

No. 3.

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, denaturation, 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.

Alcoholic liquors.

Act an exercise of police power.

Section 1. Be it enacted, &c., That this entire act is an exercise of the police power of this Commonwealth for the protection of the public welfare, health, peace, safety and morals of the people of this Commonwealth, and all of its provisions shall be liberally construed for the accomplishment of these purposes.

Definitions.

Section 2. (Definitions) For the purpose of this act, the following terms shall have the following meanings respectively designated for each:

Intoxicating liquor.

(a) The phrase "intoxicating liquor," as used in this act, shall mean anything found and determined from time to time to be intoxicating, by act of Congress passed pursuant to and in the enforcement of the Constitution of the United States of America.

Person.

(b) The word "person" shall mean and include natural persons, associations, partnerships and corporations, for whatever purpose organized.

Alcohol and alcoholic liquid.

(c) The phrase "alcohol and alcoholic liquid," whenever used in this act, shall mean and include alcohol and all distilled, redistilled, denatured, recovered liquids or substances, and any compound or admixture thereof, from whatever source or by whatever processes produced, which contain any alcohol, by volume capable of being used for beverage purposes, or as intoxicating liquor, during or after manufacture, production, distillation, redistillation, denaturation or recovery.

Application.

(d) The term "application" shall mean a formal, verified, written request, under oath or supported by a verified statement of facts, for a permit for the privilege authorized by law.

- (e) The term "permit" shall mean a formal, written authorization by the board setting forth specifically therein the things that are authorized. **Permit.**
- (f) The term "board" shall mean the Pennsylvania Alcohol Permit Board authorized and created by this supplemental act. **Board.**
- (g) The term "regulation" shall mean any regulation prescribed by the board for carrying out the provisions of this act. **Regulation.**
- (h) The term "container" shall mean and include any receptacle, vessel, or form of package, tank, vat, cask, barrel, drum, keg, can, bottle, or conduit, used or capable of use for holding, storing, transferring or shipment of alcohol or alcoholic liquid. **Container.**
- (i) The term "federal permit," as used in this act, shall be construed to mean what is commonly known as the basic permit, issued by authority of the United States of America, in conformity with the National Prohibition Act, and the regulations issued pursuant thereto, and shall not include a subsidiary or installment permit, for a particular transaction, issued to the holder of a basic permit. **Federal permit.**
- (j) The phrase "National Prohibition Act" shall be construed to mean the act of Congress, approved October twenty-eighth, one thousand nine hundred and nineteen, known as the National Prohibition Act, as supplemented and amended. **National Prohibition Act.**
- (k) The term "industrial alcohol plant" shall mean and include any plant or distillery, wherein alcohol or alcoholic liquid is manufactured, made and distilled from raw materials, or any place wherein alcohol or alcoholic liquid is produced by any method suitable for the production of alcohol. **Industrial alcohol plant.**
- (l) The term "denaturing plant" shall mean and include all plants used exclusively for the denaturation of alcohol, either specially or completely, by the admixture of such denaturing materials as shall render the alcohol or any compound in which it is authorized to be used, unfit for use as an intoxicating beverage. **Denaturing plant.**
- (m) The phrase "dealcoholizing plant" shall mean and include all premises and plants where alcohol or alcoholic liquids or beverages are produced by the process by which beer, ale, porter or wine is produced, or premises and plants wherein liquids such as beer, ale, porter or wine are produced by wasting the alcohol, or by arrested fermentation, and all premises and plants where alcohol, alcoholic liquids, or beverages are treated so that the percentage of alcohol is diminished. **Dealcoholizing plant.**
- (n) The term "bonded warehouse" shall mean and include all places and warehouses legally established under the provisions of the National Prohibition Act and the administrative provisions of the internal revenue laws of the government of the United States of America, **Bonded warehouse.**

for the storage, concentration, distribution and holding in bond of alcohol or alcoholic liquid.

Manufacture.

(o) The term "manufacture" shall mean and include all means, methods and processes used, employed, and made use of, to produce and make alcohol or alcoholic liquid from raw materials, and shall mean and include the production, recovery or reuse of alcohol in the making, developing, using in the process of manufacture, denaturing, redistilling or recovering of any alcohol or alcoholic liquid, in distilleries, industrial alcohol plants, denaturing plants, breweries and dealcoholizing plants.

Denatured alcohol.

(p) The term "denatured alcohol" shall mean and include all alcohol, or alcoholic liquid, or any compound thereof, which, by the admixture of such denaturing material or materials, is rendered unfit for use as an intoxicating beverage.

Unlawful to manufacture, etc. without permit.

Section 3. It shall be unlawful for any person, without a permit from the Commonwealth obtained as hereinafter provided, except as exempted by section five hereof, to manufacture, produce, distill, develop, or use in the process of manufacture, denature, redistill, recover, reuse, hold in bond, hold in storage as bailee for hire, sell at wholesale, or transport for hire, within this Commonwealth, any alcohol or alcoholic liquid.

Copy of federal permit to be filed with board.

Section 4. Every person, except as exempted by section five hereof, holding a federal permit, under the National Prohibition Act, to manufacture, produce, distill, develop, or use in the process of manufacture, denature, redistill, recover, reuse, hold in bond, hold in storage as bailee for hire, sell at wholesale, or transport for hire, within this Commonwealth, any alcohol or alcoholic liquid, shall, within thirty (30) days after this act takes effect, file a true and exact copy of the same with the Pennsylvania Alcohol Permit Board, and every person thereafter obtaining such a federal permit, shall file forthwith a true and exact copy of the same with said board. Said board shall keep a record of said federal permits and register therein the name and address of each person to whom said federal permit is issued, the date of the federal permit, the date of its expiration, and a brief description of the provisions of the federal permit, and shall file said copy in its office: Provided, however, That no federal permit shall be registered for any applicant who is not a citizen of the United States, or who has, within two (2) years prior to the making of such application, been convicted of a violation of the laws of this Commonwealth, or of the United States, relating to intoxicating liquors.

Federal permits to be recorded.

Proviso.

Aliens.

Persons convicted under liquor laws.

Conviction to act as revocation of registration.

Conviction of a violation of any of the statutes of this Commonwealth, or the laws of the United States, relative to the traffic in intoxicating liquors, by the

holder of any federal permit, shall operate as a revocation of the registration of such federal permit.

Section 5. It is hereby declared that registration of a federal permit, or securing a permit hereunder, shall not be required from any registered pharmacist; or a physician licensed by the State Board of Medical Education and Licensure; or a person or persons who make and sell vinegar, non-intoxicating cider, and fruit juices; or a person or persons who make methanol, distilled from wood; or a person or persons who conduct a wholesale drug business; or a person or persons who conduct a mercantile business, chiefly devoted to the sale of food stuffs, and having an established place located within the Commonwealth; or a person or persons who manufacture alcoholic liquids and preparations, not fit for use as a beverage, or for intoxicating beverage purposes; a person or persons engaged in the manufacture, possession or sale of patent, patented or proprietary medicines, toilet, medicinal or antiseptic preparations or solutions, or flavoring extracts, or syrups; or a person or persons who manufacture or sell paints, varnishes, enamels, lacquers, stains, or paint or varnish removing or reducing compounds, or wood fillers; or a person or persons who manufacture any substance, where the alcohol or alcoholic liquid is changed into other chemical substances and does not appear in the finished product as alcohol or alcoholic liquid; or such common carriers as are subject to regulation by the Public Service Commission of the Commonwealth of Pennsylvania.

Persons exempted from provisions of act.

Section 6. There is hereby created, in the Department of Welfare, a departmental administrative board, consisting of the Secretary of Welfare, the Secretary of Health and the Attorney General, to be known as the Pennsylvania Alcohol Permit Board, hereafter in this act called the board: Provided, That, if any of the said officers shall have any business or other interests, which, in the judgment of the Governor, render it unwise for such officer to act as a member of the said board, the Governor may designate a deputy, in the department of which such officer is the head, to act in the place and stead of such officer as a member of the said board. Two members of the board shall constitute a quorum. The board shall select, from among its members, a chairman and may elect a secretary who need not be a member of the board, and said board shall exercise the powers and perform the duties hereafter in this act set forth.

Pennsylvania Alcohol Permit Board.

Deputy may be designated.

Quorum.

Organization.

The board shall from time to time appoint and fix the compensation of such clerks, stenographers, inspectors and other assistants or employes as may be required for the proper conduct of the work of the board. The number and compensation of all employes appointed hereunder shall be subject to approval by the Governor.

Employes.

Employes or funds of Department of Welfare not to be used.

None of the regular employes of the Department of Welfare shall be authorized or permitted to engage or assist in the work of the board, and no part of the appropriation to the Department of Welfare, other than the appropriation made by this act, shall be expended for the payment of salaries, wages or other compensation, or for the purchase of supplies or equipment for the board.

Furniture, equipment and supplies.

The Department of Property and Supplies shall furnish to the board such forms and other printed matter and such furniture, office equipment and supplies as may be necessary for the conduct of the work of the board, until such time as the board shall be able to purchase its furniture, supplies, equipment and printing out of the special fund hereinafter created. All furniture, equipment and supplies, purchased out of said special fund, shall be purchased through the Department of Property and Supplies as purchasing agent.

Board limited as an administrative board.

The board shall in all respects be subject to the laws of this Commonwealth limiting the powers of departmental administrative boards, with regard to the expenditure of money and prescribing the duties of departmental administrative boards with reference to the making of financial reports, the furnishing of financial and budgetary information to the department with which it is connected, and the making of biennial reports.

Contents of petition.

Section 7. Every applicant for a permit under this act shall file with the board a petition, in writing, duly verified, in such form as the board shall from time to time prescribe, setting forth—

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

2. The exact location of said place of business, and of every place to be occupied or used in connection with such business; the productive capacity of each plant where any alcohol or alcoholic liquid is to be manufactured, produced, distilled, developed, or used in the process of manufacture, denatured, redistilled, recovered, reused; the capacity of every warehouse or other place where such alcohol or alcoholic liquid is to be held in bond or stored for hire; the storage capacity of every place where a wholesale business in any alcohol or alcoholic liquid is to be conducted; or the equipment to be used where a transportation business is to be carried on under the permit.

3. The period of time the applicant has been carrying on the business for which the permit is desired.

4. If the permit is for the manufacture, production, distillation, development, or denaturization, holding in bond, holding in storage, of any alcohol or alcoholic liquid, the maximum quantity per month to be manufactured, developed, or stored; and, if the permit is for the use, redistillation, recovery or reuse of any alcohol or alcoholic liquid, the purpose or purposes for which the same is to be used.

5. That no one of the applicants has been convicted of a violation of this act, or of any law or regulation of the United States of America, or of the Commonwealth of Pennsylvania, for the control of the manufacture, possession and traffic in any intoxicating liquor.

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

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

This petition must be verified by affidavit of the applicant, made before any officer legally qualified to administer oaths, and, if any false statement is wilfully made in any part of said petition, the applicant or applicants shall be deemed guilty of the crime of perjury, and, upon indictment and conviction, shall be subject to its penalties.

Affidavit.

Perjury.

Section 8. Upon the filing of the application in the form herein provided, and upon execution of a bond to the Commonwealth, and a warrant of attorney to confess judgment in the penal sum of ten thousand dollars (\$10,000), with surety to be approved by the board, which bond shall be conditioned for the faithful observance of all the laws of this Commonwealth relating to the manufacture, sale, offering for sale, bartering, furnishing, transporting, possessing, delivering within, or importing into, or exporting out of, this Commonwealth, of intoxicating liquors, and the conditions of the permit, the board may grant to such applicant a permit to engage in the manufacturing, producing, distilling, developing, or using in the process of manufacturing, denaturing, redistilling, recovering, reusing, holding in bond, holding in storage as bailee for hire, selling at wholesale, and transporting for hire, of alcohol or alcoholic liquid.

Issuance of permit.

Condition of bond.

Section 9. All persons, except as exempted by section five hereof, manufacturing, producing, distilling, developing, or using in the process of manufacture, denaturing, redistilling, recovering, reusing, holding in bond, holding in storage as bailee for hire, selling at wholesale, or transporting for hire, of alcohol or alcoholic liquid, under the provisions of this Act of Assembly, shall securely and permanently attach to every

Container to be labeled.

container, ready for shipment thereof, as the same is manufactured, produced, distilled, developed, denatured, redistilled, recovered, reused, a label, stating name of manufacturer, kind and quantity of alcohol or alcoholic liquid contained therein, and the date of its manufacture, together with the number of the permit authorizing the manufacture thereof, and all persons possessing such alcohol or alcoholic liquid in wholesale quantities, shall securely keep and maintain such label thereon; and all persons, selling at wholesale, shall attach to every package of alcohol or alcoholic liquid, when sold, a label, setting forth the kind and quantity of alcohol or alcoholic liquid contained therein, by whom manufactured, the date of sale, and the person to whom sold, which label shall likewise be kept and maintained thereon until the alcohol or alcoholic liquid is used for the purpose for which such sale was authorized.

Specifications of permit.

Section 10. Every permit issued under the provisions of this act for the manufacture, production, distillation, development, denaturization, redistillation, recovery, reuse, holding in bond, holding in storage, of any alcohol or alcoholic liquid, shall specify the maximum quantity of such alcohol or alcoholic liquid per month, which may lawfully be manufactured, produced, distilled, developed, denaturized, redistilled, reused, held in bond, or stored, under such permit. Any permit issued for the use of any alcohol or alcoholic liquid in the process of manufacture, shall specify the purpose or purposes for which such alcohol or alcoholic liquid is to be used, and the maximum quantity per month which may lawfully be used under such permit. Every permit shall specify, by definite location, every place to be occupied or used in connection with the business to be conducted thereunder. It shall be unlawful for the holder of any permit to manufacture, produce, distill, develop, denaturize, redistill, recover, reuse, hold in bond, hold in storage, or use, a greater quantity of any alcohol or alcoholic liquid in any month than that specified in his permit, or to use any alcohol or alcoholic liquid for any purpose other than that specified in his permit, or to occupy or use any place in connection with any business authorized under a permit other than the place or places designated therein.

Violation of specifications.

Permittee to keep records.

Section 11. Every person holding a permit, issued under the provisions of this act, shall keep daily, permanent records, which shall show (a) the quantities of any alcohol or alcoholic liquid manufactured, produced, distilled, developed, denatured, redistilled, recovered, reused, stored in bond, stored as bailee for hire, received or used in the process of manufacture, by him, and of all other material used in manufacturing or developing any alcohol or alcoholic liquid; (b) the sales or other

disposition of any alcohol or alcoholic liquid; (c) the quantities thereof, if any, stored in bond, stored for hire, or transported for hire, by or for the permittee; and (d) the names and addresses of the purchasers or other recipients thereof: Provided, however, That persons holding permits, issued under the provisions of this act, for the transportation for hire of any alcohol or alcoholic liquid, shall not be required to keep the above records, but shall keep daily, permanent records showing the names and addresses of the persons from whom any alcohol or alcoholic liquid was received and to whom delivered.

Section 12. Every place, operated under permit secured hereunder, where any alcohol or alcoholic liquid is manufactured, produced, distilled, developed, or used in the process of manufacture, denatured, redistilled, recovered, reused, held in bond, stored for hire, or in connection with a permittee's business, or sold at wholesale, shall be subject to inspection by members of the board, or by persons duly authorized and designated by the board, at any and all times of the day or night as they may deem necessary, (a) for the detection of violations of this act, or of the rules and regulations of the board promulgated under the authority of this act, or of the act to which this is a supplement, or (b) for the purpose of ascertaining the correctness of the records required by this act to be kept by permittees, and the books and records of permittees, and the books and records of their customers, insofar as they relate to purchases from said permittees, shall at all times be open to inspection by the members of the board, or by persons duly authorized and designated by the board for the purpose of making inspections as authorized by this section. Members of the board, and the persons duly authorized and designated by the board, shall have the right, without fee or hindrance, to enter any place, which is subject to inspection hereunder, or any place, where records subject to inspection hereunder, are kept, for the purpose of making such inspections.

Section 13. Upon learning of any violation of this act, or of any rule or regulation promulgated by the board under the authority of this act, or of any provision of the act to which this is a supplement, by the holder of a permit, issued under the provisions of this act, the board shall cite such permittee to appear before it, not less than ten (10) nor more than fifteen (15) days from the date of sending such permittee, by registered mail, a notice to show cause why the permit should not be revoked. And, upon such hearing, if satisfied that any such violation has occurred, the board shall immediately revoke such permit, notifying the permittee thereof by registered letter.

Inspection by board.

For detection of violations.

For ascertaining correctness of records.

Books to be open for inspection.

Right of entry for inspection.

Permittee may be cited for violations.

Revocation of permit.

- Appeal.** Any permittee, aggrieved by any decision of the board, may file, within thirty days thereafter, in the court of common pleas of the county in which the permittee is resident, a petition, against the board as defendant, alleging therein the action and decision complained of and praying for a reversal thereof. Upon personal service of a summons on any member of the board, returnable within three days of the date thereof, the board shall, within one week from such return date, file an answer, in which it shall allege by way of defense the grounds for its decision and such other grounds as shall in the meantime accrue or be discovered. All allegations of the answer shall be deemed to stand denied without further pleading and, upon application of either party, the cause shall be advanced and heard without delay. Mere technical irregularities in the procedure of the board shall be disregarded. A judgment, sustaining the revocation of a permit by the board, shall not bar, after one year, a new application by the plaintiff for a permit, nor shall a judgment in favor of the plaintiff, prevent the board from thereafter revoking or refusing a permit, for any proper cause which may thereafter accrue or be discovered. The court shall have full power to dispose of all costs. From the judgments of the court of common pleas, appeals may be taken, as in other actions at law, but, during the pendency of any such appeal in which a former permittee is appellant, such former permittee shall not carry on any business of the kinds regulated by this act.
- Service on board.**
- Answer.**
- Effect of judgment.**
- Costs.**
- Permittee not to carry on business while appeal pending.**
- Expiration and renewal of permits.** Section 14. All permits shall expire at the close of the calendar year, but new permits for the succeeding year shall be issued upon written application therefor, duly verified by affidavit, stating that the facts in the original petition are unchanged, and upon payment of the fee as hereinafter provided, without the filing of further statements, or the furnishing of any further information, unless specifically requested by the board: Provided, however, That a permit issued to a corporation under the provisions of this act shall expire thirty (30) days after any change in the officers of such corporation, unless the name and address of the new officer, or the names and addresses of the new officers, of such corporation shall, within that period, be reported to the board by certificate duly verified. Applications for renewals must be made not less than thirty (30) nor more than sixty (60) days before the first day of January of the ensuing year. All applications for renewal received otherwise shall be treated as original applications.
- Proviso.**
- Time for application for renewal.**
- Permits for existing business.** Section 15. All persons now carrying on any business requiring a permit under the provisions of this act, must apply for the same within sixty (60) days

after its passage, and any such business may continue if a permit has been so applied for, until it is granted or refused. The fee for every permit issued under the provisions of this act shall be one hundred dollars (\$100.00). All fees shall be paid to the board, which shall deposit the same in the State Treasury, where they shall be kept apart from all other funds in the State Treasury in a separate fund to be known as the "Permit Fund". The moneys from time to time in the said fund are hereby specifically appropriated to the board for the payment of any and all expenses of every kind and description which may be necessary for the proper administration and enforcement of this act. Moneys shall be paid out of the said fund, by warrant of the Auditor General upon the State Treasurer, after requisition by the Secretary of Welfare.

Fee.

Permit Fund.

Appropriation.

Manner of payment.

Section 16. Permits shall be issued by the board under the official seal of the Department of Welfare. Every permit so issued must at all times be posted, in a conspicuous place, where the business is carried on under it, and said place of business must be kept open during general business hours of every day in the year except Sundays and legal holidays. No permit shall be issued hereunder to any person unless (a) in case of individuals, he or she is a citizen of the United States of America; (b) in case of companies or unincorporated associations of individuals, each and every one is a citizen of the United States of America; (c) in case of corporations, each and every stockholder thereof is a citizen of the United States of America; or to any person who has been convicted of a violation of this act, or of any law or regulation of the United States of America, or of the Commonwealth of Pennsylvania, for the control of traffic in any alcoholic liquor.

Issuance of permits.

Posting.

Issuance to certain persons forbidden.

Section 17. The board shall have the power to make and promulgate appropriate rules and regulations for carrying into effect the provisions of this act: Provided, That, as far as practicable, the rules and regulations of the board shall conform to the rules and regulations promulgated by the appropriate agency of the government of the United States for carrying into effect the provisions of any act or acts of Congress regulating the manufacture, development, storage, sale, or transportation of any alcohol or alcoholic liquid or intoxicating liquor.

Rules and regulations.

Section 18. Any place within this Commonwealth in which any alcohol or alcoholic liquid is manufactured, produced, distilled, developed, or used in the process of manufacture, denatured, redistilled, recovered, reused, stored in bond, stored for hire, or sold at wholesale, by a person without a permit as required by the provisions

Place of violation declared to be a nuisance.

of this act, and any place, in which a person holding a permit issued under the provisions of this act, shall violate any provision of this act, or any rule or regulation of the board, or any provisions of the act to which this is a supplement, is hereby declared to be a common nuisance, and, upon such violation, the permit, if any, held by such person, shall be automatically suspended. Any nuisance, as in this section defined, may be abated under the provisions of the act of the twenty-seventh day of March, one thousand nine hundred and twenty-three, Pamphlet Laws, thirty-four, to which this is a supplement.

Suspension of permit.

Abatement.

Sale, use or concealment of withdrawn alcohol before being denatured.

Section 19. Whenever any person or persons withdraw or remove any alcohol or alcoholic liquid, which has not been denatured, from any distillery, industrial alcohol plant, denaturing plant, dealcoholizing plant, brewery, or bonded warehouse, for the purpose of denaturing the same, it shall be unlawful for any such person or persons to use, sell or conceal or attempt to use, sell or conceal, or be concerned in the sale, use or concealment of any such alcohol or alcoholic liquid, unless, before such sale or use, the said alcohol or alcoholic liquid shall be denatured by adding thereto denaturing material or materials or admixtures thereof which render it unfit for beverage purposes.

Recovery or reuse of alcohol.

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

Violations.

Section 20. Any person or persons, who knowingly violate any of the provisions of this act, or any person who shall violate any of the conditions of any permit, or who shall falsify any record or report required by this act to be kept, or who shall violate any rule or regulation of the board, or who shall interfere with, hinder or obstruct any inspection authorized by this act, or prevent any member of the board, or any person duly authorized and designated by the board, from entering any place which such member of the board, or such person, is authorized by this act to enter for the purpose of making an inspection, or who shall violate any other provision of this act, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine of not less than one hundred dollars (\$100.00) nor more than five thousand dollars (\$5,000.00), or undergo imprisonment of not more than three (3) years, or both, at the discretion of the court.

Misdemeanor.

Penalty.

No property rights in alcohol unlawfully held.

Section 21. No property rights shall exist in any alcohol or alcoholic liquid manufactured, produced, dis-

tilled, developed, or used in the process of manufacture, denatured, redistilled, recovered, reused, held in bond, held in storage as bailee for hire, sold at wholesale, or transported for hire, in violation of any of the provisions of this act, and the same shall be deemed contraband and forthwith destroyed. No alcohol or alcoholic liquid in the custody of any officer of the law shall be seized or taken from him on any writ of replevin, injunction or other like process.

Section 22. It shall be unnecessary, in any complaint, information, indictment, or other pleadings, to negative any provision or exception contained in this act.

Pleadings need not negative exceptions.

Section 23. No person shall be excused on the ground that it may tend to incriminate him or subject him to a penalty or forfeiture, from attending and testifying, or producing books, papers, documents and other evidence, in obedience to a subpoena of any court, in any suit or proceeding, based upon or growing out of any alleged violation of this act, but no natural person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing as to which, in obedience to a subpoena and under oath, he may so testify or produce evidence, but no person shall be exempt from prosecution and punishment for perjury committed in so testifying.

Witnesses.

Section 24. If any section or provision of this act shall be held by any court to be unconstitutional, such judgment shall not affect any other section or provision of the same. It is hereby declared as the legislative intent that this act would have been passed had such unconstitutional provision not been included therein.

Act severable.

Section 25. All other acts and parts of acts inconsistent with this act are hereby repealed. The repeal of any such acts shall not operate to revive any act general, local or special heretofore repealed or superseded.

Repeal.

APPROVED—The 19th day of February, A. D. 1926.

GIFFORD PINCHOT.

No. 4.

AN ACT

Authorizing the Secretary of Highways to direct certain employees of the Department of Highways to co-operate with the Auditor General in the collection of taxes, the proceeds of which are paid into the Motor License Fund, and conferring appropriate powers upon such employees when thus engaged.

Section 1. Be it enacted, &c., That from and after Liquid fuels tax.