

No. 95

AN ACT

Amending paragraph fourth of section one of the act, approved the fifteenth day of June, one thousand nine hundred and eleven (Pamphlet Laws, nine hundred seventy-five), entitled "An act providing for the registration of bottles, boxes, siphons, siphon-heads, tins, kegs, cans, soda-fountains, cylinders of carbonic acid gas, or other containers; and forbidding the refilling of, or dealing or trafficking in, such registered bottles, boxes, siphons, siphon-heads, tins, cans, kegs, soda-fountains, cylinders of carbonic acid gas, or other containers, by persons other than the owners thereof, without the written consent of the owner, and imposing a penalty therefor; providing for the issuing of process in the nature of search warrant; providing what shall be prima facie proof thereof; and providing that the delivery of said bottles, boxes, siphons, siphon-heads, tins, cans, kegs, soda-fountains, cylinders of carbonic acid gas, or other containers, shall not constitute a sale thereof," by providing additional penalties.

Containers.

Paragraph
4, section 1,
act of June
15, 1911
(P. L. 975),
amended.

Section 1. Be it enacted, &c., That paragraph fourth of section one of the act, approved the fifteenth day of June, one thousand nine hundred and eleven (Pamphlet Laws, nine hundred seventy-five), entitled "An act providing for the registration of bottles, boxes, siphons, siphon-heads, tins, kegs, cans, soda-fountains, cylinders of carbonic acid gas, or other containers; and forbidding the refilling of, or dealing or trafficking in, such registered bottles, boxes, siphons, siphon-heads, tins, cans, kegs, soda-fountains, cylinders of carbonic acid gas, or other containers, by persons other than the owners thereof, without the written consent of the owner, and imposing a penalty therefor; providing for the issuing of process in the nature of search warrant; providing what shall be prima facie proof thereof; and providing that the delivery of said bottles, boxes, siphons, siphon-heads, tins, cans, kegs, soda-fountains, cylinders of carbonic acid gas, or other containers, shall not constitute a sale thereof," is hereby amended to read as follows:

Information
made before
magistrate or
justice of the
peace.

Fourth. If any person shall make oath before any magistrate or justice of the peace of any city, borough, or township of this Commonwealth, that he has reason to believe and does believe that any of the bottles, boxes, siphons, siphon-heads, tins, cans, kegs, soda-fountains, cylinders of carbonic acid gas, or other containers, the property of any person, firm, or corporation who have complied with the provisions of the first section of this act, are being unlawfully used, filled, or trafficked in, retained or destroyed or possessed, by any person, firm, or corporation engaged in manufacturing or selling soda-waters, mineral or aerated waters, porter, ale, root beer, cider, ginger ale, milk, cream, ketchup, small beer, lager beer, weiss beer, white beer, or other beverages, or any medicines, medical preparations, perfumery, oils, com-

Unlawful
use of
possession.

pounds, or mixtures; or that any junk-dealer in second-hand articles, or any other person, firm or corporation has any such bottles, boxes, siphons, siphon-heads, tins, kegs, soda-fountains, cylinders of carbonic acid gas, or other containers, in his, her, their, or its possession, or secreted in any place; such magistrate or justice of the peace shall issue a search warrant, which may be served at any time during the day or night, to discover and obtain the same, and to bring before such magistrate or justice of the peace the person or persons in whose possession such bottles, boxes, siphons, siphon-heads, tins, cans, kegs, soda-fountains, cylinders of carbonic acid gas, or other containers may be found; and, if any such are found unlawfully in the possession of any such person or persons, the said person or persons shall, for the first offense, forfeit and pay the sum of fifty cents for each bottle, box, siphon, siphon-head, tin, can, keg, soda-fountain, cylinder of carbonic acid gas, or other container so unlawfully filled or sold, or used or disposed of, or bought or trafficked in, together with the costs of suit; to be recovered, as debts are by law recovered, in an action to be instituted [in the name of the Commonwealth] for such penalty before any magistrate or justice of the peace in the county wherein the offense shall have been committed. No appeal shall be allowed from any judgment rendered in such case, except upon special allowance of the court of common pleas. [subject to all the rules and regulations applicable to appeals in actions for summary convictions.] One-half of such penalties or fines, so recovered, shall be paid to the person informing, and the other one-half for the use of the Commonwealth. *Any person who shall violate any of the provisions of this act for a second or any subsequent time shall, upon summary conviction before any magistrate or justice of the peace, be sentenced to pay a fine of not more than one hundred (\$100), or, upon nonpayment thereof, to undergo imprisonment in the county jail for not more than ten (10) days; providing, that any person so convicted shall have the right of appeal as in other cases of summary conviction.*

Search
warrant.Penalty-
first
offense.

Appeal.

Penalty-
second
offense.

Appeal.

APPROVED—The 19th day of May, A. D. 1931.

GIFFORD PINCHOT