

possessed by any justice of the peace of this Commonwealth.

Charges.
Court of inquiry.

Such charges may be of disability for service, in which case the court shall be one of inquiry, whose decision may be for the honorable discharge from the service of the person concerned; or, of neglect or violation of law or duty, inefficiency, intemperance, disobedience of orders, or unbecoming official or personal conduct, in which cases the court shall be one of trial, and its decision may authorize the director of the department of public safety to impose fines and pecuniary penalties, to be stopped from pay, or to suspend from pay or duty, or both, for a period fixed by them, not exceeding one year, or to dismiss from the service. *The right of appeal of the decision of the trial board shall be made within five days to the civil service board.*

Court of trial.

Fines and
pecuniary
penalties.

Director of
public safety
may suspend
anyone under
charges.

It shall be lawful for the director of the department of public safety, at his discretion, to suspend from duty before trial any person charged, as aforesaid, until such trial can be had, with or without pay as such court shall afterward determine, but no trial shall be delayed for more than one month after charge has been made.

Act of April 14,
1931 (P. L. 33),
repealed in so far
as it relates to
cities of the
second class.

Section 2. The act approved the fourteenth day of April, one thousand nine hundred and thirty-one (Pamphlet Laws, thirty-eight), entitled, as amended "An act regulating the removal or dismissal of policemen and firemen in cities of the second class A, and the removal of policemen in cities of the second class," and its amendments, are hereby repealed in so far as they relate to cities of the second class.

When effective.

Section 3. This act shall become effective immediately upon its final enactment.

APPROVED—The 15th day of June, A. D. 1937.

GEORGE H. EARLE

No. 370

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.

Section 1. Be it enacted, &c., That the title of and the entire 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," as re-enacted and amended by the act, approved the eighteenth day of July, one thousand nine hundred and thirty-five (Pamphlet Laws, one thousand two hundred forty-six), are hereby re-enacted and further amended to read as follows:

Title and act, November 29, 1933 (P. L. 15-1933-34), as amended by act of July 18, 1935 (P. L. 1246), re-enacted and further 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.

ARTICLE I

SHORT TITLE AND PRELIMINARY PROVISIONS

"Pennsylvania
Liquor Control
Act."

Section 1. Short Title.—This act shall be known, and may be cited, as the "Pennsylvania Liquor Control Act."

Section 2. Definitions.—The following words or phrases, unless the context clearly indicates otherwise, shall have the meanings ascribed to them in this section:

"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 of this Commonwealth.

"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 shall be only secondary which, if incorporated, has been in continuous existence and operation for at least [six months] *one year, and if first licensed after the effective date of these amendments, 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 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 successors.* [Any cessation of continuous activity shall be reason for refusal to grant the license.] 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.*

"Original container" shall mean all bottles, casks, kegs or other suitable containers that have been securely

capped, sealed or corked by the manufacturer 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 to the cap or cork used in sealing the same, or to a label securely affixed to a bottle.*

“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.

“Hotel” shall mean any reputable place, operated by responsible persons of good reputation, where the public may, for a consideration, obtain sleeping accommodations with 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.

The word “alcohol” means ethyl alcohol *originally* produced by the distillation of any fermented liquid, whether rectified or diluted with, or without water, whatever may be the origin thereof, and [includes] *shall include* synthetic ethyl alcohol, *but shall* [It does] not mean *or include* ethyl alcohol, whether or not diluted, that has been denatured, or otherwise rendered unfit for beverage purposes.

“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, [and] *including* all drinks or drinkable liquids, preparations or mixtures, *and reused, recovered or redistilled denatured alcohol* [intended] *usable or taxable* for beverage purposes, 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 liquor containing one-half of one per centum or more of alcohol by volume, by whatever name such liquor may be called.

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

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

* “maufacturer” in the original.

“Package” shall mean any container or containers, or receptacle or receptacles, used for holding liquor *or* alcohol, [and malt or brewed beverages] as marketed by the manufacturer.

“Person.” Every 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.

“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.

“Sale” or “Sell” shall include any transfer of liquor, *alcohol*, or malt or brewed beverages for a consideration. [And any gift in connection with, or as a part of, a transfer of property other than liquor, or malt or brewed beverages, for a consideration.]

Section 3. 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 transactions in liquor, [and] alcohol, *and malt or brewed beverages* which take place [wholly within the] *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 importation, sale, and disposition of liquor, [and] 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

GENERAL POWERS AND DUTIES OF PENNSYLVANIA LIQUOR CONTROL BOARD

Section 201. 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, *transportation* and delivery of liquor, [and] 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 deemed necessary to move unsaleable merchandise.* The board shall require each Pennsylvania manufacturer and each nonresident manufacturer of [distilled] liquors, *other than wine*, selling [distilled] *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 [distilled] *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 [distilled] 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, [dis-

tilled] 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 [distilled] 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 liquor, fermented, distilled, rectified, compounded or bottled, in any state, territory or country, the laws of which result in prohibiting the importation therein of liquors, 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, [and] issue, *suspend, and revoke all* [liquor] licenses and [to grant, issue, suspend or revoke alcohol] permits, [as provided in this act] *authorized to be issued under this act and the regulations of the board;*

(e) [To lease through] *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, except as otherwise provided in this act.

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, [of] or having [illegal] *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 [and confiscate] without warrant or process, except in private homes, any liquor, alcohol, and malt or brewed beverages [so illegally] unlawfully* possessed, manufactured, *sold, imported* or transported, and any stills, equipment, materials, utensils, vehicles, boats, vessels, *animals,* aircraft, or any of them, which are [being] *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, [or confiscated] shall be disposed of as hereinafter provided;

(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, any other law to the contrary notwithstanding;

(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.

Section 202. General Power to Make Regulations.—The board may, from time to time, 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 through the Commonwealth in such manner as it shall deem necessary and advisable. [Such regulations adopted by the board shall have the same force as if they formed a part of this act.

Whenever it is provided in this act that any act, matter or thing may be done if permitted or authorized by the regulations, or may be done in accordance with the regulations, or as provided by the regulations prescribed by the board under this act, the board, subject to the provisions of this act, shall have the power to prescribe regulations respecting such act, matter or thing.]

Section 203. 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 and thirty-four;

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

(h) The issuance of licenses [to hotels, restaurants, clubs, and railroad, pullman or steamship companies] and permits, and the conduct, management, sanitation, and equipment of [licensed] 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 issuance of alcohol permits.]

(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.*

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 municipality, it shall give notice of such location, by public advertisement, in [at least] 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 its 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. — A. No officer or employe, *except as otherwise hereinafter provided*, shall be appointed or employed by the board after January first, one thousand nine hundred and thirty-four, except as provided in this section. Any officers or employes engaged prior to January first, one thousand nine hundred and thirty-four, except employes heretofore in the service of the Pennsylvania Alcohol Permit Board, shall be deemed provisional employes and shall be retained thereafter only under the provisions of this section. The board is hereby authorized to prescribe, from time to time, by rule or regulation, the qualifications to be possessed by persons desiring employment under it. The qualifications shall be such as will best promote the efficient operation and management of its affairs, but in all cases persons appointed shall be citizens of the United States, and, in the case of appointments to operate or assist in the operation of liquor stores, shall be qualified electors of the county in which the store is located, *except where a person has been employed in a liquor store for a period of two or more years and becomes a bona fide resident of another county, in which case, he may be employed in a liquor store in the county to which he has removed.*

Every person desiring employment under the board shall file with the board an application, under oath or affirmation, which shall be in such form and shall set forth such information as the board shall prescribe: Provided, however, That the board shall not require an applicant to furnish a photograph of him- or herself, and that no application blank shall require the color, religion, or political affiliation of the applicant to be designated. Upon receiving such application, the board shall transmit the same to the Department of Public Instruction, which shall determine whether, under the rules or regulations of the board, the applicant is qualified for the employment he seeks. If so, the applicant shall be admitted to competitive examination, when examinations shall next be held for positions in the class of employment he seeks. Such competitive examinations shall be practical in character, and, as far as may be possible, shall relate to those matters which will fairly test the relative capacity and fitness of the persons examined to perform the duties of the service to which they seek to be appointed, *but no applicant shall be required to be possessed of any scholastic education or training in or-*

der to be permitted to take any competitive examination, or to be appointed to any position.

The Department of Public Instruction shall conduct such examinations at such places in the Commonwealth as to make it reasonably convenient and inexpensive for applicants to attend them. The department may divide the State into districts for the purpose of conducting such examinations. Every candidate admitted to such examinations shall be given a number, so that when his paper is marked and graded it will be impossible for the person passing upon the examination papers to ascertain his identity until his grade has been established. The examination papers of such candidates shall be marked by [committees composed of representatives of the department and of persons, not employed by the Commonwealth in any other capacity, designated by the presidents of the colleges and universities receiving State aid from the Commonwealth.] *a committee designated by the department, with the approval of the Governor, consisting of school teachers in this Commonwealth.* All such examination papers shall be graded on a basis of one hundred per centum and less. Such examination papers shall immediately thereafter be filed and the applicants listed. Any person who shall have been a member of the armed forces of the United States during a war or expedition for which the Government of the United States issued a campaign badge, whose separation from said service was honorable, whether by discharge or otherwise, shall receive, in addition to his rating on his examination paper, an additional rating of five per centum, *and any such person who shall have been disabled by wounds or in any other manner while engaged in such service (so long as he is able to perform the work of the employment for which he is examined), and who shall submit satisfactory evidence to the board that such disability was received while engaged in such service, shall be rated an additional five per centum over and above the five per centum hereinbefore set forth, and, in either case, the total per centum mark or grade thus obtained shall determine the order of standing of such persons on any list of eligibles.* All [such outside] examiners shall receive compensation at the rate of fifteen dollars per day for their services. The number of committees which may be necessary shall be determined by the department; and each committee shall consist of three persons. [The selections made by the presidents of State-aided colleges and universities shall be submitted to the department in writing by each such president, and the department shall designate committee members from the lists so submitted in rotation.]

Except as hereinafter provided, all offices, places and employments in Pennsylvania Liquor Stores or estab-

lishments operated by the board shall be filled by selections from persons, *who shall be citizens of the United States, and shall have been legal residents of Pennsylvania for a period of not less than one year before making application, and in the district in which such appointee is to be employed for a period of not less than six months prior to such appointment, and who shall have satisfactorily passed the examination.* The persons receiving the highest grade shall be first appointed, and so on *and during their employment, such appointees shall be at all times residents of this Commonwealth.*

If a list of eligibles certified by the Department of Public Instruction is available for any position, another examination shall not be given until after the expiration of twelve months from the date of the last examination for that position. Such subsequent examination may be held, in the discretion of the board, at any time after the expiration of such twelve month period; and when such subsequent examination has been held, and the list therefrom duly certified by the Department of Public Instruction, the previous list shall expire and no further appointment shall be made from such previous list: Provided, That when a position is to be filled by appointment from a list of eligibles, and a list of persons eligible for appointment to such position is not available, examinations shall be held for that position at the earliest convenient date after the vacancy occurs.

B. Vacancies in positions in the competitive class, whether such positions be newly created, or vacated for any reason by any former incumbent, shall be filled, so far as practicable, by promotion from among persons holding positions in a lower grade. In all cases, a person to be promoted shall have served not less than six months in a position under the board. Promotion shall be based on merit, and upon the superior qualifications of the person promoted as shown by his previous service.

In the event it is not deemed practicable to fill a vacancy by promotion, in the manner prescribed in the foregoing paragraph, such vacancy shall be filled by appointment from an eligible list of the person next in line for appointment from such list, except that no such appointment may be made to any position having a rate of compensation higher than that paid to any employe or employes who have been appointed from the same list within six months prior to the date of the current appointment; and in order that this may be carried out, the board shall make such changes as it deems advisable in the then status of any employe or employes who have been appointed from the same list within six months prior to the date of the current appointment: Provided, however, That such changes are not required, except where they are necessary to insure that the most

recent appointment shall be to a position which does not have a higher rate of compensation than that paid to any employe or employes who have been appointed from the same list within six months prior to the date of the current appointment.

C. The tenure of any person holding a position under the provisions of this act shall be during good behavior, but any such person may be removed, demoted, suspended without pay or with reduced pay, transferred, reprimanded, or restored to his position or another position with such pay as may be equitable for any of the following causes: Incompetency, inefficiency, insubordination, dishonesty, intemperance, immorality, profanity, discourteous treatment of the public or other employes, wilful disobedience, violation of the provisions of this act or of the rules and regulations of the board, or for any other failure of good behavior, or any other act or acts which are incompatible with, or inimical to, the public service; but no person shall be required to contribute to any political fund, nor support any political party or organization, nor shall any such person be removed or otherwise prejudiced for refusing to do so. *No such person shall hold any other public office or position under this Commonwealth, or any political subdivision thereof, nor by his own act or permission become a candidate for nomination or election to any public office during the time of his employment by the board.*

Whenever it is necessary, because of lack of work or lack of funds, or whenever it is advisable, in the interests of economy, to reduce the staff of the board, it may lay off employes.

In the event that the board decides to abolish one or more positions, or to temporarily discontinue the same because of lack of work or lack of funds or in the interests of economy, then a number of employes of the board equal to the number of positions to be so abolished or discontinued shall be laid off.

When it becomes necessary for any employe to be removed, demoted, suspended without pay or with reduced pay, transferred, reprimanded, or restored to a former position or another position with such pay as will be equitable for any of the above named causes, or when it is necessary, because of lack of work or lack of funds or in the interests of economy, to lay off an employe, or in the event the board decides to abolish or temporarily discontinue one or more positions because of lack of work, lack of funds, or in the interest of economy, the employe or employes selected to be removed, in any of the manners so mentioned, shall have a right to appeal for a hearing and consideration of his case or complaint.

Further when any position is newly created or other-

wise to be filled, employes who have been previously placed on leave of absence because of the abolishment or temporary discontinuance of a position or other reduction in personnel because of lack of work, lack of funds or in the interest of economy, such employes shall be recalled to service, within their proper classification and in the order of their rank, before any appointment can be made from a list created and certified at a later date than the list from which the furloughed employe was originally appointed.

In the foregoing section, the terms "promotion," "transfer," and "demotion" shall be interpreted as follows:

"Promotion" means a change from one position to another position having a higher rate of compensation, or involving a change of duties or responsibilities, or either or both.

"Transfer" means a change from one position to another position at the same rate of compensation.

"Demotion" means a change from one position to another position having a lower rate of compensation, or in which different and less responsible duties are involved, or either or both, whether made for the purpose of better adjusting personnel to the needs of the board or as a disciplinary measure.

D. Any person appointed under the provisions of this act may be removed by the personal action of the Governor whenever he deems the same to be the best interests of the public service.

Section 303. Management of Pennsylvania Liquor Stores.—Every Pennsylvania Liquor Store shall be conducted by a person appointed in the manner provided in this article, 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 [or less than seven hours] in any one day, nor later than eleven o'clock postmeridian. The board may, with the approval of the Governor, temporarily close any store in any municipality.

Section 305. Sales by Pennsylvania Liquor Stores.—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.

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.

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.

No liquor or alcohol shall be sold to any purchaser except in a package sealed with 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.

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, sanatorium, 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.

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.

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 PERMITS

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

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 seventy-two 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 municipal 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.*

Section 402. Application for Hotel, Restaurant or Club Liquor Licenses. — 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 [an application] *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. 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 three years immediately preceding his application. 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. The 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. 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. 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.

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.

All applications 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 indictment and conviction, shall be subject to the penalties provided by this act.

Section 403. 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, and the applicant seeks a license for a hotel, restaurant or club as defined in 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 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 thereof shall have been filed at least thirty days before the effective date of the license.

Section 404. *License Hearings; Appeals from Refusal of Board to Issue, Renew or Transfer Licenses.*—The board may of its own motion and shall, upon the written request of any applicant for club, hotel or restaurant liquor 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 liquor 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 examiner shall thereafter report to the board upon such hearing. The board shall thereupon grant or refuse the license, renewal or transfer thereof. 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 [person] 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 a hotel or restaurant or club liquor license, or to renew or transfer a hotel, restaurant or club liquor license, may appeal within twenty days from date of refusal to the court of quarter sessions of the county in which the hotel or restaurant or club is located. Such appeal shall be upon petition of the applicant, 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. [At

such hearing testimony may be presented by the applicant and the board, after the consideration of which the] *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 either sustain the refusal of the board or order the issuance of the license to the applicant. There shall be no further appeal. Any appeal shall act as a supersedeas, unless, upon sufficient cause shown, the court shall determine otherwise.*

Section 405. Display of License.—Every license issued under this act shall be constantly and conspicuously exposed under transparent substance on the licensed premises.

Section 406. All Licensees to Furnish Bond.—A liquor license shall not be granted and issued to any hotel, restaurant or club until the applicant therefor has filed with the board [a surety] *an approved bond, payable to the Commonwealth of Pennsylvania, in the amount of two thousand dollars (\$2,000). Such bond 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. 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. 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 a bond, and when securities have been deposited as collateral 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. [or not less nor more than two individuals, each of whom shall*

own real estate of an assessed valuation, over and above all encumbrances and outstanding liabilities, of two thousand dollars (\$2,000) or more, to be approved by the board.] All such bonds shall be conditioned for the faithful observance of all the laws of this Commonwealth relating to alcoholic liquors, alcohol and malt or brewed beverages. Such bonds shall be filed with and retained by the board. 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 407. License Fees.—(a) [Every applicant for a hotel liquor license or restaurant liquor license shall, before receiving such license, pay to the board the following license fees, which] *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 those having a population of fifteen hundred and more, but less than ten thousand inhabitants, two hundred dollars (\$200.00).

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

In those having a population of fifty thousand or 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 [before receiving such license] pay to the board a license fee of fifty dollars (\$50.00), except clubs which cater to groups of non-members, either privately or for functions, in which case *the board may issue a catering license, and* the license fee shall be the same as for hotels and restaurants located in the same municipality; and the board shall, by its rules and regulations, define what constitutes catering under this clause.

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

Section 408. Licenses Not Assignable; Transfers.—

(a) Licenses issued under this act may not be assigned.

The board is hereby authorized to transfer any license from one person to another, or from one place to another within the same municipality or both, as the board may determine; but no transfers 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 originally have been issued lawfully. Upon any refusal to grant a transfer, the person aggrieved shall have the right to appeal to the court of quarter sessions in the same manner as herein provided for appeals from refusals to grant licenses. *The action of the court of quarter sessions shall be final.*

(b) Every applicant for a transfer of a license shall file a written application with the board, *together with a filing fee of twenty dollars*, [in] at such time as the board shall fix in its regulations, *and shall also file an approved bond as* required on original applications for licenses*. Whenever any license is transferred, no license or other fees shall be required from the person to whom such transfer is made for the balance of the then current license year. [except a fee of twenty dollars (\$20.00) to be paid to the board, for the use of the Commonwealth.]

(c) In the event that any person, to whom a license shall have been issued under the [terms] *provisions* of this act, 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 the case of death of a licensee, the board may transfer the license to the surviving spouse or personal representative, or to a person designated by such representative*. In all such cases, the board shall have the sole and final discretion as to the propriety of the issuance [of a] *or transfer of the 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 409. License Year; Renewal of Licenses.—

(a) The board shall, by regulation, divide the State into convenient license districts and shall hold hearings on

* "is" in the original.

[such] 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 regulation, 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 provisions of this 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.

(b) All applications for renewal of licenses shall be filed at least sixty days before the expiration date of same, and not thereafter. [as provided in board regulations.] Unless the [applicant] board shall have [been formally notified by the board] *given ten days' previous notice* 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 requirements of this act and the regulations of the board, the license of a licensee shall be renewed when the applicant shall file with the board a new [surety] approved bond and shall pay the requisite application fee and license fee specified in this act.

(c) *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 licensee is pending before the board, the board shall renew the license notwithstanding such alleged violations, but such renewal license may be revoked by the board in the manner hereinafter provided for revocation of licenses, 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.

Section 410. Revocation and Suspension of License. —[After a license has been issued under the provisions of this act, upon the petition of the Attorney General, the board, the district attorney of any county, or upon the petition of fifteen or more taxpayers, residents of the ward, borough or township where the place of business is located, the court of quarter sessions of the proper county, upon sufficient cause being shown, or proof being made that the licensee holding a license or any partners, members, officers or directors of the licensee has or have violated any of the laws of this Commonwealth relating to liquors, malt or brewed beverages or alcohol or other alcoholic beverages, may, upon due notice and proper hearing being given to the person so licensed and complained against, suspend or revoke the license issued under the provisions of this act.] *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, or 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, 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 citation 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. 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 of the Commonwealth of Pennsylvania relating to the manufacture, transportation or sale of liquor or malt or brewed beverages until the expiration of three years from the date such license was revoked. In the event the [court] 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 said year.* In all such cases, the [court of quarter sessions] *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 [court] *board* shall feel aggrieved by the action of the [court of quarter sessions] *board*, he shall have the right to appeal to the [Superior Court]. The Superior Court shall examine the record upon which such appeal is based and shall determine whether or not the action of the court of quarter sessions was properly based upon the evidence. The action of the Superior Court shall be final. In all such appeals, the Superior Court may allow a supersedeas if the appellant shall have filed with the clerk of the court of quarter sessions a penal bond in the sum of two thousand dollars (\$2,000.00) to be approved by the court and conditioned for the prompt prosecution of the appeal by the appellant, the faithful observance of all the laws of this Commonwealth relating to alcoholic liquors and malt or brewed beverages, and for the payment of all costs that may be assessed against the appellant] *court of quarter sessions in the same manner as herein provided for appeals from refusals to grant licenses. Such appeal shall act as a supersedeas, unless, upon sufficient cause shown, the court shall determine otherwise. 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 hotel, restaurant, and club licensees, the offer in compromise shall be at the rate of ten dollars for each day of suspension, and in the case of importers and sacramental wine licensees, the offer in compromise shall be at the rate of thirty dollars per 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 days.*

Section 411. Sales of Liquor by Licensees.—Every hotel, restaurant or club 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 [and clubs] to guests, [or] *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 non-members 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 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 guest rooms in the hotel.

Hotel, restaurant and public service 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.*

The board may, with the approval of the Governor, temporarily close all licensed places within any municipality during any period of emergency proclaimed to be such by the Governor.

The board may, with the approval of the Governor, advance by one hour the hours herein prescribed as those 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 412. Sale of Malt or Brewed Beverages.—Every license issued to a hotel, restaurant, club, or a railroad, pullman or steamship company, under this act, 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 seventy-two fluid ounces in a single sale to one person. No licensee under this act shall at the same time be the holder of any other license, *except a retail dispensers license*, authorizing the sale of malt or brewed beverages only.

Section 413. Public Service Liquor Licenses.—Subject to the provisions of this act, and regulations promulgated under this act, the board, upon application, shall

issue liquor licenses to railroad or pullman companies permitting liquor and malt [liquor] *or brewed beverages* to be sold in dining, club or buffet cars to passengers for consumption while en route on such railroad, and may issue liquor licenses to steamship companies permitting liquor or malt [liquor] *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.

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.

Every applicant for a public service liquor license shall, before receiving such license, 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).

A public service liquor license shall not be granted and issued to any railroad, pullman or steamship company until the applicant therefor has filed with the board a surety bond similar to that required to be filed by a hotel, restaurant or club licensee under this act, except that in the case of a railroad or pullman company such bond shall cover every dining, club or buffet car of such company operated under a license issued under this section.

Unless previously revoked, every license heretofore 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.

Sales of liquor and malt or brewed beverages by 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 414. Sacramental Wine Licenses.—[The board may, upon application, grant to responsible persons of good character sacramental wine licenses. The fee for such licenses shall be one hundred dollars per annum, and, before any such license shall be granted, the applicant shall file with the board a bond in the sum of ten thousand dollars, conditioned for the faithful observance by the licensee of all of the laws of this Commonwealth and regulations of the board relating to the distribution, sale, and use of liquor.

Holders of such licenses may purchase from manufacturers, or bring or import into this Commonwealth, wine to be used for sacramental or religious purposes, and to sell the same only to priests, clergymen or rabbis for such purposes, under such regulations as the board shall prescribe. Priests, clergymen and rabbis may lawfully make purchases from such licensees under the regulations of the board, but any wine purchased under authority of this section shall not be used for any other than sacramental or religious purposes.]

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 surety bond in the sum of ten thousand dollars, conditioned for the faithful observance by the licensee of all the laws of this Commonwealth and the regulations of the board relating to liquor, alcohol and malt or brewed beverages. 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.

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.

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 duly certified by such priest, 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.

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 seal of the board.

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.

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 [the distribution, sale, or use of] liquor and alcohol. *The procedure in such cases shall be the same as for the revocation and suspension of hotel, restaurant, and club licenses. Upon the revocation of any such license, the bond of the licensee may be forfeited, and shall be collected in the same manner as heretofore provided for the collection of forfeited hotel, restaurant, and club license bonds.*

Section 415. Importers' Licenses.—[The board may, upon application, grant to responsible persons of good reputation importers' licenses. Such licenses shall permit the holders thereof to bring or import liquor from other states, foreign countries, and insular possessions of the United States, and obtain tax paid liquor from manufacturers located within the Commonwealth, to be sold outside of this Commonwealth and exclusively to Pennsylvania Liquor Stores within this Commonwealth.

The fee for such licenses shall be one hundred dollars per annum, and, before any such license shall be granted, the applicant shall file with the board a bond in the sum of ten thousand dollars, conditioned for the faithful observance by the licensee of all of the laws of this Commonwealth and of the regulations of the board relating

to the distribution, sale, and use of liquor.] *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 surety bond in the sum of ten thousand dollars, conditioned for the faithful observance by the licensee of all the laws of the Commonwealth and the regulations of the board relating to liquor, alcohol, and malt or brewed beverages. 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.*

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 or township 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 act.

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.

Such 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 exclusively to Pennsylvania Liquor Stores 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.

Every importer shall maintain on the licensed premises such records as the board may prescribe. [Malt or brewed beverages, alcohol or other alcoholic beverages.] 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. Upon the revocation of any such license, the bond of the licensee may be forfeited, and shall be collected in the same manner as heretofore provided for the collection of forfeited hotel, restaurant, and club license bonds.

[Any such permit may be revoked or suspended 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 the distribution, sale, or use of liquor, malt or brewed beverages, alcohol or other alcoholic beverages.]

ARTICLE V

LOCAL OPTION

Section 501. Local Option Areas Authorized.—In any municipality an election may be held, but not oftener than once in four years, on the date of *the primary election immediately preceding* any [general or] municipal election, to determine the will of the electors with respect to the granting of liquor licenses by the board to hotels, restaurants, and clubs within the limits of such municipality: *Provided, however, Where an election was heretofore held at the 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.*

Section 502. Petition of Electors for Local Option.—Whenever electors equal to at least [ten] *twenty-five* per centum of the highest vote cast for any office in the municipality or township at the last preceding general election shall petition the [corporate authorities of the municipality or township] *the county commissioners* for a referendum on the question of granting such liquor licenses, the [respective corporate authorities] *county commissioners* shall cause a question to be submitted at *the primary immediately preceding* the [general or] municipal election occurring at least sixty days thereafter, by certifying a resolution, duly adopted, to the county commissioners for submission of such question, on the ballot or on voting machines, at such election in

the manner provided by the election laws of the Commonwealth.

Such question shall be in the following form:

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

In the case of a tie vote, or if a majority of the persons voting on such question vote "Yes," then liquor licenses shall be granted by the board to hotels, restaurants, and clubs in such municipality or township for the sale of liquors under the provisions of this act, but if a majority of the persons voting on such question vote "No," then the board shall thereafter have no power to grant or to renew, upon their expiration, any liquor licenses in such municipality or township, under the provisions of this act, unless and until the people therein shall, at a later time, have again voted on the question and decided in the affirmative.

Section 503. Unlawful to Sell Liquor for Consumption in Certain Local Option Areas.—It shall be unlawful for any person, firm, or corporation to sell liquor for consumption on the premises of any hotel, restaurant, club, or other place *after the expiration of his existing license* in any local option area where the electors have voted against such sales, but the sale of malt [liquors] or brewed beverages by retailers shall not be unlawful in such areas unless the electors have also voted to prohibit such sales as provided in the Beverage License Law.

ARTICLE VI

ILLEGAL ACTS, PENALTIES, FORFEITURES

Section 601. Restrictions on Certain Sales.—(a) It shall be unlawful 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, or to the holder of a sacramental wine [permit] license; but a manufacturer or licensed importer may sell, or offer to sell, liquor to persons outside of this Commonwealth.

(b) It shall be unlawful for any person to sell alcohol to any person, except in accordance with regulations promulgated by the board.

Section 602. [Sales by Persons Other Than Manufacturers] *Unlawful Acts*.—[(a)] (1) Except as provided in this act, it shall be unlawful 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; but 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.

[(b)] (2) It shall be unlawful 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.

[(c)] (3) [Except as provided in this act] It shall be unlawful for any person within this Commonwealth, by himself, or by an employè 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.

[(d)] (4) It shall be unlawful 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 [permit] *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 has, while containing that liquor, been sealed with 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 clause (b) of this section.

[(e)] (5) It shall be unlawful for any licensee, or the board, or any employe, *servant or agent* of such licensee or of the board, 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.

[(f)] (6) It shall be unlawful 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 packages or *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 containers, or as a deposit on containers when title is retained by the vendor, if such *original* containers or packages 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.*

[(g)] (7) It shall be unlawful 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.

[(h)] (8) It shall be unlawful for any person to hawk or peddle any liquor in this Commonwealth.

[(i)] (9) It shall be unlawful for any licensee, or *his servants, agents or employes*, except a manufacturer on his own premises, to [advertise] *display*, in any manner whatsoever on the outside of any 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, any advertisement whatever relating to* [any] liquor or malt or brewed beverages, [by trade name, trade-mark, or in any manner which would indicate the manufacturer, producer, or place of manufacture or production of any liquor or malt or brewed beverages,] unless the actual value of such *advertisement, if hereafter erected, [or advertising device]* shall not be more than [seventy-five dollars] *twenty-five dollars. No sign or advertisement, leased, furnished or sold by a manufacturer, importer, importing distributor or distributor, shall contain thereon anything except the trade name, trade-mark or place of manufacture of the liquor or malt or brewed beverages manufactured or sold by him.*

[(j)] (10) It shall be unlawful for any manufacturer or licensee, or *his servants, agents or employes*, to *hereafter* give, furnish, lease or sell, or for any other licensee to *hereafter* lease, purchase, or receive for display or to display, on the inside of any licensed premises, any advertising matter indicating the trade-mark or trade name of any particular liquor or malt or brewed beverages or the manufacturer, producer, or place of manufacture, or *production*, of any liquor or malt or brewed beverages, unless the actual value [for] of such advertising device, *including all displays in connection therewith*, shall not exceed [twenty-five dollars (\$25)] *ten dollars (\$10). It shall be unlawful for any licensee to display, or permit to be displayed, any window or exterior advertising, except in accordance with the regulations of the board.*

[(k)] (11) It shall be unlawful 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.

[(l)] (12) It shall be unlawful 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.

[(m)] (13) It shall be unlawful for any licensee, or his [or its] 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 contents 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.

[(n)] (14) It shall be unlawful for any licensee, except club licensees, to permit, in any licensed premises, *or in any place operated in connection therewith*, dancing, theatricals, floor shows, or moving picture exhibitions of any sort, 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 [of twenty-five dollars (\$25.00)] for such permits [authorizing theatricals, floor shows or moving picture exhibitions] *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 liquor license.*

[(o)] (15) It shall be unlawful for any manufacturer or other licensee 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.

[(p)] (16) It shall be unlawful for any retail licensee, *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.

[(q)] (17) It shall be unlawful for any [licensee] *person* to have alcohol in his possession [on the licensed premises] *except in accordance with this act and the regulations of the board.*

(18) *It shall be unlawful for any hotel, restaurant or club 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.*

(19) *It shall be unlawful for any licensee 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 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.*

(20) *It shall be unlawful for any hotel, restaurant or club licensee 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.*

(21) *It shall be unlawful for any hotel, restaurant or club licensee, 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.*

(22) *It shall be unlawful for any licensee, or his servants, agents or employes, to cash pay roll checks, except in accordance with board regulations.*

(23) *It shall be unlawful 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.

(24) It shall be unlawful 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.

(25) It shall be unlawful 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 licensed under this act, or to any importing distributors, distributors, package retailers or retail dispensers licensed under any other act of this Commonwealth relating to liquor or malt or brewed beverages.

(26) It shall be unlawful 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.

(27) It shall be unlawful for any restaurant, hotel or club licensee, 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, if it can be seen from the outside of the licensed premises, any advertisement whatsoever, referring, directly or indirectly, to the price at which the licensee will sell liquor or malt or brewed beverages, except in the interior of the licensed premises, where the display cannot be seen from the outside, the price at which liquor or malt or brewed beverages will be sold by him.

(28) It shall be unlawful 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.

(29) It shall be unlawful for any licensee, or his serv-

* "employers" in the original.

ants, 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.

(30) It shall be unlawful 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.

Section 603. Unlawful to Fortify, Adulterate, or Contaminate Liquor.—It shall be unlawful 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 previously sealed with the official seal of the board.

Section 604. Things of Value Not to Be Offered.—It shall be unlawful for any licensee, 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 [moneys] *monies* specifically deposited for the return of the original containers to the owners thereof.

Section 605. Delivery Vehicles to Bear Name and Address of [Manufacturer] Licensee.—It shall be unlawful for a [manufacturer] licensee permitted to deliver [any] liquor to make any deliveries except in his own vehicle, bearing his name, [and] address, and license number on each side in letters not smaller than four inches in height, or in the vehicle of another per-

son duly authorized to transport liquor within this Commonwealth.

Section 606. Restrictions on Importation of Liquor and Alcohol into the Commonwealth.—It shall be unlawful for any person, other than the board or the holder of a sacramental wine [permit] *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.

It shall be unlawful for any person to import alcohol into this Commonwealth, except in accordance with regulations to be promulgated by the board.

Section 607. Restrictions on Members and Employes of the Board.—(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, [or] 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) [A manager] *No members* or employe of the board, [or] *nor* any employe of the Commonwealth, shall [not] 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.

(c) It shall be unlawful 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 608. Nuisances.—(a) Any room, house, building, boat, vehicle, structure, or place, except a private home, where liquor is possessed, sold, offered for sale, bartered, or furnished in violation of this act, and all liquor and property kept or used in maintaining the same, is hereby declared to be a common nuisance; and any person who maintains such a common nuisance shall be guilty of a misdemeanor, and, upon conviction thereof, shall be subject to the penalties hereinafter provided.

(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 [of the State] 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 testimony, to the satisfaction of the court that such nuisance exists, a temporary writ or 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 liquor or other things used in connection with the violation of this act constituting such nuisance. No bond shall be required in instituting such proceedings. It shall not be necessary for the court to find the property involved was being unlawfully used, as aforesaid, at the time of the hearing, but on finding that the material allegations of the petition are true, the court shall order that no liquor shall be sold, offered for sale, bartered, or furnished in such room, house, building, structure, boat, vehicle, or place, or any part thereof. Upon the decree of the court ordering such nuisance to be abated, the court may, upon proper cause shown, order that the room, house, building, structure, boat, vehicle, or place shall not be occupied or used for one year thereafter; but the court may, in its discretion, permit it to be occupied or used if the owner, lessee, tenant, or occupant thereof shall give bond, with sufficient surety, to be approved by the court making the order, in the penal and liquidated sum of not less than five hundred dollars (\$500.00), payable to the Commonwealth of Pennsylvania for use of the county in which said proceedings are instituted, and conditioned that liquor will not thereafter be manufactured, sold, offered for sale, bartered, or furnished 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.

Section 609. 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 [before] 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, [or] 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, [or] 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, [or] restaurant *or club* licensed for the selling of liquor for use and consumption upon the premises.

(d) Excepting as herein [before] 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, 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, package retailer, retail dispenser licensed under the Beverage License Law, 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, package retailer, 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 licenses, and, as herein provided, of club licenses, issued under this act, 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 act, 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 effective date of this act] *July 18, 1935*.

Section 610. Penalties.—(a) Any person who shall violate any of the provisions of this act shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine of not *less than one hundred dollars (\$100.00)* nor more than three hundred dollars (\$300.00), 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 (\$300.00)* nor more than five hundred dollars (\$500.00) and to undergo imprisonment for a period of not *less than three months* nor more than one year.

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

Section 611. Forfeiture of Property Illegally Possessed or Used.—(a) No property rights shall exist in any liquor, alcohol, malt or brewed beverage illegally possessed, or in any still, equipment, material, utensil, vehicle, boat, vessel, *animals* or aircraft [illegally] used in the *illegal* manufacture or *illegal* transportation of liquor, alcohol, 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.

(b) If, upon petition as hereinafter 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 hereinafter provided, unless the court shall otherwise order.

(1) 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 ob-

tained from such defendants, except that the court may order the [same] *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. Except that any vehicle, *container*, boat, vessel, *animals* or aircraft seized under the provisions of this act shall be disposed of as hereinafter provided.

(2) In any case in which (I) the defendant is acquitted of a violation of this act and denies the ownership or possession thereof, or (II) no claimant appears for same, or (III) appearing is unable to sustain his claim therefor, 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 [same] *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.

(3) 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 [a public sale thereof by the sheriff of the county] *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 [the same manner as notice is required to be given of the sale of personal property under a writ of fieri facias] *such manner as the board may prescribe*. The proceeds of such sale shall be paid [to the county treasurer for the use of the county. In the event any such vehicle, boat, vessel or aircraft is, when so seized, held and possessed under a bailment lease or contract, and the legal title thereto is in another person, or, in the event that any such vehicle, boat, vessel or aircraft is, when so seized, subject to the lien of a chattel mortgage or to a contract of conditional sale, and, if the person holding the legal title thereto, or holding such chattel mortgage or contract of conditional sale thereon shall prove that the unlawful use for which the same was seized was without his knowledge or consent, then the claim of the bailor for money due under said bailment lease or contract or the claim of the mortgagee or conditional seller for money due under said chattel mortgage or contract of conditional sale shall attach to and be paid out of the funds derived from said sale, after payment of costs, and the balance distributed as above provided. In case it appears at said hearing that the owner of any such vehicle, boat, vessel or aircraft has not been found within the jurisdiction of the court, the sheriff shall give ten (10) days notice of said sale by registered letter to the person, if any, whose name ap-

pears thereon as the manufacturer thereof, together with the manufacturer's number, if any, appearing thereon] *into the State Stores Fund.*

(c) 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 vehicle: [or to such person, and no other license shall be issued to such person or for such motor vehicle for a period of one (1) year following such suspension or revocation:] Provided, That a license may be issued for such motor vehicle *to the board or to any purchaser of the vehicle* after the [public] sale thereof as above provided.

(d) (1) The proceedings for the forfeiture or condemnation of all property [the destruction or sale of which is provided for in subsections (2) and (3) of clause (b) of this section] shall be in rem, in which the Commonwealth shall be the plaintiff and the property the defendant. A petition shall be filed in the court of quarter sessions, verified by oath or affirmation of any officer or citizen, containing the following: (I) A description of the property so seized, (II) a statement of the time and place where seized, (III) the owner, if known, (IV) the person or persons in possession, if known, (V) an allegation that the same had been possessed or used or was intended for use in violation of this act, (VI) and a prayer for an order of forfeiture that the same be adjudged forfeited to the Commonwealth, [and condemned and be ordered sold or destroyed (as the case may be) according to law] unless cause be shown to the contrary.

(2) 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*.

(3) If the owner of said property is unknown or outside the jurisdiction of the court, and there was no person in possession of said property when seized, or such person so in possession can not be found within the jurisdiction of the court, notice of said petition shall be given [by the sheriff] by an advertisement, in [a] *only one* newspaper of general circulation published in the county, where such property shall have been seized, once a week for [three (3)] *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.

(4) 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.

(5) 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 (I) that he is the owner of said property, [or the holder of a chattel mortgage or contract of conditional sale thereon] (II) that he lawfully acquired the same, *and* (III) that it was not unlawfully used or possessed. [by him and (IV) in the event that it shall appear that the property was unlawfully used by a person other than the claimant, then such claimant shall show that such unlawful use was without his knowledge or consent.

(6) Any person claiming the ownership of, or right of possession to, or claiming to be the holder of a chattel mortgage or contract of conditional sale upon, any liquor, alcohol or malt or brewed beverage or still, equipment, material, utensil, vehicle, boat, vessel or aircraft, the disposition of which is provided for in this section, may, at any time prior to the sale thereof, present his petition to the court alleging his lawful ownership thereof or right of possession thereto or his lien thereon or reservation of title thereto, and, if upon public hearing thereon, due notice of which having been given to the district attorney.] *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, *con-*

tainer, animal, or aircraft was lawfully acquired, possessed and used, then the court may order the same returned or delivered to the claimant; [by him or] but, if it [appearing] appears that the property was unlawfully used [by a person other than the claimant, he shall prove that such unlawful use was without his knowledge or consent, then the court may order the same returned or delivered to said claimant, otherwise] it shall be destroyed or [sold] be turned over to the board (as the case may be) as hereinabove provided.

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

(e) The provisions of this section shall apply to the disposition of any 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.

ARTICLE VII

DISPOSITION OF MONEYS

Section 701. License Fees to Be Returned to Municipalities.—All license fees collected by the board under the provisions of this act, except fees for public service liquor licenses, sacramental wine and importers licenses, shall be paid into the State Treasury, through the Department of Revenue, into a special fund to be known as the “Liquor License Fund.” Fees for public service licenses, sacramental wine, [and] importers licenses, *permit fees, and compromise penalties in connection with the suspension of licenses*, shall be paid into the State Stores Fund. 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 and townships in which the respective licensed places are situated, in such amounts as represent the aggregate license fees collected from licensees in such municipalities during the preceding period.

Section 702. [Application] *Filing Fees, Forfeitures, Penalties* and Receipts from Pennsylvania Liquor Stores to Be Retained by the Commonwealth.—All [application] *filing* fees and moneys accruing from sales of liquor and alcohol at Pennsylvania Liquor Stores, and all *forfeitures and compromise penalties* collected, received or recovered 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 State Stores Fund.” All moneys in such fund shall be available for the purposes for which they are appropriated by law.

Section 703. Taxes.—All taxes collected or received by the board, on sales of taxable alcohol under the pro-

visions of this act, shall be paid into the State Treasury, through the Department of Revenue into the General Fund.

Section 704. 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 over-charge on a liquor license fee. In the event that the moneys in the Liquor License Fund have been distributed to the respective municipalities and townships, the board shall have the authority to deduct, from the next semiannual payment to the respective municipalities and townships, the amount of any over-payment previously refunded by the board to any person on account of an over-charge or over-payment on a liquor license fee.

ARTICLE VIII

EFFECTIVE DATE AND REPEAL

Section 801. *Effective Date.*—This amendment and re-enactment shall become effective [immediately upon its final enactment] *on the first day of July, one thousand nine hundred and thirty-seven, except the board may adopt and circulate its regulations at any time after the final enactment of this act, and the board may receive and collect additional amusement and entertainment permit fees prior to July first, one thousand nine hundred and thirty-seven, in order that such permits may be kept in effect for the entire license year.* When effective.

Section 802. *Repeal.*—The following acts are hereby repealed: The act approved the twenty-seventh day of March, one thousand nine hundred 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 license laws.”

The act approved the fourteenth day of April, one thousand eight hundred and sixty-three (Pamphlet Laws, three hundred eighty-nine), entitled “An act to prohibit the use of deleterious drugs in the manufacture and sale of intoxicating malt or alcoholic liquors.”

The act approved the twentieth day of May, one thousand nine hundred and thirteen (Pamphlet Laws, two hundred twenty-nine), entitled “An act defining and regulating public amusements, and places used therefor; requiring and regulating the licensing thereof; restricting the scope of certain acts of Assembly relating thereto,

and providing penalties for violation of this act," is hereby repealed in so far as it purports to impose a tax upon the licensees herein.

All other acts and parts of acts, including special or local acts, inconsistent herewith are hereby repealed.

Section 2. [The board shall have power to extend existing licenses granted under the act to which this is an amendment for such period of time as, to it, may appear proper, and to provide for the payment of license fees for such period on the schedule of fees provided in this act, in order to put into effect the system of staggered license dates provided for in this act; and shall have power to determine such extensions in any licensing district, at any time, when arrangements have been completed and licenses issued in such district.

In the event the board shall establish license districts, in any of which the license year for a district shall begin prior to January first, one thousand nine hundred and thirty-six, all holders of hotel, restaurant or club licenses in such districts shall file written applications with the board for licenses for the ensuing license year, in accordance with board regulations; and those to whom licenses are issued shall be given credit on the license fee for the ensuing license year for the unused portion of the license fee paid by such licensee for the year one thousand nine hundred and thirty-five. In the event any licensee shall be refused a license by the board for the ensuing license year for the district in which his licensed place is located, his license shall continue in force for the remainder of the calendar year one thousand nine hundred and thirty-five, unless revoked or suspended. In the event that any person who, at the time of the final enactment of this act is the holder of a hotel, restaurant or a club liquor license, shall fail to apply for a license at a time to be fixed by the board for the ensuing license year for the district in which such a licensed place may be located, the holder of such license shall, unless his license shall be revoked or suspended, continue to operate until the expiration of the license year for which his license issued, but shall not be eligible to apply for a license for such location until after the expiration of one year from the first day of January, one thousand nine hundred and thirty-six.] *All amusement and entertainment permits issued under this act, prior to the effective date of these amendments, shall be effective for the remainder of the license year for which issued (unless sooner revoked) if the increased permit fees provided for by these amendments shall be paid to the board before July first, one thousand nine hundred and thirty-seven. If such increased permit fees are not so paid, such permits shall expire on June thirtieth, one thousand nine hundred and thirty-seven. The increased permit*

fees so payable shall be determined as follows: The permit fee fixed by this act for a yearly amusement or entertainment permit shall be divided by twelve, and one-twelfth of the total yearly permit fee shall be due and payable for each and every month of the remainder of the license year, commencing with the month of July, one thousand nine hundred and thirty-seven, less a credit against each such monthly fee of two dollars and eight and one-third cents (\$2.08 1/3) theretofore paid by the permittee prior to the commencement of the license year.

APPROVED—The 16th day of June, A. D. 1937.

GEORGE H. EARLE

No. 371

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.

Section 1. Be it enacted, &c., That section one of 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,

Section 1, act of February 19, 1926 (P. L. 16), amended.