

tent that this act would have been passed had such unconstitutional provision not been included therein.

Section 11. That sections four and six of the said act are hereby repealed. Repeals.

Section 12. This act shall become effective immediately upon its final enactment. When effective.

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

GEORGE H. EARLE

No. 372

AN ACT

To re-enact and further amend the title and the act, approved the third day of May, one thousand nine hundred and thirty-three (Pamphlet Laws, two hundred fifty-two), entitled, as amended "An act to regulate and restrain the traffic in malt and brewed beverages, as herein defined; providing for the licensing of the manufacture, transportation, sale and distribution of such beverages; imposing license and permit fees, and providing for collection and distribution thereof; restricting ownership and interest in licensed places; permitting municipalities and townships, by vote of the electors, to prevent the licensing therein of places where such beverages may be sold for consumption on the premises, and regulating elections for this purpose; imposing duties upon county treasurers, the Pennsylvania Liquor Control Board, quarter sessions courts, district attorneys, the Department of Justice, proper authorities of political subdivisions of the State, and election officers; providing penalties; and repealing existing acts," defining and further defining and regulating licensees, application for licenses, and sales by licensees, and fixing fees for amusement permits; regulating the granting, suspension, revocation, and transfer of licenses, and the procedure therefor, and conferring jurisdiction on certain courts; providing for the granting of licenses by the Pennsylvania Liquor Control Board instead of the county treasurer, and prescribing the powers and duties of said board; providing for compromises where licenses are suspended, and for the disposition of application license permit fees, forfeitures, and penalties; and providing penalties.

Section 1. Be it enacted, &c., That the title of and the entire act, approved the third day of May, one thousand nine hundred and thirty-three (Pamphlet Laws, two hundred fifty-two), entitled, as amended "An act to regulate and restrain the traffic in malt and brewed beverages, as herein defined; providing for the licensing of the manufacture, transportation, sale and distribution of such beverages; imposing license and permit fees, and providing for collection and distribution thereof; restricting ownership and interest in licensed places; permitting municipalities and townships, by vote of the electors, to prevent the licensing therein of places where such beverages may be sold for consumption on the premises, and regulating elections for this purpose; imposing duties upon county treasurers, the Pennsylvania Liquor

Title and entire act of May 3, 1933 (P. L. 252), as amended by act of July 18, 1935 (P. L. 1217), re-enacted and further amended.

Control Board, quarter sessions courts, district attorneys, the Department of Justice, proper authorities of political subdivisions of the State, and election officers; providing penalties; and repealing existing acts," 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 seventeen), are hereby re-enacted and further amended to read, as follows:

AN ACT

To regulate and restrain the traffic in malt and brewed beverages, as herein defined; providing for the licensing of the manufacture, transportation, sale and distribution of such beverages; imposing license and permit fees, and providing for collection and distribution thereof; restricting ownership and interest in licensed places; permitting municipalities and townships, by vote of the electors, to prevent the licensing therein of places where such beverages may be sold for consumption on the premises, and regulating elections for this purpose; imposing duties upon [county treasurers] the Pennsylvania Liquor Control Board, quarter sessions courts, district attorneys, the Department of Justice, proper authorities of political subdivisions of the State, and election officers; providing penalties; and repealing existing acts.

Short title. Section 1. Short Title.—This act shall be known, and may be cited, as the "Beverage License Law."

Definitions. Section 2. Definitions.—The following words and terms, as used in this act, shall be construed as defined in this section:

(a) The term "malt or brewed beverage" means any beer, lager beer, ale, porter, or similar fermented malt [liquor] or brewed beverage, containing one-half of one per centum or more of alcohol by volume, by whatever name such [liquors] *malt or brewed beverage* may be called.

(b) The word "person" means and includes natural persons, associations, partnerships and corporations.

(c) The word "manufacturer" means and includes all persons holding licenses issued by the board to engage in the manufacture, [bottling] transportation, and sale of malt or brewed beverages, *also all persons engaged in the legal manufacture of malt or brewed beverages within the territorial limits of the United States outside the Commonwealth of Pennsylvania.*

(d) The term "distributor" means and includes persons licensed by the board to engage in the purchase, only from Pennsylvania manufacturers and from importing distributors, and the resale of malt or brewed beverages, *except to importing distributors and distribu-*

tors, in the original sealed [packages] *containers*, as prepared for the market by the manufacturer *at the place of manufacture*, but not for consumption on the premises where sold, and in quantities of not less than two hundred eighty-eight fluid ounces.

(e) The term "importing [distributors] *distributor*" means and includes persons licensed by the board to engage in the purchase from manufacturers and other persons located outside this Commonwealth, and from persons licensed as manufacturers and *importing* distributors under this act, and the resale of malt or brewed beverages in the original sealed [packages] *containers* as prepared for the market by the manufacturer *at the place of manufacture*, but not for consumption on the premises where sold, and in quantities of not less than two hundred eighty-eight fluid ounces.

(f) The term ["retailer" means and includes persons licensed by the treasurer to engage in the retail sale of malt or brewed beverages, classified and defined as follows] "retail dispenser" means and includes persons licensed to engage in the retail sale of malt or brewed beverages for consumption on the premises of such licensee, with the privilege of selling malt or brewed beverages in quantities not in excess of seventy-two fluid ounces in a single sale to one person, to be carried from the premises by the purchaser thereof.

(g) The term "original containers" means and includes 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 permanently affixed to the bottle, cask, keg or other container, or to the cap or cork used in sealing same, or to a label securely affixed to a bottle.

(h) The term "license" means and includes both the person making the application therefor and the premises upon which the privileges of the license are to be exercised, and includes licenses issued under the provisions of this act.

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

(j) ["Treasurer" means the county treasurer of the county in which is located any place specified in an application as the place for which a license is desired.] "*Club*" means 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 malt and brewed beverages shall be only secondary which, if incorporated, has been in continuous existence and operation for at least one year, and if first licensed after 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 club house or quarters for the use of members. Continuous existence must be proven by satisfactory evidence. The board shall refuse to grant a license if it appears that the charter is not in possession of the original incorporators or their direct and legitimate successors. 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 may prescribe.

(k) "Board" means the Pennsylvania Liquor Control Board of this Commonwealth.

(l) As used in this act, the singular shall include the plural, and the masculine gender shall include the feminine and neuter.

(m) The term "manufacture" shall mean and include all means, methods, and processes used, employed and made use of, to produce, make and manufacture for commercial purposes, malt or brewed beverages from raw materials.

(n) "Hotel" shall mean any reputable establishment operated by responsible persons of good reputation where the public may, for a consideration, obtain sleeping accommodations and meals and which, in a city, has at least [eight] *ten*, and, in any other place, at least [four] *six* permanent bedrooms for the use of guests, and a public dining room or [eating place] *rooms* operated by the same management [having a total area, in one or more rooms, of not less than three hundred square feet and] *accommodating at least thirty persons at one time, and a kitchen in which food is regularly prepared for the public apart from the public dining room or rooms.*

(o) *The term "sale" or "sell" shall include any transfer of malt or brewed beverages for a consideration.*

Section 3. Sales for Consumption on the Premises.—It shall be unlawful for any person to sell to another for consumption upon the premises where sold, or to permit another to consume upon the premises where sold, any malt or brewed beverages, unless such [vendor] *person* holds a valid retail dispenser license issued under this act, [by the treasurer] *or a valid license issued under any other act authorizing the sale of spiritous and vinous liquors and malt or brewed beverages for consumption upon such premises.*

Section 4. Sales Not for Consumption on the Premises.—It shall be unlawful for any person to sell to another, except as herein otherwise provided in the case of retail dispensers or as may be otherwise authorized by law, any malt or brewed beverages not for consumption upon the premises where sold, unless such person holds a valid license issued under this act permitting such sale.

Section 5. Manufacturers', Distributors', and Importing Distributors' Licenses.—(a) It shall be unlawful for any person to manufacture malt or brewed beverages, unless such person holds a valid manufacturer's license issued by the board. The board shall issue to any person, a resident of this Commonwealth of good repute who applies therefor, pays the license fee hereinafter prescribed, and files the bond hereinafter required, a manufacturer's license to produce and manufacture malt or brewed beverages, and to transport, sell and deliver malt or brewed beverages at or from one or more places of manufacture or storage only in original [packages] *containers* in quantities of not less than two hundred eighty-eight fluid ounces, anywhere within the Commonwealth. Each individual applicant for manufacturer's license and, in the case of partnerships and associations, each member thereof shall be a citizen of the United States and have been residents of this Commonwealth at least two years prior to the date of their respective applications. In the case of corporations organized or registered under the laws of this Commonwealth, it must appear that all of the officers and directors and the owners of, at least, fifty-one per centum of the capital stock of the corporation are citizens of the United States and have, for a period of at least two years prior to the date of application, been residents of this Commonwealth. Licenses for places of storage shall be limited to those maintained by manufacturers [at the effective date of this act] *on July 18, 1935*, and thereafter the board shall issue no licenses for places of storage in addition to those maintained [at the effective date of this act] *on July 18, 1935*. The application for such license shall be in such form and contain such information as the board shall require. All such licenses shall be granted for the calendar year. [And where a license runs for less than the full calendar year, the license fee shall be reduced one-twelfth for each full month such license was not in force during the calendar year.] Every manufacturer shall keep, at his or its principal place of business within the Commonwealth, daily permanent records which shall show (a) the quantities of raw materials received and used in the manufacture of malt or brewed beverages, and the quantities of malt or brewed beverages manufactured and stored; (b) the sales of malt or brewed beverages; (c) the quantities of

malt or brewed beverages stored for hire or transported for hire by or for the licensee; and (d) the names and addresses of the purchasers or other recipients thereof. Every place licensed as a manufacturer shall be subject to inspection by members of the board or by persons duly authorized and designated by the board, at any and all times of the day or night as they may deem necessary (a) for the detection of violations of this act or of the rules and regulations of the board; or (b) for the purpose of ascertaining the correctness of the records required to be kept by licensees. The books and records of such licensees shall, at all times, be open to inspection by members of the board or by persons duly authorized and designated by the board. Members of the board and its duly authorized agents shall have the right, without hindrance, to enter any place which is subject to inspection hereunder, or any place where such records are kept, for the purpose of making such inspections and making transcripts thereof.

(b) The board shall issue to any reputable person who applies therefor, pays the license fee hereinafter prescribed, and files the bond hereinafter required, a distributor's or importing distributor's license for the place which such person desires to maintain for the sale of malt or brewed beverages, not for consumption on the premises where sold and in quantities of not less than two hundred eighty-eight fluid ounces and in original [packages] *containers* as prepared for the market by the manufacturer *at the place of manufacture*. Such licenses shall be issued only to reputable individuals, partnerships and associations who are, or whose members are, citizens of the United States and have for two years, prior to the date of their applications, been residents of the Commonwealth of Pennsylvania, or to reputable corporations organized or duly registered under the laws of the Commonwealth of Pennsylvania. Such licenses shall be issued to corporations duly organized or registered under the laws of the Commonwealth of Pennsylvania only when it appears that all of the officers and directors of the corporation are citizens of the United States, and have been residents of the Commonwealth of Pennsylvania for a period of at least two years prior to the date of application, and that, at least, fifty-one per centum of the capital stock of such corporation is actually owned by individuals who are citizens of the United States and have been residents of the Commonwealth of Pennsylvania for a period of at least two years prior to the date of application. Such license shall authorize the holder thereof to sell or deliver malt or brewed beverages in quantities of not less than two hundred eighty-eight fluid ounces anywhere within the Commonwealth of Pennsylvania which, in the case of distributors, have

been purchased only from persons licensed under this act as *manufacturers or importing distributors* and, in the case of importing distributors, have been purchased from manufacturers [and] *or persons outside this Commonwealth engaged in the legal sale of malt or brewed beverages* or from [persons] *manufacturers or importing distributors* licensed under this act.

Section 6. Malt and Brewed Beverages [Retailers'] *Retail Licenses.*—(a) Subject to the restrictions hereinafter provided [the treasurer shall issue to a person who conducts a reputable hotel, or any reputable incorporated club, or a reputable, bona fide eating place where food is regularly and customarily prepared and sold, and who makes application upon a form as hereinafter prescribed, pays the license fee hereinafter prescribed, and files the bond hereinafter required, a retail dispensers license for such place] *in this act, and upon being satisfied of the truth of the statements in the application that the premises and the applicant meet all the requirements of this act and the regulations of the board, that the applicant seeks a license for a reputable hotel, eating place or club, as defined in this act, the board shall, in the case of a hotel or eating place, grant and issue, and, in the case of a club, may, in its absolute discretion, grant and issue, to the applicant a retail dispenser's license.*

[Such] *In the case of hotels and eating places*, licenses shall be issued only to reputable persons who are citizens of the United States and have for two years been residents of the Commonwealth of Pennsylvania at the date of their application, or to reputable corporations organized or duly registered under the laws of the Commonwealth of Pennsylvania all of whose officers and directors are citizens of the United States. *In the case of incorporated clubs, licenses shall be issued only to those incorporated under the laws of Pennsylvania.*

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

(b) *In the case of any new license or the transfer of any license to a new location, the board shall, 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 conducted is the sale of liquid fuels and oil. The board shall not issue new licenses, except as herein otherwise provided, in any license district more than twice each license year, effective from specific dates fixed by*

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

Section 7. *License Hearings; Appeals from Refusal of Licenses.*—*The board may of its own motion and shall, upon the written request of any applicant for license, or for renewal or transfer thereof, whose application for such license, renewal or transfer has been refused, fix a time and place for hearing of such application for license, or for renewal or transfer thereof, notice of which hearing shall be mailed to the applicant at the address given in his application. Such hearing shall be before the board, a member thereof, or an examiner designated by the board. At such hearing, the board shall present its reasons for its refusal or withholding of license, renewal or transfer thereof. The applicant may appear in person or by counsel, may cross-examine the witnesses for the board, and may present evidence which shall likewise be subject to cross-examination by the board. Such hearing shall be stenographically recorded. The 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. Any person aggrieved by the refusal of the board [or treasurer] to issue, renew or transfer a license may appeal to the court of quarter sessions of the county in which the premises applied for are located within twenty days of date of refusal. Such appeal shall be upon petition of the applicant, who shall serve a copy thereof upon the board. [or treasurer whereupon a hearing shall be held upon said petition by the court upon thirty days' notice to the board or treasurer, which shall be represented in the proceeding by the Department of Justice or the district attorney as the case may be. At said hearing, testimony may be presented by the applicant and the board or treasurer, after the consideration of which] *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 treasurer] or order an 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 8. Public Service Licenses.—The board may issue public service malt and brewed beverage licenses to a railroad, pullman or steamship company, permitting malt or brewed beverages to be sold at retail in dining, club or buffet cars, or the dining compartments of steamships or vessels, for consumption on the trains, steamships or vessels wherever operated in the State, except when standing in stations or terminals within a municipality wherein retail sales are prohibited. Such licenses shall only be granted to reputable persons and for fit places. The board may issue a master license to railroad or pullman companies to cover the maximum number of cars which the company shall estimate that it will operate within the Commonwealth on any one day. Such licensees shall file monthly reports with the board showing the maximum number of cars operated at any time on any day during the preceding month and, if it appears that more cars have been operated than covered by its license, it shall forthwith remit to the board the sum of ten dollars for each extra car so operated. The board shall have the power to suspend or revoke any such licenses for cause, after granting a hearing thereon to the licensee. Any person aggrieved by the decision of the board, in refusing, suspending or revoking any such license [may, within twenty days thereafter, appeal to the court of common pleas of Dauphin County, which shall fix a time for hearing, of which notice shall be given to the board as the court may provide. The court shall hear the appeal de novo, and shall make such order affirming, modifying or reversing the order of the board as to it shall appear just. The action of the court shall be final.] *may appeal to the court of quarter sessions of Dauphin County in the same manner as provided in this act for appeals from refusals of license.*

Section 9. License Year; Mercantile License Exemption.—(a) Licenses issued under this act to distributors, importing distributors, and retail dispensers [licensees] shall, unless revoked in the manner provided in this act, be valid for the license year which [in the case of retail dispensers, shall begin on the first day of June of each year, and, in the case of distributors, and importing distributors, shall be for such license year as] may be established by the board for the particular *license* district in which the license issues. [Retail dispenser's li-

censes may be issued at any time during the license year.]

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

No licensee under this act shall be required to obtain any mercantile license whatsoever to sell malt or brewed beverages, and every licensee under this act, who is also the holder of a mercantile license, may deduct the gross income received from sales of malt or brewed beverages from his gross income from all sources in making his returns for mercantile license tax purposes.

Section 10. Filing of Applications for Distributors', Importing Distributors' and [Retailers] *Retail Dispensers'* Licenses.—Every person intending to apply for a distributor's, importing distributor's or retail dispenser's license as aforesaid, in any municipality or township of this Commonwealth, shall file, with the board [or treasurer, as the case may be,] his or its application. [In the case of distributors and importing distributors] *All such* applications shall be filed at a time to be fixed by the board for the particular license district as set up by the board, under the provisions of the Pennsylvania Liquor Control Act. The applicant shall at the time of filing the application *and bond* pay said board [or treasurer, as the case may be,] the filing fee of ten dollars as specified in this act.

Section 11. Application for Distributors', Importing Distributors' and [Retailers'] *Retail Dispensers'* Licenses.—Application for distributors', importing distributors' and [retailers] *retail dispensers'* licenses shall contain the following information and statements:

(a) The name and residence of the applicant, and how long he has resided there; and if an association, partnership or corporation, the residences of the members, officers and directors for the period of two years next preceding the date of such application;

(b) The particular place for which the license is desired, and a detailed description thereof;

(c) Place of birth of applicant, and if a naturalized citizen where and when naturalized; and if a corporation organized or registered under the laws of the Commonwealth, when and where incorporated, with the names and addresses of each officer and director, *all of whom shall be citizens of the United States*; if the application is for a distributor's, importing distributor's license, and the applicant therefor is a corporation, the application shall also contain a statement that all of the officers and directors are citizens of the United States,

have been residents of the Commonwealth of Pennsylvania for a period of at least two years prior to the date of application, and the further statement that at least fifty-one per centum of the capital stock of the corporation is actually owned by individuals who are citizens of the United States and who have been residents of the Commonwealth of Pennsylvania for a period of at least two years prior to the date of application, together with the names and addresses of all stockholders;

(d) Name of owner of premises, and his residence;

(e) That the applicant is not, or in case of a partnership or association that the members or partners are not, and in the case of a corporation that the officers and directors are not, in any manner pecuniarily interested, either directly or indirectly, in the profits of any other class of business regulated under this act, except as hereinafter permitted;

(f) That applicant is the only person in any manner pecuniarily interested in the business so asked to be licensed, and that no other person shall be in any manner pecuniarily interested therein during the continuance of the license, except as hereinafter permitted;

(g) Whether applicant, or in case of a partnership or association any member or partner thereof, or in case of a corporation any officer or director thereof, has, during the three years immediately preceding the date of said application, had a license for the sale of malt or brewed beverages or spirituous and vinous liquors revoked, or has, during the same period, been convicted of any criminal offense, and, if so, a detailed history thereof;

(h) A full description of that portion of the premises for which license is asked, and, if any other business is to be conducted concurrently with the sale and distribution of malt or brewed beverages, a full history of such business, relating the nature thereof, the length of time it has so previously been conducted by the applicant, or his predecessor, at such location, *and such additional information as the board may require*;

(i) Every club applicant shall file, with and as a part of its application, a list of the names and addresses of its members, directors, officers, agents and employes, together with the dates of their admission, election or employment, and such other information with respect to its affairs as the board shall require. The [treasurer] *board* shall refuse to issue licenses to clubs when it appears that the operation of the club license would inure to the benefit of individual members, officers, agents or employes of the club rather than to the benefit of the entire membership of the club, *or if incorporated, it was not incorporated in Pennsylvania.*

There shall be annexed to such application a certifi-

cate, signed by at least twelve reputable qualified electors of the ward, borough or township in which such malt or brewed beverages are to be sold, setting forth that they have been acquainted with the applicant or applicants, or the members of the association or partnership, or the directors and officers of the corporation where the applicant is a corporation, that they have good reason to believe that each and all the statements contained in the petition are true, and they therefore believe that the application should be granted and that the license should issue.

The application must be verified by affidavit of applicant, and if any false statement is intentionally made in any part of the application, the affiant shall be deemed guilty of the crime of perjury. A license shall not be granted by the board [or treasurer, as the case may be] unless the application contains the information herein required, and the premises meet such reasonable sanitary requirements as the board by regulation shall prescribe.

Section 12. Prohibitions Against the Grant of Licenses.—(a) Any [retailer] *retail* dispenser may be granted licenses to maintain, operate or conduct any number of places for the sale of malt or brewed beverages, but a separate license must be secured for each place where malt or brewed beverages are sold.

(b) No person shall possess or be issued more than one distributor's, importing distributor's license; no person shall possess or be issued more than one class of license. No distributor or importing distributor shall maintain or operate any place where sales are made other than that for which the license is granted. No distributor or importing distributor shall maintain any place for the storage of malt or brewed beverages, *except in the same municipality or township in which the licensed premises is located, and unless the same has been approved by the board. In the event there is no place of cold storage in the same municipality or township, the board may approve for an importing distributor or distributor a place of cold storage in the nearest municipality or township.* No distributor's, [or] importing distributor's or package retailer's license shall be issued for any premises in any part of which there is operated any retail license for the sale of liquor or malt or brewed beverages.

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

A retail dispenser license shall not be issued to any individual unless such individual, for one year immediately preceding the date of his application, has been a

resident of the county wherein his place of business is or is to be located.

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

Section 13. Revocation and Suspension of Licenses.

—[(a) After a license has been granted by the treasurer, upon petition of the Attorney General, the board, the treasurer, the district attorney, or fifteen or more taxpayers, residents of the ward, borough or township where the place of business is located, to the court of quarter sessions, and upon sufficient cause being shown or proof being made to the court 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 the sale of malt or brewed beverages, or relating to the manufacture, sale or transportation of alcohol or other alcoholic beverages, it may, upon due notice and proper hearing being given to the person so licensed, suspend or revoke the said retail license issued by the treasurer. The court shall assess or remit the costs in its discretion.

Any licensee whose retail license is revoked shall be ineligible to have a license or permit under this act, or under another act relating to the manufacture, sale or distribution of malt liquor or other alcoholic liquors, until the expiration of three years from the date his license was revoked.

(b) The board upon sufficient cause being shown or proof being made that any licensee holding a license issued by the board, or any partners, members, officers or directors of the licensee has or have violated any of the laws of this Commonwealth relating to the manufacture, sale, possession or transportation of malt or brewed beverages, alcohol or other alcoholic beverages may, upon due notice and proper hearing being given to the person so licensed, suspend or revoke the license issued by the board under the provisions of this act. In all cases where the board shall suspend or revoke a license, it shall set forth its finding of fact, the evidence from which such findings of fact are made, and the reasons upon which its action is based. Any licensee whose license is revoked by the board shall be ineligible to have a license under this act or under any other act of the Commonwealth of Pennsylvania relating to the manufacture, transporta-

tion 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 board shall revoke a license, no license shall be granted for 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. Any person aggrieved by the suspension or revocation of a license issued by the board under this act may, within twenty days after such suspension or revocation, appeal to the court of quarter sessions of the county in which the premises in which said license was conducted are located. Such appeal shall be upon the petition of the person aggrieved who shall serve a copy thereof upon the board, whereupon a hearing shall be held upon the petition by the court after ten days notice to the board which shall be represented in the proceedings by the Department of Justice. At such hearing, testimony may be presented by the applicant and the board, after the consideration of which the court shall either sustain the suspension or revocation of the license, modify or reverse the order of the board. In all such cases of appeal, the court of quarter sessions shall file of record at least a brief statement in the form of an opinion of the reasons for the ruling or order.

(c) Any person aggrieved by the action of the court of quarter sessions 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 presented to it. The action of the Superior Court shall be final.] *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 intentional 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 citations shall be held in the same manner as provided herein for hearings on applications for license. Upon such hearing, if satisfied that any such violation has occurred, or for other sufficient cause, the board shall immediately suspend or revoke the license, notifying the*

licensee thereof, by registered letter addressed to his licensed premises. 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 board shall revoke a license, no license shall be granted for the premises or transferred to the premises in which the said license was conducted for a period of at least one year after the date of the revocation of the license conducted in the said premises, except in cases where the licensee or a member of his immediate family is not the owner of the premises, in which case the board may, in its discretion, issue or transfer a license within the said year. In all such cases, the board shall file of record at least a brief statement, in the form of an opinion, of the reasons for the ruling or order. In the event the person whose license was suspended or revoked by the board shall feel aggrieved by the action of the board, he shall have the right to appeal to the court of quarter sessions in the same manner as herein provided for appeals from refusals to grant licenses. In those cases where the board shall suspend a license, the board may accept from the licensee an offer in compromise as a penalty in lieu of such suspension, and thereupon rescind such suspension. In the case of a manufacturer, the offer in compromise shall be at the rate of one hundred dollars (\$100) for each day of suspension, in the case of an importing distributor, thirty dollars (\$30), and a distributor, twenty dollars (\$20) for each day of suspension, and in the case of a retail dispenser or transporter for hire, ten dollars (\$10) for each day of suspension. No offer in compromise may be accepted by the board in those cases where the suspension is for a period in excess of 100 days.*

Section 14. Licenses Not Assignable; Transfers. — (a) Licenses issued under this act may not be assigned. The board, upon payment of the transfer filing fee and the execution of a new bond, [or treasurer, as the case may be] is hereby authorized to transfer any license issued by it [or him] from one person to another, or from one place to another, or both, within the same municipality or township, as the board [or treasurer] may determine; but no transfer shall be made to a person who would not have been eligible to receive the license originally, nor for the transaction of business at a place for which the license could not lawfully have been issued originally, [or] *nor, except as herein pro-*

* "pay" in the original.

vided, to a place as to which a license has been revoked. [within one year of the date of application.] Except in cases of emergency, such as death, serious illness, or circumstances beyond the control of the licensee as the board [or treasurer] may determine such circumstances to justify its [or his] action, transfers of licenses may be made only at times fixed by the board. [or the treasurer] *In the case of the death of a licensee, the board may transfer the license to the surviving spouse or personal representative, or to a person designated by him.* From any refusal to grant a transfer, the person aggrieved shall have the right to appeal to the court of quarter sessions *of the county* in which the licensed premises are situated in the same manner as herein provided for appeals from refusals to grant licenses.

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

Section 15. Applications for Transfers; Fee.—Every applicant for a transfer of a license shall file a written application, *together with a filing fee of ten dollars*, with the board [or treasurer, as the case may be] in such form as the board [or treasurer] shall prescribe and at such time as the board [or treasurer] shall fix, *and shall also file a bond as required on original applications for licenses.*

Whenever any license is transferred, no license or other fees shall be required from the persons to whom such transfer is made for the balance of the then current license year, except [a] *the filing fee of ten dollars* (\$10).

Section 16. Renewal of Licenses.—[All applicants for renewal of licenses shall be filed at least sixty days before the expiration date of same and not thereafter. Unless, within one month of the date of filing of such application for renewal, the applicant shall have been notified by the board or treasurer, as the case may be, of objections to the granting thereof filed by persons authorized so to do, upon the payment of the license fee and the filing of a bond as in the case of an original application for license, the board or treasurer shall issue such renewal of license. Objections to the granting of the renewal of the license shall be limited to those filed by persons authorized to file petitions for the revocation or suspension of licenses as provided in section thirteen hereof.] *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 shall have been formally notified by the board 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 or the regulations of the board, the license of a licensee shall be renewed when the applicant shall file with the board a new bond and shall pay the requisite filing fee and license fee specified in this act.*

(c) In case where a licensee, or his servants, agents or employes are arrested, charged with violating any of the laws of this Commonwealth relating to liquor, alcohol, or malt or brewed beverages, and where the board has on file in such cases reports of its enforcement officers or investigators or from other sources that a licensee or his servants, agents or employes have violated any of the aforementioned laws, and a proceeding to revoke such licensee's license is or is about to be instituted, and such arrest occurs, or report of violations is received, or revocation proceeding instituted, or about to be instituted, during the time a renewal application of such license is pending before the board, the board may, in its discretion, renew the license notwithstanding such alleged violations, but such renewal license may be revoked by the board in the manner herein provided for the 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 17. Display of License.—Every licensee shall frame his or its license under a transparent substance, and display the same in a conspicuous space so that it may easily be read in his or its place of business; and no license shall authorize sales until this section has been complied with.

Section 18. All Licensees to Furnish Bond.—No license shall be issued to any manufacturer, distributor, importing distributor or [retailer] *retail dispenser*, or to any railroad, pullman or steamship company, until the licensee shall have first executed a bond to the Commonwealth of Pennsylvania, and a warrant of attorney to confess judgment, in the penal sum hereinafter prescribed. Bonds of all applicants [except manufacturer's] shall have, [sufficient sureties, either personal or] *as surety*, a surety company authorized to do business in this Commonwealth, *or shall have deposited therewith, as collateral security, cash or negotiable obligations of the United States of America or the Commonwealth of Pennsylvania in the same amount as herein provided for the penal sum of bonds. In all cases where cash or securities in lieu of other surety have been deposited with the board, the depositor shall be permitted to continue the same deposit from year to year on each renewal of license, but in no event shall he be permitted to withdraw his deposit during the time he holds said license, or until six months after the expiration of the license held by him, or while revocation proceedings are pending against such license. All cash or securities received by the board, in lieu of other surety, shall be turned over by the board to the State Treasurer and held by him. The State Treasurer shall repay or return money or securities deposited with him to the respective depositors only on the order of the board. After notice from the board that such a bond has been forfeited, the State Treasurer shall immediately pay into the State Stores Fund all cash deposited as collateral with such bond, and when securities have been deposited with such a bond, the State Treasurer shall sell at private sale, at not less than the prevailing market price, any such securities so deposited as collateral with any such forfeited bond. The State Treasurer shall thereafter deposit in the State Stores Fund the net amount realized from the sale of such securities, except that, if the amount so realized, after deducting proper*

costs and expenses, is in excess of the penal amount of the bond, such excess shall be paid over by him to the obligor on such forfeited bond. [Bonds with personal surety shall be executed by not less nor more than two individuals as sureties, each of whom shall own real estate of an assessed valuation over and above all encumbrances and outstanding liabilities of two thousand dollars (\$2000) or more. Bonds of manufacturers shall have as surety a surety company authorized to do business in this Commonwealth.] Such bonds shall not be accepted until approved by the board. [or treasurer as the case may be.] All such bonds shall be conditioned for the faithful observance of all the laws of this Commonwealth relating to [the] *alcohol, alcoholic liquors, and malt or brewed beverages, and the regulations of the board.* [the manufacture, sale, possession or transportation of malt or brewed beverages or alcohol or any other alcoholic beverages.] All bonds shall be filed with and retained by the board. [or treasurer as the case may be.] The penal sum of bonds filed by the manufacturers shall be ten thousand (\$10,000) dollars for each place at which the licensee is authorized to manufacture. The penal sum of bonds filed by distributors shall be one thousand (\$1,000) dollars and for importing distributors two thousand (\$2,000) dollars. The penal sum of bonds filed by all other licensees shall be one thousand (\$1,000) dollars for each place at which the licensee is authorized to sell malt or brewed beverages except that in the case of railroad, pullman or steamship companies the penal sum of the bond to be filed shall be one thousand (\$1,000) dollars irrespective of the number of licensed cars or ships operated by such companies. Every such bond may be forfeited when a license is revoked and shall be turned over to [the district attorney, or] the Attorney General [as the case may be, to be sued out] for collection, if, and when, the licensee's license shall have been revoked and his bond forfeited as herein provided.

Section 19. License Fees; Distribution of Revenues. —No license shall be issued to any manufacturer, distributor, importing distributor or retail dispenser, *and no public service licenses shall be issued*, until the licensee shall have first paid an annual license fee, [for such grant] as follows:

(a) In the case of a manufacturer, the license fee shall be one thousand (\$1,000.00) dollars for each place of manufacture, and shall be paid to the board. *The fee for all such licenses, when applied for and issued on or after April 1, but prior to July 1, shall be three-fourths of the annual fee; July 1, but prior to October 1, shall be one-half of the annual fee; October 1, but prior to January 1, shall be one-quarter of the annual fee.*

(b) In the case of a distributor, the license fee shall be four hundred (\$400.00) dollars, and shall be paid to the board.

(c) In the case of an importing distributor, the license fee shall be nine hundred dollars (\$900.00), and shall be paid to the board.

(d) In the case of a retail dispenser, *except clubs*, the license fee shall be graduated according to the population of the municipal unit or township in which the place of business is located, and shall be paid to the [treasurer] *board* as follows:

	[Retail]
	[Dispenser]
[(a)] (1) Less than 10,000	\$100
[(b)] (2) 10,000 and more, but less than	50,000 150
[(c)] (3) 50,000 and more, but less than	100,000 200
[(d)] (4) 100,000 and more, but less than	150,000 250
[(e)] (5) 150,000 and more	300

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

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

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

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

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

(j) The license fees for manufacturers, distributors, importing distributors and public service licenses, and all filing fees for such licenses and all permit fees, *forfeitures and compromise penalties collected, received or recovered, under the provisions of this act*, shall be transmitted to the State Treasurer by the board, and shall be paid into the State Stores Fund. Fees paid for retail dispensers licenses shall be paid *in the State Treasury, through the Department of Revenue, into the special fund known as the "Liquor License Fund."* *The moneys in the "Liquor License Fund" shall, on the first days of February and August of each year, be paid by the [treasurer] board to the municipalities and town-*

ships in which the licensed places are located, in such amounts as represent the aggregate license fees collected from retail dispenser licensees in such municipalities and townships during the preceding period. [Filing fees collected by the treasurer shall be for the use of the county.]

(k) The board shall have the power to appropriate moneys in the Liquor License Fund for the payment of claims for refunds allowed and approved by the board for moneys paid into the Liquor License Fund because of the over-payment or overcharge on license fees. In the event that the moneys in the Liquor License Fund have been distributed to the respective municipalities 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 overcharge or over-payment on a license fee.

Section 20. Sales by Manufacturers; Minimum Quantities.—No manufacturer shall sell any malt or brewed beverages for consumption on the premises where sold, nor sell or deliver any such malt or brewed beverages in other than original containers, approved as to capacity by the board, nor in quantities of less than two hundred and eighty-eight (288) fluid ounces; nor shall any manufacturer maintain or operate within the Commonwealth any place or places, other than the place or places covered by his or its license, where malt or brewed beverages are sold or where orders are taken.

Section 21. Sales by Distributors and Importing Distributors.—No distributor or importing distributor shall purchase, receive or resell any malt or brewed beverages except in the original containers, as prepared for the market by the manufacturer *at the place of manufacture*. No distributor or importing distributor shall sell any malt or brewed beverages in quantities of less than two hundred eighty-eight fluid ounces: Provided, That no malt or brewed beverages sold or delivered shall be consumed upon the premises of the distributor or importing distributor or in any place provided for such purpose by such distributor or importing distributor.

Section 22. Sales by [Retailers] *Retail Dispensers*.—(a) No [retailer] *retail dispenser* shall purchase or receive any malt or brewed beverages except in original containers, as prepared for the market by the manufacturer *at the place of manufacture*. The retail dispenser may thereafter break the bulk upon the licensed premises and sell or dispense the same for consumption on or off the premises so licensed: Provided, however, That no retail dispenser may sell malt or brewed beverages for consumption off the premises in quantities in excess of

seventy-two fluid ounces: [or deliver malt or brewed beverages to any point away from his licensed premises] And provided further, That no club licensee may sell any *malt or brewed* beverages for consumption off the premises where sold *or to persons not members of the club*.

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

(b) *The board may, with the approval of the Governor, temporarily close all licensed premises within any municipality or township during any period of emergency proclaimed to be such by the Governor.*

Section 23. Unlawful Acts.—It shall be unlawful—
[(a)] (I) For any manufacturer, importing distributor, or distributor or the servants, agents or employes of the same to sell, trade or barter in malt or brewed beverages between the hours of twelve o'clock midnight of any Saturday and two o'clock in the forenoon of the following Monday.

[(b)] (II) For any hotel, [restaurant] *or eating place holding a retail dispenser's license*, or public service licensee, or the servants, agents or employes of such licensees, to sell, trade or barter in *malt or brewed* beverages between the hours of twelve o'clock midnight of any Saturday and seven o'clock in the forenoon of the following Monday, or between the hours of two o'clock antemeridian and seven o'clock antemeridian of any *week* day.

[(c)] (III) For any licensee, *or his servants, agents or employes*, to sell, furnish or give any *malt or brewed* beverages to any person visibly intoxicated, or to any insane person, or to any minor, or to habitual drunkards, or persons of known intemperate habits.

[(d)] (IV) For any hotel, [restaurant] *or eating place holding a retail* dispenser's license* or public service licensee, *or his servants, agents or employes*, to sell, furnish or give any malt or brewed beverages to any person *after two o'clock antemeridian*, or until one hour after the time fixed by law for the closing of polling places on days on which a general, municipal, special or primary election is being held.

[(e)] (V) For any licensee, *or his servants, agents or employes*, to sell, or offer to sell, or purchase or re-

* "retailer" in the original.

ceive, any malt or brewed beverages except for cash, excepting credits extended by a hotel or club to bona fide registered guests or members. No right of action shall exist to collect any claims 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 *such* containers, or as a deposit on *such* containers when title is retained by the vendor if such containers [or packages] have been returned to the manufacturer, distributor, importing distributor or other vendor. Nothing herein contained shall prohibit a manufacturer from extending usual and customary credit for malt or brewed beverages sold to customers or purchasers who live or maintain places of business outside of the Commonwealth of Pennsylvania, when the *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.*

[(f)] (VI) For any licensee, or his servants, agents or employes to sell, offer to sell, or furnish any *malt or brewed* beverage to any person on a pass book or store order, or to receive from any person any goods, wares, merchandise or other articles except containers returned in exchange for malt or brewed beverages.

[(g)] (VII) *For any manufacturer, importing distributor or distributor, his servants, agents or employes, to hereafter give, furnish, lease or sell, or for any licensee, or his servants, agents or employes, except a manufacturer on his own premises, to hereafter lease, purchase or receive for display, or to [advertise] display in any manner whatsoever, on the outside of any licensed premises, or on any lot of ground on which licensed premises are situate, or on any building of which the licensed premises are a part, any advertisement whatsoever relating to 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 beverage] unless the actual value of such [advertising device] advertisement shall be not more than [seventy-five dollars (\$75.00)] twenty-five dollars (\$25.00). No sign or advertisement furnished, leased or sold by any manufacturer, importing distributor or distributor shall contain anything except the trade name, trade-mark or place of manufac-*

ture of the malt or brewed beverage manufactured or sold by him.

[(h)] (VIII) For any manufacturer, importing distributor or distributor, *his servants, agents or employes* to hereafter give, furnish, lease or sell, or for any other licensee or *his servants, agents or employes*, 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 *malt or brewed* beverage or the manufacturer, producer or place of manufacture or production of any *malt or brewed* beverage unless the actual value of such advertising device, *including all displays in connection therewith*, shall not exceed [twenty-five dollars] *ten dollars (\$10)*. *It shall be unlawful for any licensee to display or permit to be displayed any window advertising except in accordance with the regulations of the board.*

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

[(j)] (X) For any retail dispenser, or *his servants, agents 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.

[(k)] (XI) For any licensee or his [or its] servants, agents or employes to transport, sell, deliver or purchase any malt or brewed beverage 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* beverages 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.

[(l)] (XII) For any [retail licensees] *licensee, his servants, agents or employes*, except clubs, to permit in any licensed premises, dancing, theatricals, floor show

or moving picture exhibitions of any sort, unless the licensee shall have first received from the board a special permit to provide such entertainment, or for any retail licensee under any circumstances to permit in any licensed premises, any lewd, immoral or improper entertainment regardless of whether or not a permit to provide entertainment has been obtained. The board shall have power to provide for the issue of such special permits and to require a fee [of twenty-five dollars] for 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.* All such fees shall be paid into the State Stores Fund. *No such permit shall be issued in any municipality which, by ordinance, prohibits amusements in licensed places. Any violation of this clause shall, in addition to the penalty herein provided, subject the licensee to suspension or revocation of his permit and his license.*

[(m)] (XIII) For any distributor or importing distributor, *or his servants, agents or employes*, without the approval of the board, *and then only in accordance with board regulations*, to engage [on the licensed premises] in any other business whatsoever except the business of distributing malt or brewed beverages. [or non-intoxicating beverages]

[(n)] (XIV) For any distributor, importing distributor [retailer] *or retail dispenser, or his servants, agents or employes*, to have in his possession, [on any licensed premises] or to permit the storage of on the licensed premises, *or in any place contiguous or adjacent thereto accessible to the public, or used in connection with the operation of the licensed premises*, [of] any spirituous, vinous or alcoholic liquors or alcohol of any sort except malt or brewed beverages.

[(o)] (XV) For any licensee, *or his servants, agents or employes, except a manufacturer*, to manufacture, import, sell, *transport, store*, trade or barter in any spirituous, vinous or other alcoholic liquors or alcohol except malt or brewed beverages.

[(p)] (XVI) For any licensee, *or his servants, agents or employes*, to issue, publish or post or cause to be issued, published or posted any advertisement of [a] malt or brewed [beverage] *beverages* including a label which shall refer in any manner to the alcoholic strength of the malt or brewed beverages 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.

[(q)] (XVII) 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 employers or principals to purchase or contract to purchase 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.

[(r)] (XVIII) For any licensee, or *his servants, agents or employes*, to offer or give any prize, premium, gift or other similar inducement to either trade or consumer buyers except advertising novelties of nominal value which the board shall define.

[(s)] (XIX) For any licensee, or *his servants, agents or employes*, to offer, pay, make or allow, or for any licensee or *his servants, agents or employes*, to solicit or receive, any allowance or rebate, refunds or concessions whether in the form of money or otherwise to induce the purchase of malt or brewed beverages or *any other commodity* manufactured or sold by the licensee.

[(t)] (XX) For any [licensee] *importing distributor, distributor, retail dispenser, or his servants, agents or employes*, to fail to keep *on the licensed premises*, for a period of at least two years, *such* complete and truthful records, *as the board may prescribe*, covering the operation of his [license] *licensed business* and particularly showing the date of all purchases of malt or brewed beverages, the actual price paid therefor and the name of the vendor, or *for any licensee, his servants, agents or employes* to refuse the board or an authorized employe of the board access thereto or the opportunity to make copies of the same when the request is made during business hours.

[(u)] (XXI) For any licensee, or *his servants, agents or employes*, to refuse the board, or any of its authorized employes, the right to completely inspect the entire licensed premises at any time during which the premises are open for the transaction of business.

[(v)] (XXII) For any retail dispenser, or *his servants, agents 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.

[(w)] (XXIII) For any person to hawk or peddle malt or brewed beverages. [or to distribute malt or

brewed beverages unless an order therefor has been previously received]

[(x)] (XXIV) For any licensee, or his servants, agents or employes, to be, directly or indirectly, employed by any [other licensee] person engaged in the manufacture, storage, transportation or sale of spirituous or vinous liquors, alcohol or malt or brewed beverages.

[(y)] (XXV) For any licensee, or his servants, agents or employes to knowingly sell any malt or brewed beverages to any person engaged in the business of illegally selling liquor or malt or brewed beverages.

[(z)] (XXVI) For any person to transport *within* or import any malt or brewed beverages into this Commonwealth, except in accordance with the rules and regulations of the board, or for any person to transport malt or brewed beverages into or within this Commonwealth unless there shall be affixed to the original containers in which such malt or brewed beverages are transported stamps or crowns evidencing the payment of the malt liquor tax to the Commonwealth: Provided, however, That this clause shall not be construed to prohibit transportation of malt or brewed beverages through this Commonwealth and not for delivery therein if such transporting is done in accordance with the rules and regulations of the board.

(XXVII) For any manufacturer, importing distributor or distributor, or his servants, agents or employes, except with board approval, to deliver or transport any malt or brewed beverages in any vehicle in which any other commodity is being transported.

(XXVIII) For any importing distributor, distributor or retail dispenser, or the servants, agents or employes of such licensees, to display on the outside of any licensed premises, or to display any place within the licensed premises, 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 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 malt or brewed beverages will be sold by him.

(XXIX) For any retail dispenser to employ any minor or to permit any minor to render any service whatsoever 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.

(XXX) For any licensee, his servants, agents or employes, to cash pay roll checks, except in accordance with board regulations.

(XXXI) *For any retail dispenser, his servants, agents or employes, to permit persons of ill repute, known criminals, prostitutes or minors to frequent his licensed premises, or any premises operated in connection therewith, except minors accompanied by parents, guardians or under proper supervision.*

(XXXII) *For any licensee, his servants, agents or employes, to give, furnish, trade, barter, serve or deliver any malt or brewed beverages to any person during hours or on days when the licensee is prohibited by this act from selling malt or brewed beverages.*

(XXXIII) *For any club, retail dispenser, or its servants, agents or employes, to sell malt or brewed beverages between the hours of three o'clock antemeridian and seven o'clock antemeridian on any day.*

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

(XXXV) *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 importing distributors, distributors or retail dispensers, licensed under this act, or to hotel, restaurant or club licensees* licensed under any other act of this Commonwealth relating to liquor or malt or brewed beverages: Provided, however, That the provisions of this subsection shall not apply to such a conflicting interest if it has existed for a period of not less than three years prior to January first, one thousand nine hundred and thirty-seven, and the board shall approve.*

Section 24. Things of Value Not to Be Offered.—It shall be unlawful for any person licensed to sell malt or brewed beverages, or his servants, agents or employes, to offer or 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 such malt or brewed beverages, or to offer or give, or solicit or receive, anything of value as a premium or present to induce the purchase of such malt or brewed beverages or for any other purpose whatsoever in connection with the sale of such malt or brewed beverages: Provided, however, That this section shall not apply to the return of any moneys specifically deposited for the return of the original containers to the owners thereof.

* "licenses" in the original.

Section 25. Unlawful to Fortify, Adulterate, or Contaminate Malt or Brewed Beverages.—It shall be unlawful to fortify, adulterate, contaminate, or in any wise to change the character or purity of the malt or brewed beverages from that as originally marketed by the manufacturer *at the place of manufacture*.

Section 26. Transportation in Original Packages.—It shall be unlawful for any [licensee or transporter for hire] *person* to transport any malt or brewed beverages except in the original containers. It shall be unlawful for any [transporter for hire] *person* to transport for *another* any malt or brewed beverages within this Commonwealth unless such [transporter] *person* shall hold a permit issued by the board and shall have paid to the board such permit fee, not exceeding one hundred dollars, and shall have filed with the board a bond in the penal sum of not more than two thousand dollars as may be fixed by the rules and regulations of the board, any other law to the contrary notwithstanding.

Section 27. Delivery Vehicles to Bear Name and Address of [Distributor, Importing Distributor or Manufacturer] *Licensee*.—It shall be unlawful for a [manufacturer, importing distributor or distributor] *licensee* to deliver or transport any malt or brewed beverages excepting in vehicles bearing the name and address and license number of such [distributor, importing distributor or manufacturer] *licensee* painted or affixed on each side of such vehicle in letters no smaller than four inches in height.

Section 28. Interlocking Business Prohibited.—(a) No manufacturer, and no officer or director of any manufacturer, shall, at the same time, be a distributor, importing distributor or retail dispenser, or an officer, director or stockholder or creditor of any distributor, importing distributor or retail dispenser, nor, except as hereinafter provided, be the owner, proprietor or lessor of any place [covered, directly or indirectly, by any distributor's, importing distributor's or retail dispenser's license or retail liquor license] *for which a license has been issued for any importing distributor, distributor or retail dispenser under this act, or for which a hotel, restaurant or club liquor license has been issued under any other act of this Commonwealth*.

(b) No distributor or importing distributor, and no officer or director of any distributor or importing distributor, shall, at the same time, be a manufacturer, [or retailer] *a retail dispenser or a liquor licensee*, or be an officer, director, stockholder or creditor of a manufacturer, [or retailer] *a retail dispenser or a liquor licensee*, or, *directly or indirectly, own any stock of, or have any financial interest in*, or be the owner, proprietor or lessor

of any place covered by any other malt or brewed beverage or liquor license.

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

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

(e) Excepting as hereinafter provided, no manufacturer shall in any wise be interested, either directly or indirectly, in the ownership or leasehold of any property, or any mortgage lien against the same, for which a distributor's or importing distributor's license is granted; nor shall a manufacturer, either directly or indirectly, lend any moneys, credit, or their equivalent, to *or guarantee the payment of any bond, mortgage, note, or other obligation of, any distributor or importing distributor* in equipping, fitting out, or maintaining and conducting, either in whole or in part, an establishment or business where malt or brewed beverages are licensed for sale by a distributor or importing distributor, excepting only the usual credits allowed for the return of [packages or] *original* containers in which malt or brewed beverages were originally packaged for the market by the manufacturer *at the place of manufacture.*

(f) No distributor, importing distributor or retail dispenser shall, in anywise, receive, either directly or indirectly, any credit, loan, moneys, or the equivalent thereof, from any other licensee, or from any officer, director or firm member of any other licensee, or from or through a subsidiary or affiliate of another licensee or from any firm, association or corporation, except banking institutions, in which another licensee or any officer, director or firm member of another licensee has a substantial interest or exercises a control of its business

* "licenses" in the original.

policy for equipping, fitting out, payment of license fee, maintaining and conducting, either in whole or in part, an establishment or business operated under a distributor's,* importing distributor's or retail dispenser's license excepting only the usual and customary credits allowed for the return of [packages or] *original* containers in which malt or brewed beverages were [packed] *packaged* for the market by the manufacturer *at the place of manufacture*.

The purpose of this section is to require a separation of the financial and business interests between the various classes of business regulated by this act, and no person or corporation shall by any device whatsoever, directly or indirectly, evade the provisions of this section. But in view of existing economic conditions, nothing contained in this section shall be construed to prohibit the ownership of property or conflicting interest by a manufacturer of any place occupied by a distributor, importing distributor or retail dispenser after the manufacturer has continuously owned and had a conflicting interest in such place for a period of at least five years prior to [the effective date of this act] *July 18, 1935*.

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

Section 29. Malt or Brewed Beverages Manufactured Outside This Commonwealth.—In addition to compliance with all other provisions of this act, the board shall require each person desiring to sell any malt or brewed beverages manufactured outside this Commonwealth to Pennsylvania licensees, and shall require each Pennsylvania licensee, who desires to purchase and resell any such malt or brewed beverages, to pay to the board the same fees as are required to be paid by Pennsylvania licensees, or by persons or licensees in any state, territory or country outside of Pennsylvania who desire to sell malt or brewed beverages manufactured in Pennsylvania to licensees in such other state, territory or country of origin of such malt or brewed beverages not manufactured in Pennsylvania, and to observe and comply with the same regulations, prohibitions and restrictions as are required of, or enforced against, Pennsylvania licensees or persons who desire to purchase and resell malt or brewed beverages manufactured in Pennsylvania in such other state, territory or country of origin. In all cases where the board shall have issued any reciprocal regulations or orders concerning malt or brewed beverages manufactured in any state, territory or country, other than Pennsylvania, no Pennsylvania licensee shall purchase any such malt or brewed beverage

* "apostrophe" inserted.

ages if their importation has been prohibited, or if not entirely prohibited, unless such regulations or orders have been observed and complied with by the Pennsylvania licensee and by the person from or through whom the Pennsylvania licensee desires to purchase. Any malt or brewed beverages manufactured outside of Pennsylvania which are sold, transported or possessed in Pennsylvania contrary to any such regulations or orders of the board, or without the payment of the fees herein required, shall be considered contraband, and shall be confiscated by the board and disposed of in the same manner as any other illegal liquor or malt or brewed beverages.

Upon learning of the commission by a manufacturer of malt or brewed beverages whose principal place of business is outside this Commonwealth, or by any servant, agent, employe or representative of such manufacturer within, or partly within and partly outside this Commonwealth of any violation of this act, or any laws of this Commonwealth, relating to liquor, alcohol, or malt or brewed beverages, or of any regulation of the board, adopted pursuant thereto, or of any violation of any laws of this Commonwealth or of the United States of America relating to the tax payment of liquor or malt or brewed beverages, the board shall cite such manufacturer to appear before it or its examiner, not less than ten nor more than fifteen days from the date of mailing such manufacturer at his principal place of business wherever located, by registered mail, a notice to show cause why the further importation into this Commonwealth of malt or brewed beverages manufactured by him should not be prohibited. Upon such hearing, whether or not an appearance was made by such outside manufacturer, if satisfied that any such violation has occurred, the board is specifically empowered and directed to immediately issue an order prohibiting the importation of malt or brewed beverages manufactured by such manufacturer into this Commonwealth for a period of not less than six months nor more than three years. Notice of such board action shall be given immediately to such manufacturer, and to all persons licensed to import malt or brewed beverages within this Commonwealth, by mailing a copy of such order to such manufacturer at its principal place of business wherever located, and to such licensees* at their licensed premises. Thereafter it shall be unlawful for any person, licensed to import malt or brewed beverages within this Commonwealth, to purchase or sell any malt or brewed beverages manufactured by such outside manufacturer during the term of such prohibition. Any violation of such prohibitory order shall be a misdemeanor, and shall

* "licensees" in the original.

be punished in the same manner as herein provided for any other violation of this act, and shall also constitute grounds for revocation or suspension of a license to import malt or brewed beverages. 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. Any outside manufacturer aggrieved by the action of the board may appeal to the quarter sessions court of Dauphin County in the same manner as herein provided for appeals from refusals to grant licenses.

Section [29] 30. Penalty.—(a) Any person, copartnership, association or corporation, or any officer, director, servant, employe or agent of any copartnership, association or corporation, violating any of the provisions of this act shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine [not exceeding] of not less than one hundred dollars* (\$100) nor more than three hundred dollars (\$300), and, on failure to pay such fine, to imprisonment for not less than one month nor more than three months for the first offense, and for any second or subsequent offense shall be sentenced, upon conviction, to pay a fine [not exceeding] of not less than three hundred dollars (\$300) nor more than five hundred dollars (\$500), [Any such person, or the members, agents, servants or employes of any such partnership or association, or the officers, directors, agents, servants or employes of any such corporation, responsible for any violation of any of the provisions of this act, in addition to the fines hereinbefore prescribed may, upon a first conviction, be sentenced to imprisonment for a term not exceeding six months, and upon a second or subsequent conviction] and shall be sentenced to imprisonment for a term of not less than three months nor more than one year.

(b) Upon proof being made that any licensee, or any servant, agent or employe of such licensee, under this act has violated any of the provisions of this act, or regulations of the board, or any of the laws of the Commonwealth relating to liquor, alcohol or malt or brewed beverages, or the payment of tax thereon or the laws of the United States of America relating to the payment of tax on liquor, alcohol or malt or brewed beverages, the board [or the court of quarter sessions of the proper county, as the case may be] may, in its discretion, revoke or suspend any license issued under this act to any such licensee. The right to suspend or revoke licenses as herein set forth shall be an additional penalty to those set forth in paragraph "A" of this section.

Section [30] 31. Nuisance.—(a) Any room, house, building, boat, vehicle, structure or place where malt or brewed beverages are manufactured, sold, transported,

* "dollars" inserted.

offered for sale, bartered or furnished in violation of this act, and all such beverages and property kept or used in maintaining the same are hereby declared to be common nuisances, and any person who maintains such a common nuisance shall be guilty of a misdemeanor, and, upon conviction thereof, shall be subject to the penalties provided in this act.

(b) An action to enjoin any nuisance defined in this act may be brought in the name of the Commonwealth of Pennsylvania by the Attorney General [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 affidavit or otherwise, to the satisfaction of the court that such nuisance exists, a temporary writ of injunction shall forthwith issue restraining the defendant from conducting or permitting the continuance of such nuisance until the conclusion of the proceedings. If a temporary injunction is prayed for, the court may issue an order restraining the defendant and all other persons from removing or, in any way, interfering with the beverages or other things used in connection with the violation of this act constituting such nuisance. No bond shall be required in instituting such proceedings. It shall not be necessary for the court to find the property involved was being unlawfully used, as aforesaid, at the time of the hearing, but on finding that the material allegations of the petition are true, the court shall order that no beverage shall be manufactured, sold, offered for sale, transported, 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 malt or brewed beverages will not thereafter be manufactured, sold, transported, 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 [31] 32. Local Option.—In any municipality or township an election may be held, but not oftener than once in four years, on the date of the *primary election immediately preceding* any municipal election, to determine the will of the electors with respect to the granting of licenses to retail dispensers under the provisions of this act: *Provided, however, Where an election was therefore 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.* 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] *county commissioners of the county* for a referendum on the question of granting such licenses, the said [corporate authorities] *county commissioners* shall cause a question to be submitted at the *primary immediately preceding* the 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 malt and brewed beverage retail <i>dispenser</i> licenses for consumption on premises where sold in the of ?	Yes	
	No	

*In case of a tie vote, or if a majority of the persons voting on such question vote "yes," then malt and brewed beverage retail *dispenser* licenses shall be granted by the [treasurer] board in such municipality or township under the provisions of this act, but if a majority of the persons voting on such question vote "no," then the [treasurer] board shall thereafter have no power to grant or to renew, upon their expiration, any retail dispenser's licenses in such municipality or township under the provisions of this act.*

No such licenses shall be granted under the provisions of this act, as amended, in any municipality or township wherein the electors, under the provisions of the Beverage License Law of May third, one thousand nine hundred and thirty-three (Pamphlet Laws, two hundred fifty-two), and its amendments, voted, prior to the adoption of this amendment, against the granting of retail [beverage] *dispenser* licenses, unless, in accordance with the provisions of this act as amended, the action of the electors is hereafter reversed.

Section [32A] 33. Constitutionality.—The provisions of this act shall be severable, and if any of the provisions shall be held to be unconstitutional, such decision shall not affect the validity of any of the remaining provisions of this act. It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein.

Section [32B] 34. [(a) All licenses or permits issued to manufacturers and railroad, pullman and steamship companies, prior to the effective date of this act and which remain unrevoked on that date, shall continue in force and effect until the first day of January, one thousand nine hundred and thirty-six.

(b) All licenses issued to distributors for the license year beginning June first, one thousand nine hundred and thirty-five, prior to the effective date of this act and which remain unrevoked on that date, shall be in force, subject to adjustment, as hereinafter provided, for such period of a whole license year as the amount of license fee paid to the county treasurer bears to the amount of the license fee payable for a distributor's license under this act, but no such license shall be deemed to expire prior to July first, one thousand nine hundred and thirty-five, notwithstanding the amount of the license fee paid. The board shall have power without hearing to issue, to the holders of such distributor's licenses, new licenses under the provisions of this act to expire on the date fixed by the board as the expiration date of licenses in the district in which granted, for which license a fee shall be paid equal to one-twelfth of the fee fixed by this act for each month such license is to be in force. In fixing the expiration dates of existing licenses granted to distributors by county treasurers and the dates when licenses issued by the board shall become effective, the board shall not divide any calendar month, but shall have full discretion to adjust the time for which credit shall be given for the license fee paid to county treasurers, except as above excepted.

(c) Upon final enactment of this act, the board is authorized to issue importing distributors' licenses to those who qualify, without hearings, for such period of time as the board determines will expire between such date and the beginning of the license year for the district in which the licensed place is located, upon payment of a license fee at the schedule of rates herein set forth, said fee to be determined on a monthly basis.] *All licenses heretofore granted by county treasurers for the license year ending May thirty-first, one thousand nine hundred and thirty-seven and in force when this act becomes effective, and all licenses and amusement permits granted by the board, shall remain in full force*

and effect (unless sooner revoked) until the end of the license year for which issued, and no additional license or permit fees shall be required to be paid by such licensees for such license year. In the event that any county treasurer shall have received, under the provisions of the act hereby re-enacted and amended, from any person an application for the issuance or the renewal of a retail dispenser license, together with a filing fee and/or a license fee for such license, which has become effective for the license year beginning June first, one thousand nine hundred and thirty-seven, such license, or renewal thereof, issued by a county treasurer shall confer upon any person the right to sell malt or brewed beverages for the license year for which issued in the same manner and subject to the terms and conditions of this act as if issued under this act by the board. The board, upon application to it, shall have the power to grant a retail dispenser license, notwithstanding the fact that an application therefor had previously been made to a county treasurer, and either had been refused or not acted upon by said county treasurer. The board shall have the right to authorize applicants for retail dispenser licenses, whose licenses expired on May thirty-first, one thousand nine hundred thirty-seven, to continue the sale of malt and brewed beverages by issuing temporary permits, pending investigation by the board to determine the propriety of issuing a renewal license. The first licenses and amusement permits issued by the board, under the provisions of this act, shall be issued for license years, or fractions thereof, according to the license districts in which issued, and applications for all such licenses and permits shall be filed at such time as may be specified by the board. The board shall have power to grant the first licenses and permits under this act in any district for a period of one year or any period more or less than one year in order to provide a staggered system of license dates in the various districts, and in such cases, the fees for such licenses and amusement permits shall be one-twelfth of that fixed by this act multiplied by the number of months the first license or permit shall be effective.

Section 35. 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.

When effective.

Section 2. This act and the amendments thereto shall become effective immediately upon final enactment.

Inconsistent legislation repealed

Section 3. *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. The act approved the nineteenth day of February, one thousand nine hundred and twenty-six (Pamphlet Laws, sixteen), entitled "A supplement to the act, approved the twenty-seventh day of March, one thousand nine hundred and twenty-three (Pamphlet Laws, thirty-four), entitled 'An act concerning alcoholic liquors; prohibiting the manufacture, advertising, furnishing, traffic in, and possession of intoxicating liquors for beverage purposes, and articles and substances designed or intended for use in the manufacture thereof; defining intoxicating liquor; providing for penalties, forfeitures, and the abatement of nuisances; and repealing existing alcoholic liquor laws and alcoholic liquor license laws'; providing for the registering of federal permits; also regulating, under permit, through a Pennsylvania Alcohol Permit Board created in the Department of Welfare, the manufacture, production, distillation, development, use in manufacture, denaturization, redistillation, recovery, reuse, holding in bond, holding in storage by bailees for hire, sale at wholesale, and transportation for hire, of any alcohol or alcoholic liquid, by certain persons; also providing for fees and the disposition thereof; also authorizing the inspection of the records of permittees and purchasers of said alcohol or alcoholic liquid; also declaring certain places nuisances and providing for their abatement; also providing penalties; and also repealing all acts or parts of acts inconsistent with this act," and the amendments thereto, are hereby repealed, in so far as the same relate to the manufacture and sale of malt and brewed beverages and malt liquors, and in so far as the same are inconsistent with the provisions of this act relating to the transportation of malt or brewed beverages.*

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

GEORGE H. EARLE