

No. 206.

AN ACT

Authorizing the citizens of certain counties, to decide by ballot whether the sale of vinous and spirituous liquors shall be continued in said counties..

SECTION 1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That

To decide by ballot, on the sale of spirits.

from and after the first day of January, one thousand eight hundred and forty-seven, it shall be lawful for the citizens of the several boroughs and townships of the counties of Chester, Susquehanna, Wyoming, Butler, Erie, Delaware, Tioga, Bradford, Crawford, M'Kean, Elk, Warren, Fayette, Allegheny, Mercer, Clearfield, Washington, Beaver, and the township and borough of Mount Pleasant, in the county of Wayne, and borough of Lewisburg, in Union county, at the annual elections for constables, and other township and borough officers in the said several boroughs, wards and townships, to decide by their votes, whether or not the sale of vinous and spirituous liquors shall be permitted among them for the then ensuing year; and it shall be the duty of the inspectors and judges of the said several boroughs, wards and townships, at the said elections, to receive tickets, either written or printed from the qualified voters thereof, labelled on the outside "sale of liquors," and in the inside "for the sale of liquors," or "against the sale of liquors," and to deposit the said tickets in a box to be provided for that purpose, by the said inspectors and judges as is now required by law, in case of tickets for officers to be elected at such election; and at the close of said election, the votes so deposited shall be counted, and an accurate return of the same shall be made to the clerks of the courts of quarter sessions of said counties, to be by them laid before the judges of said courts, with the other township election returns, on the first day of the courts after such election shall be held.

Election, how conducted.

Return.

Duties of election officers.

SECTION 2. That in receiving and counting said votes, and in making returns of the same, the said inspectors, judges and clerks of the election, shall be governed in all respects by the laws of this commonwealth now in force, or which may hereafter be enacted, regulating township elections; and all the penalties of the said election laws are hereby extended to the voters, judges, inspectors and clerks voting at, and attending upon the election to be held under the provisions of the first section of this act.

Offences against the act declared a public nuisance.

SECTION 3. That whenever, in any of the said boroughs, wards or townships, there shall be a majority of votes "against a sale of liquors," as aforesaid, then, and in that case, for the year next ensuing the first day of the then next regular term of the courts in said counties, it shall not be lawful for any person or persons to sell vinous or spirituous liquors within said boroughs, wards or townships; and it shall not be lawful for the court of quarter sessions to grant licenses to any inn or tavern within said boroughs, wards or townships, nor for the treasurer of the counties to issue any license to any retailer of merchandize for the sale of vinous or spirituous liquors within said boroughs, wards or townships for said year; and the sale of vinous and spirituous liquors within said boroughs, wards and townships, at any time during said year,

is hereby declared to be a public nuisance, and is hereby prohibited: *Provided*, That it shall be lawful to sell vinous and spirituous liquors *Proviso.* for medicinal and sacramental purposes, and to be used in the arts, in the manner hereinafter provided.

SECTION 4. That in such of the boroughs, wards and townships in said counties, as shall by a majority of votes polled as aforesaid, decide "against the sale of liquors," it shall be the duty of the judges of the court of quarter sessions of said counties, to license a competent number of persons as temperance house keepers for the public accommodation, without authority to sell either vinous or spirituous liquors, upon the same terms and conditions that inns and taverns are now licensed, except that the notice required to be published, by the first section of the act, entitled "An Act supplementary to the various acts relating to tavern licenses," passed March twenty-ninth, one thousand eight hundred and forty-one, shall not be deemed necessary; and such licenses shall be charged but one-half the sum now charged for licenses to retail vinous and spirituous liquors; and also to license a sufficient number of persons, the same being store keepers or apothecaries, not exceeding three in each borough, ward or township, to sell vinous and spirituous liquors for medicinal and sacramental purposes, and to be used in the arts, but for no other purpose whatever: *Provided*, That before said licenses shall be issued by the county treasurer, the applicant shall pay to said treasurer, for the use of the commonwealth, the sum of five dollars, in addition to the sum now required by law, to be paid for licenses to store keepers and apothecaries being venders of foreign merchandize. *When licenses may be granted by the court. Proviso.*

SECTION 5. That if any person or persons within any of the said boroughs, wards or townships, in which there shall have been given a majority of votes "against the sale of liquors," as aforesaid, shall, within one year next after the first day of the courts of the said counties, held next after the said election, sell and deliver, or cause to be sold and delivered, any vinous or spirituous liquors, to any person or persons, (except as provided for in this act) such person or persons so selling, shall be liable to indictment, and on conviction thereof, shall forfeit and pay for every such offence, a sum not less than twenty dollars, nor more than one hundred dollars. *Penalty for violation of this act.*

SECTION 6. That if any of the boroughs, wards and townships in said counties shall, by a majority of votes polled as aforesaid, decide "for a sale of liquors," then the laws now in force regulating the licensing of inns and taverns, and retailers of foreign goods and merchandize, including liquors, shall remain in force, and apply to the said boroughs, wards and townships, as if this act had not been passed; and all laws hereby supplied or altered, are hereby repealed. *Present license laws to continue, where the question is decided in favor of selling spirits, &c.*

FINDLEY PATTERSON,
Speaker of the House of Representatives.

DANIEL L. SHERWOOD,
Speaker of the Senate.

APPROVED—The seventh day of April, one thousand eight hundred and forty-six.

FRS. R. SHUNK.