

Section 17. That immediately after being qualified as aforesaid, and annually thereafter, before the first day of April, the said board shall give due notice by advertisement in at least two newspapers published in their respective counties of the time and place of their meeting, when said notice shall be given to time, as may be necessary; the said board shall proceed to apportion among the wards of said city of Philadelphia, and wards, townships and boroughs, within the county of Allegheny, the hotels, inns and taverns, and eating houses, to which said city and county may be entitled under the provisions of this act; and to receive evidence for and against said application, and to grant licenses for which purpose they shall inquire into the moral character and sobriety of the applicant, and ascertain the locality, commodiousness and extent of the houses and property, proposed to be occupied for the purpose mentioned in the petition, and whether the said license shall be required for the accommodation of the public; and the clerk of the court of quarter sessions of the said counties shall produce before said respective boards of licensees the applications filed in their offices, with proof of publication of notice as aforesaid, and shall, as a majority of the said board shall determine, mark on said applications "granted" or "refused;" and the said board shall, at the same time decide upon the sufficiency of the securities in the applicant's bond upon justification or proof for which purpose, and in the discharge of their other duties, the said board shall have the power to administer oaths and affirmations with the like effect as if taken in a judicial proceeding in court.

Section 18. That whenever any license, as aforesaid, shall be granted by said board, they shall, according to the provisions of the twelfth, thirteenth and fourteenth sections of this act, and according to the classifications therein contained, estimate and ascertain the annual sales of said vendors, and of said keepers of eating houses, and the yearly rental or valuation of the house and property occupied or intended to be occupied as a hotel, inn or tavern, and shall decide upon the rate to be paid for said license for one year, according to said classification. The petition and bonds, in all cases where the application may be granted by said board, shall be returned to the said clerk's office and licenses therefore be issued by him at any time after five days from the date of said return, unless an appeal be taken, as hereinafter provided, from the decision of said board upon any apportionment, classification, or petition, as aforesaid, in which case at such time and in such manner as may be fixed by rule of court the said Court of Quarter Sessions shall forthwith proceed to consider and determine upon said appeals; and in the event of any apportionment or classification being set aside, the said board shall proceed to correct the same according to the order of said Court; and if an appeal from any license shall be sustained, they shall return from the applications already made, such as may be most meritorious, subject, however, to an appeal in like manner, and so from time to time as may be necessary.

Section 19. That appeals from any apportionment, classification or grant of license by said board may be taken to the Court of Quarter Sessions of the proper county; Provided, That the exceptions thereto shall be in writing and sustained by oath or affirmation, and shall be filed in said clerk's office within five days after the return, but no appeal shall be taken to any apportionment as aforesaid, unless the exceptions thereto shall be signed by at least twelve citizens of the ward, township or borough affected thereby. And if exceptions to the granting of any license as aforesaid shall be sustained by said court, the decision of said court shall state upon which of said exceptions the said license may be refused, and shall be endorsed upon the petition, and returned by the clerk of said court to the Board of Licensees.

Section 20. That after the lapse of five days as aforesaid, or as said appeals shall be determined by the Court, the said clerk shall make out and issue to the proper persons said licenses, which shall run for one year from the first day of May; but no license shall be issued unless the applicant shall have paid the following fees to wit: To the clerk of said court for publication of notice and petitions, and for all other services, one dollar, and for all the services of the Board of Licensees one dollar, which latter amount shall be accounted for and paid over weekly to the respective treasurers of said city or county; to defray the necessary expenses incurred by said board for advertising, stationery, and otherwise. Each member of said Board of Licensees shall receive five dollars for each day necessarily occupied by him in the discharge of his duties: Provided, That it shall not exceed in any one year the sum of five hundred dollars, and shall be paid upon warrants on the State Treasurer, drawn by the Auditor General, in favor of the parties entitled to the same.

Section 21. That if any person shall give, bestow, or promise any money, reward, office, or anything of value, to any member of said Board of Licensees for the purpose of influencing his action in granting any such license; or if any member of said board shall accept the same for his vote or influence therein, any person so offending shall be deemed guilty of a misdemeanor, and on conviction thereof, be fined in a sum not less than one hundred dollars, nor more than five hundred dollars, and suffer imprisonment not less than one month, nor more than three months.

Section 22. That every person licensed to sell spirituous, vinous, malt, or brewed liquors under this act, shall frame his license under a glass and place the same, so that it may at all times be conspicuous, in his chief place of making sales, and no such license shall authorize sales by any person who shall neglect this requirement.

Section 23. That the commissioners of the several counties, and board, or licensees, shall furnish a certified list of all persons so licensed, with the classification, as made out and finally determined upon, to the treasurers of their respective counties, or the city of Philadelphia, as the case may be, who shall within twenty days thereafter transmit to the Auditor General a copy of such list, and shall receive and collect the sums to be paid for said licenses, in the manner directed by law, with any fees payable thereon.

Section 24. That it shall be the duty of the Auditor General to charge the said city or county treasurer, as the case may be, with the amount payable by the several persons in said lists; from the payment of any part of which amount said treasurer shall not be exonerated by producing satisfactory evidence to the department, that the party or parties so returned, failed to obtain license as aforesaid.

Section 25. That it shall be the duty of the Auditor General to return to the Legislature annually, in the month of January, a statement, arranged in tabular form, of the number and classification and license rates of all importers, brewers and distillers, keepers of hotels, inns or taverns, eating houses, and vendors of vinous, spirituous and malt or brewed liquors, either with or without other goods, wares and merchandize, designating each county separately.

Section 26. That where any license may be granted as aforesaid, under the classifications of the twelfth, thirteenth and fourteenth sections of this act, it shall not be transferable nor shall it confer the right to sell liquors as aforesaid in any other house, building or place than the one mentioned and described in the license; nor shall the bar or any apartments called or used, be altered, but if the party so licensed shall die, remove or cease to keep said hotel, inn, tavern, eating house or store, the said board may grant a license for the remainder of the year to any other person who may be qualified to receive the same.

Section 27. That the number of licenses so granted to keepers of hotels, inns or taverns in the aggregate, shall not exceed in the cities one to every one hundred taxables, nor in the several counties of the State, one to every one hundred and fifty taxables, the number of said taxables to be taken from the returns of the preceding year, and it shall be the duty of the Courts of Quarter Sessions of the respective counties, (the City of Philadelphia and county of Allegheny excepted, where the board of licensees shall perform such duties) immediately after the passage of this act to apportion the aggregate number of hotels, inns or taverns so to be licensed under the provisions hereof, among the cities, boroughs, townships and townships of their respective counties, which apportionment shall be made with reference to the convenience of the public and the accommodation of strangers, travellers and sojourners; and the said Court may, from time to time, as occasion may arise, alter, enlarge and change such apportionment; Provided, That the number of licenses to keepers of eating houses shall not exceed in any city or county one-fourth of the number of licenses for hotels, inns and taverns to which the said city or county may be entitled.

Section 28. That any sale made of vinous, spirituous, malt or brewed liquors, or any admixture thereof, contrary to the provisions of this law, shall be taken to be a misdemeanor, and upon conviction of the offence, in the Court of Quarter Sessions of the Peace, of any city or county, the person so offending shall be sentenced to pay a fine of not less than ten, nor more than one hundred dollars, with the costs of prosecution, and to stand committed until the sentence of the court is complied with, not exceeding thirty days; and upon a second, or any subsequent conviction, the party so offending shall, in addition to the payment of a fine, as aforesaid, undergo an imprisonment in the county jail of not less than one month, nor more than three months, and if licensed, shall forfeit said license and be incapacitated from receiving any license, as aforesaid, for the period of five years thereafter; and any keeper of any drug or apothecary store, confectionery, or mineral, or other fountain, who shall sell any spirituous, vinous, malt, or brewed liquors, mixed or pure, to be used as a beverage, shall be deemed guilty of a misdemeanor, and liable to conviction and punishment, as aforesaid.

Section 29. That any person who shall be found intoxicated in any street, highway, public house or public place, shall be fined upon the view of, or upon proof made before any Mayor, Alderman or Justice of the Peace, not exceeding five dollars, to be levied with the proper costs upon the goods and chattels of the defendant.

Section 30. That any person who shall sell spirituous or other intoxicating liquors as aforesaid, to any person who shall drink the same on the premises where sold and become thereby intoxicated, shall besides his liability in damages under any existing law be fined five dollars for every such offence, to be recovered in debt, before any Alderman or Justice of the Peace, by any wife, husband, parent, child, relative or guardian of the person so injured, and levied upon the goods and chattels of the defendant without exemption; Provided, That suits shall not be instituted after twenty days from the commission of the offences in this and the preceding sections.

Section 31. That it shall be the duty of the Court, Mayor, Alderman or Justice of the Peace, before whom any fine or penalty shall be recovered, to award to the informer or prosecutor, or both, a reasonable share thereof for time and expense, but not in any case exceeding one-third, and the residue, as well as the proceeds of all forfeited bonds as aforesaid, shall be paid to the Directors of the Public Schools of the proper district, except in the city of Philadelphia, where they shall be paid to the City Treasurer to be supplied for School purposes, and nothing herein contained shall prevent any such informer or prosecutor from becoming a witness in any such case.

Section 32. That no person pursuing exclusively by the business of bottler of cider, perry, ale, porter, or beer, and not at the same time following or engaging in any way the business of keeping any hotel, inn or tavern, restaurant, oyster house, or cellar, or place of entertainment, amusement or refreshment, shall be required to take out a license under the provisions of this law; Provided, That such persons shall not sell or deliver said cider, perry, ale, porter or beer in less quantities than a dozen bottles at one time, nor permit any said liquors to be drunk upon the premises occupied in said business, and any violation of this section shall be punishable, and in the manner provided in the twenty-eighth section of this act. And provided further, That producers and manufacturers of domestic wines and cider may sell and deliver the same by any measure not less than five gallons, and in any quantity not less than one dozen bottles, without license thereof.

Section 33. That the constables of the respective wards and townships shall make return of retailers of liquors, as now provided by law; and in addition thereto it shall be the duty of every such constable, at each term of the Court of Quarter Sessions of the respective counties, to make return on oath or affirmation, whether, within his knowledge, there is any place within his jurisdiction kept and maintained in violation of this act. And if said constable to see that this return is faithfully made. And if any person shall be known in writing with his or her name subscribed thereto, to such constable, the name or names of any one who shall have violated this act, with the names of witnesses who can prove the fact, it shall be his duty to make return thereon on oath or affirmation to the court, and upon his willful failure to do so he shall be deemed guilty of a misdemeanor, and upon indictment and conviction shall pay a fine of fifty dollars, and be subject to imprisonment, at the discretion of the court, of not less than ten nor more than thirty days.

Section 34. That if any person engaged in the sale or manufacture of intoxicating liquors, as aforesaid, shall employ or permit any intemperate person, in any way to assist in such manufacture or sale, it shall be deemed a misdemeanor; and any person so offending, shall be liable to conviction and punishment, as provided in the 28th section of this act.

Section 35. That nothing herein contained shall be construed to impair or alter the provisions of an act, approved the 26th day of February, Anno Domini, one thousand eight hundred and fifty-five, entitled "An Act to prevent the sale of intoxicating liquors, on the first day of the week, commonly called Sunday;" nor of the act of the eighth of May, one thousand eight hundred and fifty-four, entitled "An Act to prevent certain domestic and private rights, and prevent abuses in the sale and use of intoxicating drinks;" and the same are hereby declared to be in full force and effect; Provided, however, That the act entitled "An Act to regulate the sale of intoxicating liquors," approved the fourth day of April, Anno Domini, one thousand eight hundred and fifty-five, and all other laws or parts of laws inconsistent herewith are hereby repealed. Provided also, That any license heretofore granted shall not be hereby invalidated.

Section 36. According to the provisions of the act approved the 27th day of April, Anno Domini, one thousand eight hundred and fifty-five, and no court, no military, no money, no nothing.

Section 17. That immediately after being qualified as aforesaid, and annually thereafter, before the first day of April, the said board shall give due notice by advertisement in at least two newspapers published in their respective counties of the time and place of their meeting, when said notice shall be given to time, as may be necessary; the said board shall proceed to apportion among the wards of said city of Philadelphia, and wards, townships and boroughs, within the county of Allegheny, the hotels, inns and taverns, and eating houses, to which said city and county may be entitled under the provisions of this act; and to receive evidence for and against said application, and to grant licenses for which purpose they shall inquire into the moral character and sobriety of the applicant, and ascertain the locality, commodiousness and extent of the houses and property, proposed to be occupied for the purpose mentioned in the petition, and whether the said license shall be required for the accommodation of the public; and the clerk of the court of quarter sessions of the said counties shall produce before said respective boards of licensees the applications filed in their offices, with proof of publication of notice as aforesaid, and shall, as a majority of the said board shall determine, mark on said applications "granted" or "refused;" and the said board shall, at the same time decide upon the sufficiency of the securities in the applicant's bond upon justification or proof for which purpose, and in the discharge of their other duties, the said board shall have the power to administer oaths and affirmations with the like effect as if taken in a judicial proceeding in court.

Section 18. That whenever any license, as aforesaid, shall be granted by said board, they shall, according to the provisions of the twelfth, thirteenth and fourteenth sections of this act, and according to the classifications therein contained, estimate and ascertain the annual sales of said vendors, and of said keepers of eating houses, and the yearly rental or valuation of the house and property occupied or intended to be occupied as a hotel, inn or tavern, and shall decide upon the rate to be paid for said license for one year, according to said classification. The petition and bonds, in all cases where the application may be granted by said board, shall be returned to the said clerk's office and licenses therefore be issued by him at any time after five days from the date of said return, unless an appeal be taken, as hereinafter provided, from the decision of said board upon any apportionment, classification, or petition, as aforesaid, in which case at such time and in such manner as may be fixed by rule of court the said Court of Quarter Sessions shall forthwith proceed to consider and determine upon said appeals; and in the event of any apportionment or classification being set aside, the said board shall proceed to correct the same according to the order of said Court; and if an appeal from any license shall be sustained, they shall return from the applications already made, such as may be most meritorious, subject, however, to an appeal in like manner, and so from time to time as may be necessary.

Section 19. That appeals from any apportionment, classification or grant of license by said board may be taken to the Court of Quarter Sessions of the proper county; Provided, That the exceptions thereto shall be in writing and sustained by oath or affirmation, and shall be filed in said clerk's office within five days after the return, but no appeal shall be taken to any apportionment as aforesaid, unless the exceptions thereto shall be signed by at least twelve citizens of the ward, township or borough affected thereby. And if exceptions to the granting of any license as aforesaid shall be sustained by said court, the decision of said court shall state upon which of said exceptions the said license may be refused, and shall be endorsed upon the petition, and returned by the clerk of said court to the Board of Licensees.

Section 20. That after the lapse of five days as aforesaid, or as said appeals shall be determined by the Court, the said clerk shall make out and issue to the proper persons said licenses, which shall run for one year from the first day of May; but no license shall be issued unless the applicant shall have paid the following fees to wit: To the clerk of said court for publication of notice and petitions, and for all other services, one dollar, and for all the services of the Board of Licensees one dollar, which latter amount shall be accounted for and paid over weekly to the respective treasurers of said city or county; to defray the necessary expenses incurred by said board for advertising, stationery, and otherwise. Each member of said Board of Licensees shall receive five dollars for each day necessarily occupied by him in the discharge of his duties: Provided, That it shall not exceed in any one year the sum of five hundred dollars, and shall be paid upon warrants on the State Treasurer, drawn by the Auditor General, in favor of the parties entitled to the same.

Section 21. That if any person shall give, bestow, or promise any money, reward, office, or anything of value, to any member of said Board of Licensees for the purpose of influencing his action in granting any such license; or if any member of said board shall accept the same for his vote or influence therein, any person so offending shall be deemed guilty of a misdemeanor, and on conviction thereof, be fined in a sum not less than one hundred dollars, nor more than five hundred dollars, and suffer imprisonment not less than one month, nor more than three months.

Section 22. That every person licensed to sell spirituous, vinous, malt, or brewed liquors under this act, shall frame his license under a glass and place the same, so that it may at all times be conspicuous, in his chief place of making sales, and no such license shall authorize sales by any person who shall neglect this requirement.

Section 23. That the commissioners of the several counties, and board, or licensees, shall furnish a certified list of all persons so licensed, with the classification, as made out and finally determined upon, to the treasurers of their respective counties, or the city of Philadelphia, as the case may be, who shall within twenty days thereafter transmit to the Auditor General a copy of such list, and shall receive and collect the sums to be paid for said licenses, in the manner directed by law, with any fees payable thereon.

Section 24. That it shall be the duty of the Auditor General to charge the said city or county treasurer, as the case may be, with the amount payable by the several persons in said lists; from the payment of any part of which amount said treasurer shall not be exonerated by producing satisfactory evidence to the department, that the party or parties so returned, failed to obtain license as aforesaid.

Section 25. That it shall be the duty of the Auditor General to return to the Legislature annually, in the month of January, a statement, arranged in tabular form, of the number and classification and license rates of all importers, brewers and distillers, keepers of hotels, inns or taverns, eating houses, and vendors of vinous, spirituous and malt or brewed liquors, either with or without other goods, wares and merchandize, designating each county separately.

Section 26. That where any license may be granted as aforesaid, under the classifications of the twelfth, thirteenth and fourteenth sections of this act, it shall not be transferable nor shall it confer the right to sell liquors as aforesaid in any other house, building or place than the one mentioned and described in the license; nor shall the bar or any apartments called or used, be altered, but if the party so licensed shall die, remove or cease to keep said hotel, inn, tavern, eating house or store, the said board may grant a license for the remainder of the year to any other person who may be qualified to receive the same.

Section 27. That the number of licenses so granted to keepers of hotels, inns or taverns in the aggregate, shall not exceed in the cities one to every one hundred taxables, nor in the several counties of the State, one to every one hundred and fifty taxables, the number of said taxables to be taken from the returns of the preceding year, and it shall be the duty of the Courts of Quarter Sessions of the respective counties, (the City of Philadelphia and county of Allegheny excepted, where the board of licensees shall perform such duties) immediately after the passage of this act to apportion the aggregate number of hotels, inns or taverns so to be licensed under the provisions hereof, among the cities, boroughs, townships and townships of their respective counties, which apportionment shall be made with reference to the convenience of the public and the accommodation of strangers, travellers and sojourners; and the said Court may, from time to time, as occasion may arise, alter, enlarge and change such apportionment; Provided, That the number of licenses to keepers of eating houses shall not exceed in any city or county one-fourth of the number of licenses for hotels, inns and taverns to which the said city or county may be entitled.

Section 28. That any sale made of vinous, spirituous, malt or brewed liquors, or any admixture thereof, contrary to the provisions of this law, shall be taken to be a misdemeanor, and upon conviction of the offence, in the Court of Quarter Sessions of the Peace, of any city or county, the person so offending shall be sentenced to pay a fine of not less than ten, nor more than one hundred dollars, with the costs of prosecution, and to stand committed until the sentence of the court is complied with, not exceeding thirty days; and upon a second, or any subsequent conviction, the party so offending shall, in addition to the payment of a fine, as aforesaid, undergo an imprisonment in the county jail of not less than one month, nor more than three months, and if licensed, shall forfeit said license and be incapacitated from receiving any license, as aforesaid, for the period of five years thereafter; and any keeper of any drug or apothecary store, confectionery, or mineral, or other fountain, who shall sell any spirituous, vinous, malt, or brewed liquors, mixed or pure, to be used as a beverage, shall be deemed guilty of a misdemeanor, and liable to conviction and punishment, as aforesaid.

Section 29. That any person who shall be found intoxicated in any street, highway, public house or public place, shall be fined upon the view of, or upon proof made before any Mayor, Alderman or Justice of the Peace, not exceeding five dollars, to be levied with the proper costs upon the goods and chattels of the defendant.

Section 30. That any person who shall sell spirituous or other intoxicating liquors as aforesaid, to any person who shall drink the same on the premises where sold and become thereby intoxicated, shall besides his liability in damages under any existing law be fined five dollars for every such offence, to be recovered in debt, before any Alderman or Justice of the Peace, by any wife, husband, parent, child, relative or guardian of the person so injured, and levied upon the goods and chattels of the defendant without exemption; Provided, That suits shall not be instituted after twenty days from the commission of the offences in this and the preceding sections.

Section 31. That it shall be the duty of the Court, Mayor, Alderman or Justice of the Peace, before whom any fine or penalty shall be recovered, to award to the informer or prosecutor, or both, a reasonable share thereof for time and expense, but not in any case exceeding one-third, and the residue, as well as the proceeds of all forfeited bonds as aforesaid, shall be paid to the Directors of the Public Schools of the proper district, except in the city of Philadelphia, where they shall be paid to the City Treasurer to be supplied for School purposes, and nothing herein contained shall prevent any such informer or prosecutor from becoming a witness in any such case.

Section 32. That no person pursuing exclusively by the business of bottler of cider, perry, ale, porter, or beer, and not at the same time following or engaging in any way the business of keeping any hotel, inn or tavern, restaurant, oyster house, or cellar, or place of entertainment, amusement or refreshment, shall be required to take out a license under the provisions of this law; Provided, That such persons shall not sell or deliver said cider, perry, ale, porter or beer in less quantities than a dozen bottles at one time, nor permit any said liquors to be drunk upon the premises occupied in said business, and any violation of this section shall be punishable, and in the manner provided in the twenty-eighth section of this act. And provided further, That producers and manufacturers of domestic wines and cider may sell and deliver the same by any measure not less than five gallons, and in any quantity not less than one dozen bottles, without license thereof.

Section 33. That the constables of the respective wards and townships shall make return of retailers of liquors, as now provided by law; and in addition thereto it shall be the duty of every such constable, at each term of the Court of Quarter Sessions of the respective counties, to make return on oath or affirmation, whether, within his knowledge, there is any place within his jurisdiction kept and maintained in violation of this act. And if said constable to see that this return is faithfully made. And if any person shall be known in writing with his or her name subscribed thereto, to such constable, the name or names of any one who shall have violated this act, with the names of witnesses who can prove the fact, it shall be his duty to make return thereon on oath or affirmation to the court, and upon his willful failure to do so he shall be deemed guilty of a misdemeanor, and upon indictment and conviction shall pay a fine of fifty dollars, and be subject to imprisonment, at the discretion of the court, of not less than ten nor more than thirty days.

Section 34. That if any person engaged in the sale or manufacture of intoxicating liquors, as aforesaid, shall employ or permit any intemperate person, in any way to assist in such manufacture or sale, it shall be deemed a misdemeanor; and any person so offending, shall be liable to conviction and punishment, as provided in the 28th section of this act.

Section 35. That nothing herein contained shall be construed to impair or alter the provisions of an act, approved the 26th day of February, Anno Domini, one thousand eight hundred and fifty-five, entitled "An Act to prevent the sale of intoxicating liquors, on the first day of the week, commonly called Sunday;" nor of the act of the eighth of May, one thousand eight hundred and fifty-four, entitled "An Act to prevent certain domestic and private rights, and prevent abuses in the sale and use of intoxicating drinks;" and the same are hereby declared to be in full force and effect; Provided, however, That the act entitled "An Act to regulate the sale of intoxicating liquors," approved the fourth day of April, Anno Domini, one thousand eight hundred and fifty-five, and all other laws or parts of laws inconsistent herewith are hereby repealed. Provided also, That any license heretofore granted shall not be hereby invalidated.

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Section 23. That the commissioners of the several counties, and board, or licensees, shall furnish a certified list of all persons so licensed, with the classification, as made out and finally determined upon, to the treasurers of their respective counties, or the city of Philadelphia, as the case may be, who shall within twenty days thereafter transmit to the Auditor General a copy of such list, and shall receive and collect the sums to be paid for said licenses, in the manner directed by law, with any fees payable thereon.

Section 24. That it shall be the duty of the Auditor General to charge the said city or county treasurer, as the case may be, with the amount payable by the several persons in said lists; from the payment of any part of which amount said treasurer shall not be exonerated by producing satisfactory evidence to the department, that the party or parties so returned, failed to obtain license as aforesaid.

Section 25. That it shall be the duty of the Auditor General to return to the Legislature annually, in the month of January, a statement, arranged in tabular form, of the number and classification and license rates of all importers, brewers and distillers, keepers of hotels, inns or taverns, eating houses, and vendors of vinous, spirituous and malt or brewed liquors, either with or without other goods, wares and merchandize, designating each county separately.

Section 26. That where any license may be granted as aforesaid, under the classifications of the twelfth, thirteenth and fourteenth sections of this act, it shall not be transferable nor shall it confer the right to sell liquors as aforesaid in any other house, building or place than the one mentioned and described in the license; nor shall the bar or any apartments called or used, be altered, but if the party so licensed shall die, remove or cease to keep said hotel, inn, tavern, eating house or store, the said board may grant a license for the remainder of the year to any other person who may be qualified to receive the same.

Section 27. That the number of licenses so granted to keepers of hotels, inns or taverns in the aggregate, shall not exceed in the cities one to every one hundred taxables, nor in the several counties of the State, one to every one hundred and fifty taxables, the number of said taxables to be taken from the returns of the preceding year, and it shall be the duty of the Courts of Quarter Sessions of the respective counties, (the City of Philadelphia and county of Allegheny excepted, where the board of licensees shall perform such duties) immediately after the passage of this act to apportion the aggregate number of hotels, inns or taverns so to be licensed under the provisions hereof, among the cities, boroughs, townships and townships of their respective counties, which apportionment shall be made with reference to the convenience of the public and the accommodation of strangers, travellers and sojourners; and the said Court may, from time to time, as occasion may arise, alter, enlarge and change such apportionment; Provided, That the number of licenses to keepers of eating houses shall not exceed in any city or county one-fourth of the number of licenses for hotels, inns and taverns to which the said city or county may be entitled.

Section 28. That any sale made of vinous, spirituous, malt or brewed liquors, or any admixture thereof, contrary to the provisions of this law, shall be taken to be a misdemeanor, and upon conviction of the offence, in the Court of Quarter Sessions of the Peace, of any city or county, the person so offending shall be sentenced to pay a fine of not less than ten, nor more than one hundred dollars, with the costs of prosecution, and to stand committed until the sentence of the court is complied with, not exceeding thirty days; and upon a second, or any subsequent conviction, the party so offending shall, in addition to the payment of a fine, as aforesaid, undergo an imprisonment in the county jail of not less than one month, nor more than three months, and if licensed, shall forfeit said license and be incapacitated from receiving any license, as aforesaid, for the period of five years thereafter; and any keeper of any drug or apothecary store, confectionery, or mineral, or other fountain, who shall sell any spirituous, vinous, malt, or brewed liquors, mixed or pure, to be used as a beverage, shall be deemed guilty of a misdemeanor, and liable to conviction and punishment, as aforesaid.

Section 29. That any person who shall be found intoxicated in any street, highway, public house or public place, shall be fined upon the view of, or upon proof made before any Mayor, Alderman or Justice of the Peace, not exceeding five dollars, to be levied with the proper costs upon the goods and chattels of the defendant.

Section 30. That any person who shall sell spirituous or other intoxicating liquors as aforesaid, to any person who shall drink the same on the premises where sold and become thereby intoxicated, shall besides his liability in damages under any existing law be fined five dollars for every such offence, to be recovered in debt, before any Alderman or Justice of the Peace, by any wife, husband, parent, child, relative or guardian of the person so injured, and levied upon the goods and chattels of the defendant without exemption; Provided, That suits shall not be instituted after twenty days from the commission of the offences in this and the preceding sections.

Section 31. That it shall be the duty of the Court, Mayor, Alderman or Justice of the Peace, before whom any fine or penalty shall be recovered, to award to the informer or prosecutor, or both, a reasonable share thereof for time and expense, but not in any case exceeding one-third, and the residue, as well as the proceeds of all forfeited bonds as aforesaid, shall be paid to the Directors of the Public Schools of the proper district, except in the city of Philadelphia, where they shall be paid to the City Treasurer to be supplied for School purposes, and nothing herein contained shall prevent any such informer or prosecutor from becoming a witness in any such case.

Section 32. That no person pursuing exclusively by the business of bottler of cider, perry, ale, porter, or beer, and not at the same time following or engaging in any way the business of keeping any hotel, inn or tavern, restaurant, oyster house, or cellar, or place of entertainment, amusement or refreshment, shall be required to take out a license under the provisions of this law; Provided, That such persons shall not sell or deliver said cider, perry, ale, porter or beer in less quantities than a dozen bottles at one time, nor permit any said liquors to be drunk upon the premises occupied in said business, and any violation of this section shall be punishable, and in the manner provided in the twenty-eighth section of this act. And provided further, That producers and manufacturers of domestic wines and cider may sell and deliver the same by any measure not less than five gallons, and in any quantity not less than one dozen bottles, without license thereof.

Section 33. That the constables of the respective wards and townships shall make return of retailers of liquors, as now provided by law; and in addition thereto it shall be the duty of every such constable, at each term of the Court of Quarter Sessions of the respective counties, to make return on oath or affirmation, whether, within his knowledge, there is any place within his jurisdiction kept and maintained in violation of this act. And if said constable to see that this return is faithfully made. And if any person shall be known in writing with his or her name subscribed thereto, to such constable, the name or names of any one who shall have violated this act, with the names of witnesses who can prove the fact, it shall be his duty to make return thereon on oath or affirmation to the court, and upon his willful failure to do so he shall be deemed guilty of a misdemeanor, and upon indictment and conviction shall pay a fine of fifty dollars, and be subject to imprisonment, at the discretion of the court, of not less than ten nor more than thirty days.

Section 34. That if any person engaged in the sale or manufacture of intoxicating liquors, as aforesaid, shall employ or permit any intemperate person, in any way to assist in such manufacture or sale, it shall be deemed a misdemeanor; and any person so offending, shall be liable to conviction and punishment, as provided in the 28th section of this act.

Section 35. That nothing herein contained shall be construed to impair or alter the provisions of an act, approved the 26th day of February, Anno Domini, one thousand eight hundred and fifty-five, entitled "An Act to prevent the sale of intoxicating liquors, on the first day of the week, commonly called Sunday;" nor of the act of the eighth of May, one thousand eight hundred and fifty-four, entitled "An Act to prevent certain domestic and private rights, and prevent abuses in the sale and use of intoxicating drinks;" and the same are hereby declared to be in full force and effect; Provided, however, That the act entitled "An Act to regulate the sale of intoxicating liquors," approved the fourth day of April, Anno Domini, one thousand eight hundred and fifty-five, and all other laws or parts of laws inconsistent herewith are hereby repealed. Provided also, That any license heretofore granted shall not be hereby invalidated.

Section 36. According to the provisions of the act approved the 27th day of April, Anno Domini, one thousand eight hundred and fifty-five, and no court, no military, no money, no nothing.

Section 17. That immediately after being qualified as aforesaid, and annually thereafter, before the first day of April, the said board shall give due notice by advertisement in at least two newspapers published in their respective counties of the time and place of their meeting, when said notice shall be given to time, as may be necessary; the said board shall proceed to apportion among the wards of said city of Philadelphia, and wards, townships and boroughs, within the county of Allegheny, the hotels, inns and taverns, and eating houses, to which said city and county may be entitled under the provisions of this act; and to receive evidence for and against said application, and to grant licenses for which purpose they shall inquire into the moral character and sobriety of the applicant, and ascertain the locality, commodiousness and extent of the houses and property, proposed to be occupied for the purpose mentioned in the petition, and whether the said license shall be required for the accommodation of the public; and the clerk of the court of quarter sessions of the said counties shall produce before said respective boards of licensees the applications filed in their offices, with proof of publication of notice as aforesaid, and shall, as a majority of the said board shall determine, mark on said applications "granted" or "refused;" and the said board shall, at the same time decide upon the sufficiency of the securities in the applicant's bond upon justification or proof for which purpose, and in the discharge of their other duties, the said board shall have the power to administer oaths and affirmations with the like effect as if taken in a judicial proceeding in court.

Section 18. That whenever any license, as aforesaid, shall be granted by said board, they shall, according to the provisions of the twelfth, thirteenth and fourteenth sections of this act, and according to the classifications therein contained, estimate and ascertain the annual sales of said vendors, and of said keepers of eating houses, and the yearly rental or valuation of the house and property occupied or intended to be occupied as a hotel, inn or