings. All printing and binding necessary
28 shall be furnished by the Department of Printing and

1 Binding upon his requisition of the prohibition commis-
2 sioner

3 Section 4 It shall be the duty of the prohibition com-
4 missioner after his appointment to divide the State into
5 eight districts and he shall assign one of the deputy
6 commissioners to each of said districts Each district shall
7 as near as may be practicable be of compact and con-
8 tiguous territory The prohibition commissioner may at any
9 time remove a deputy from a district and reassign him
10 to some other district

11 Section 5 The prohibition commissioner and his deputies
12 shall have general supervision of the administration and
13 enforcement of the laws now or hereafter enacted with
14 regard to the manufacture sale and distribution of intox-
15 icating liquors All applications for permits or licenses for
16 the manufacture sale or distribution of intoxicating liquors
17 in accordance with the laws of the Commonwealth now
18 in existence or hereafter to be enacted shall be made
19 to the deputy commissioner having jurisdiction over the
20 territory in which such application is made All applica-
21 tions shall be made on forms to be furnished by the
22 prohibition commissioner

23 Section 6 Any person dissatisfied with the action of
24 any deputy commissioner in relation to the granting or
25 refusal to grant of a permit or license may appeal from
26 the action of such deputy commissioner to the prohibition
27 commissioner whose action upon any such appeal shall be
28 final

29 Section 7 All fees collected by the several deputies

1 shall be immediately forwarded by such deputies to the
2 prohibition commissioner and shall by him be paid into
3 the State Treasury

4 Section 8 It shall be the duty of the commissioner
5 and his deputies to deligently enforce the laws of the
6 Commonwealth dealing with the manufacture sale and dis-
7 tribution of intoxicating liquors and to investigate all com-
8 plaints or violations of law made against any person
9 co-partnership association or corporation engaged in the
10 manufacture sale or distribtuion of intoxicating liquors
11 within his respective district Upon satisfactory proof of
12 any violation of law the permit of any offender shall
13 immediately be revoked by the deputy commissioner and
14 in addition thereto it shall be the duty of such deputy
15 commissioner to enforce the provisions of law so violated
16 The action of any deputy commissioner in revoking any
17 permit or license shall be subject to appeal to the
18 prohibition commissioner whose action upon such appeal
19 shall be final

20 Section 9 The Prohibition Commissioner and his depu-
21 ties shall secure evidence of the violation of the laws
22 of the Commonwealth regulating the liquor traffic and
23 shall make or cause to be made complains against vio-
24 lators when any evidence is secured In the conduct of
25 investigations the Prohibition Commissioner and any of his
26 deputies shall have power to subpoena witnesses to re-
27 quire their attendance to examine them and to require
28 the production of books papers and documents The Com-
29 missioner and each deputy shall have power to admin-

1 ister oaths and affirmations If any witness shall refuse to
2 appear and testify or to produce any books papers or
3 documents the Prohibition Commissioner or any of his dep-
4 uties may apply by petition to the Court of Quarter
5 Sessions of the county in which any such matter is be-
6 ing investigated which court shall thereupon issue its sub-
7 poena requiring the attendance of such person in court
8 to give testimony in relation to the matter being in-
9 quired into or to produce in court such books papers
10 and documents If any person shall refuse to obey the
11 subpoena of the court in such cases or shall refuse to
12 product any books papers or documents such person shall
13 be guilty of contempt and shall be punished accordingly
14 All subpoenas issued by the Prohibition Commissioner or any
15 of his deputies shall be signed under the hand and
16 seal of the person by whom the same is issued and
17 may be served anywhere within the Commonwealth by the
18 commissioner or any deputy or by any adult person No
19 evidence given in any such investigation shall be used in
20 any criminal prosecution against the person by whom the
21 evidence was given

22 Section 10 Any person who shall hinder obstruct or
23 interfere or attempt to hinder obstruct or interfere with
24 the Prohibition Commissioner or any deputy in the en-
25 forcement of the laws relating to the liquor traffic or
26 who shall fail to co-operate with the Prohibition Commis-
27 sioner or any of his deputies when called upon so to
28 do shall be guilty of a misdemeanor and upon conviction

1 thereof shall be sentenced to pay a fine of not less
2 than twenty-five dollars nor more than one hundred dollars to-
3 gether with costs of prosecution and in default of the
4 payment of such fine and costs such person shall be
5 sentenced to the county jail for a period of not more
6 than thirty days

7 Section 11 Whenever the Prohibition Commissioner shall
8 be in doubt whether or not the beverage manufactured by
9 any person co-partnership association or corporation is be-
10 ing manufactured or sold contrary to the laws of the
11 Commonwealth he shall secure samples of the same and
12 shall cause a chemical analysis to be made thereof by
13 the State Chemist The State Chemist shall make all
14 analyses issuing a report thereon as promptly as possible
15 to the Prohibition Commissioner and for such service there
16 shall be no charge

17 Section 12 The Prohibition Commissioner or any of his
18 deputies may arrest without warrant any person by them
19 or any of them detected in the act of violating any of
20 the laws relating to the manufacture sale or distribution
21 of intoxicating liquors or prohibiting liquor traffic and shall
22 take such person before a Justice of the Peace alderman
23 or magistrate or other officer having jurisdiction and enter
24 formal complaint

25 Section 13 The Prohibition Commissioner and any of
26 his deputies may make complaint and cause proceedings to
27 be commenced against any person for violation of any of
28 the laws of the Commonwealth in relation to the liquor
29 traffic and in any such case he shall not be obliged

1 to furnish security for costs The Prohibition Commissioner
2 or any of his deputies if an attorney or any attorney
3 employed by the Prohibition Commissioner may appear in
4 any court in any such case prosecuted for the violation
5 of the laws relating to the liquor traffic and assist the
6 district attorney of the county in the prosecution of such
7 case

8 Section 14 The Prohibition Commissioner or any of his
9 deputies shall have the same power to serve criminal pro-
10 cess as the sheriff of any county and shall have the
11 same right as the sheriff to require aid in executing
12 such process

13 Section 15 Nothing in this act contained shall in any
14 way relieve any officer of the Commonwealth or of any
15 county city borough town or township from the respon-
16 sibility of enforcing the laws relating to the liquor traffic

17 Section 16 If any of the provisions of this act shall
18 be held unconstitutional such decision shall not effect the
19 remaining provisions of this act

20 Section 17 The sum of one hundred thousand dollars
21 or so much thereof as may be necessary is hereby spe-
22 cifically appropriated for the payment of the salaries and
23 expenses of the Prohibition Commissioner and his deputies
24 and for otherwise carrying into effect the provisions of
25 this act