

before any proceedings are instituted before the commission to secure its requisite approval for any structure herein provided, an agreement, which is hereby authorized, shall be entered into between the Authority and the public utilities or the political subdivisions concerned to provide for the conveyance to the Authority of title to the land, structure or improvement involved as security for bonds issued to finance the improvement and the leasing thereof to the utility or utilities or the political subdivision or subdivisions involved, on such terms as will provide for interest and sinking fund charges on the bonds issued for the improvement.

APPROVED—The 24th day of August, A. D. 1953.

JOHN S. FINE

No. 382

AN ACT

To further amend the act, approved the twelfth day of April, one thousand nine hundred fifty-one (Pamphlet Laws 90), entitled "An act relating to alcoholic liquors, alcohol and malt and brewed beverages; amending, revising, consolidating and changing the laws relating thereto; regulating and restricting the manufacture, purchase, sale, possession, consumption, importation, transportation, furnishing, holding in bond, holding in storage, traffic in and use of alcoholic liquors, alcohol and malt and brewed beverages and the persons engaged or employed therein; defining the powers and duties of the Pennsylvania Liquor Control Board; providing for the establishment and operation of State liquor stores, for the payment of certain license fees to the respective municipalities and townships, for the abatement of certain nuisances and, in certain cases, for search and seizure without warrant; prescribing penalties and forfeitures; providing for local option, and repealing existing laws," by extending the scope of local option to include granting of importing distributors' licenses; permitting the transfer of distributors' and importing distributors' licenses to other municipalities within the same county under certain circumstances.

"Liquor Code."

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 468, act
of April 12,
1951, P. L. 90,
amended.

Section 1. Section 468 of the act, approved the twelfth day of April, one thousand nine hundred fifty-one (Pamphlet Laws 90), entitled "An act relating to alcoholic liquors, alcohol and malt and brewed beverages; amending, revising, consolidating and changing the laws relating thereto; regulating and restricting the manufacture, purchase, sale, possession, consumption, importation, transportation, furnishing, holding in bond, holding in storage, traffic in and use of alcoholic liquors, alcohol and malt and brewed beverages and the persons engaged or employed therein; defining the powers and

duties of the Pennsylvania Liquor Control Board; providing for the establishment and operation of State liquor stores, for the payment of certain license fees to the respective municipalities and townships, for the abatement of certain nuisances and, in certain cases, for search and seizure without warrant; prescribing penalties and forfeitures; providing for local option, and repealing existing laws," is hereby amended to read as follows:

Section 468. Licenses Not Assignable; Transfers.—

(a) Licenses issued under this article may not be assigned. The board, upon payment of the transfer filing fee and the execution of a new bond, is hereby authorized to transfer any license issued by it under the provisions of this article from one person to another or from one place to another, or both, within the same municipality, as the board may determine: *Provided, however, That in the event that the majority of the voting electors of a municipality, at an election held under the provisions of any law so empowering them to do, shall vote against the issuance of distributor or importing distributor licenses in such municipality, the board is hereby authorized to transfer any such distributor or importing distributor license from its place in such municipality to a place in any other municipality within the same county, upon application prior to the expiration of any such license and upon payment of the transfer filing fee and the execution of a new bond; 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, nor, except as herein provided, to a place as to which a license has been revoked. Except in cases of emergency such as death, serious illness, or circumstances beyond the control of the licensee, as the board may determine such circumstances to justify its action, transfers of licenses may be made only at times fixed by the board. 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 or upon the grant of any transfer, the party aggrieved shall have the right of appeal to the proper court and therefrom to the Superior Court, in the manner hereinbefore provided.*

Section 2. Section 472 of said act, as amended by the act, approved the nineteenth day of January, one thousand nine hundred fifty-two (Pamphlet Laws 2170), is hereby further amended to read as follows:

Section 472. Local Option.—In any municipality, an election may be held on the date of the primary election

Section 472, said act, as amended by act of January 19, 1952, P. L. 2170, further amended.

immediately preceding any municipal election, but not oftener than once in four years, to determine the will of the electors with respect to the granting of liquor licenses to hotels, restaurants and clubs, not oftener than once in four years, with respect to the granting of licenses to retail dispensers of malt and brewed beverages, not oftener than once in four years with respect to granting of licenses to *wholesale distributors and importing distributors*, or not more than once in four years with respect to the establishment, operation and maintenance by the board of Pennsylvania liquor stores, within the limits of such municipality, under the provisions of this act: Provided, however, Where an election shall have been held at the primary preceding a 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: And provided further, That an election on the question of establishing and operating a State liquor store shall be initiated only in those municipalities that shall have voted against the granting of liquor licenses; and that an election on the question of granting wholesale distributor *and importing distributor* licenses shall be initiated only in those municipalities that shall have at a previous election voted against the granting of dispenser's licenses. Whenever electors equal to at least twenty-five per centum of the highest vote cast for any office in the municipality at the last preceding general election shall file a petition with the county board of elections of the county for a referendum on the question of granting any of said classes of licenses or the establishment of Pennsylvania liquor stores, the said county board of elections shall cause a question to be placed on the ballots or on the voting machine board and submitted at the primary immediately preceding the municipal election occurring at least sixty days thereafter. Said proceedings shall be in the manner and subject to the provisions of the election laws which relate to the signing, filing and adjudication of nomination petitions, insofar as such provisions are applicable.

When the question is in respect to the granting of liquor licenses, it shall be in the following form:

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

When the question is in respect to the granting of licenses to retail dispensers of malt and brewed beverages, it shall be in the following form :

Do you favor the granting of malt and brewed beverage retail dispenser licenses for consumption on premises where sold in the of ?	Yes	
	No	

When the question is in respect to the granting of licenses to *wholesale* distributors of malt or brewed beverages and *importing distributors*, it shall be in the following form :

Do you favor the granting of malt and brewed beverage <i>wholesale</i> distributor's and <i>importing distributor's</i> licenses not for consumption on premises where sold in the of ?	Yes	
	No	

When the question is in respect to the establishment, operation and maintenance of Pennsylvania liquor stores, it shall be in the following form :

Do you favor the establishment, operation and maintenance of Pennsylvania liquor stores in the of ?	Yes	
	No	

In case of a tie vote, the status quo shall obtain. If a majority of the voting electors on any such question vote "yes," then liquor licenses shall be granted by the board to hotels, restaurants and clubs, or malt and brewed beverage retail dispenser licenses or *wholesale distributor's and importing distributor's* license for the sale of malt or brewed beverages shall be granted by the board, or the board may establish, operate and maintain Pennsylvania liquor stores, as the case may be, in such municipality, as provided by this act; but if a majority of the electors voting on any such question vote "no," then the board shall have no power to grant or to renew upon their expiration any licenses of the class so voted upon in such municipality; or if the negative vote is on the question in respect to the establishment, operation and maintenance of Pennsylvania liquor stores, the board shall not open and operate a Pennsylvania liquor store

in such municipality, nor continue to operate a then existing Pennsylvania liquor store in the municipality for more than two years thereafter or after the expiration of the term of the lease on the premises occupied by such store, whichever period is less, unless and until at a later election a majority of the voting electors vote "yes" on such question.

APPROVED—The 22nd day of August, A. D. 1953.

JOHN S. FINE

No. 383

AN ACT

Relating to marriage; and amending, revising, consolidating and changing the law relating thereto.

"The Marriage Law."

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Short Title.—This act shall be known and may be cited as "The Marriage Law."

Section 2. License Necessary to Marry.—No person shall be joined in marriage in this Commonwealth until a marriage license shall have been obtained from the clerk of the orphans' court of any county. A license so issued shall authorize a marriage ceremony to be performed in the county where the license is issued or in any other county of this Commonwealth. Prior to issuance of said license, the clerk of the orphans' court shall be satisfied as to the identity of both of the applicants.

Section 3. Application for License to Marry.—No license to marry shall be issued by any clerk of the orphans' court except upon written and verified application made by both of the parties intending to marry. Such application shall contain a statement of the full Christian name and surname of the male and female applicant, race, occupation, birthplace, residence, and ages of the parties, whether the marriage contemplated *is the first, second, or other marriage, and that neither of the contracting parties is afflicted with transmissible disease, together with the full Christian name and surname, residence, race, occupation, and birthplace of their parents, including the maiden name of the mother, together with such other facts as may be necessary to determine whether any legal impediment to the proposed marriage exists.

Section 4. Waiting Period After Application for License.—No license to marry shall be issued until or after the third day following the making of application therefor, except in case of emergency or extraordinary

* "in" in original.