

R.S. 33 : 1-32 and 33

December 20, 1968

LEGISLATIVE HISTORY OF R.S. 33:1-32 and 33 (Intoxicating liquors - License issuance - Refusal of)

Source is: Chapter 436, 1933 - A611

COPY NO. 1

On November 9, 1933, the New Jersey Legislature created an Alcoholic Beverage Commission to study proposed legislation for New Jersey should the U.S. repeal the 18th amendment. The Commission held at least one public hearing (October 26 in Newark; we have no transcript) and issued its report:

974.90 N.J. Alcoholic Beverage Commission.
L767 Report on Alcoholic Beverage
1933 Control and Taxation. November 20, 1933.

On page 10 of this report: We recommend that this Commissioner be given the most important powers, such as the approval of all licenses issued by the local boards; the right to revoke the same; and in extreme cases the right to grant licenses where the local board has in the Commissioner's judgment arbitrarily or improperly refused to grant a license.

This appears to be the only statement in this report dealing with the conditions to issuance of licenses.

We also consulted the following study:

Micro Ts'ai, Kuo-Ying
No. 3055 Alcoholic Beverage Control in
 New Jersey. Ann Arbor, University Microfilms,
J363.4/ 1952. (Doctoral dissertation, Princeton Univ.
T877

This study has one entire chapter (Chapter IV) entitled N.J. Liquor Control Regulations which includes a section on licensing. However, there was no mention I could find of the refusal to license persons failing to pay the tax or license fee.

L. 1934, Chapter 85 - A304

Feb. 19 - Introduced by Muir.
March 5 - Passed in Assembly, amended.
April 10 - Passed in Senate, amended.
April 10 - Senate amendment passed in Assembly.
April 13 - Approved, Chapter 85

Statement: copy attached.

Amended during passage.

Section 25 and 26 were not amended after introduction.

(Enclosed a copy of Sect. 25 & 26 as introduced).

We located no official hearings or reports by the Alcoholic
Beverage Commission in 1934.

JH/PC .

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 19, 1934

By Mr. MUIR

Referred to Committee on Miscellaneous Business

AN ACT to amend an act entitled "An act concerning alcoholic beverages," passed
December sixth, one thousand nine hundred and thirty-three.

1 **BE IT ENACTED** *by the Senate and General Assembly of the State of New*
2 *Jersey:*

1 1. Section one of the act of which this is an amendment is hereby amended
2 to read as follows:

3 1. For the purpose of this act, the following words and terms shall be
4 deemed to have the meanings herein given to them:

5 (a) "Alcoholic beverage." Any fluid or solid capable of being converted
6 into a fluid, suitable for human consumption, and having an alcoholic content
7 of more than one-half of one per centum by volume, including beer, lager
8 beer, ale, porter, naturally fermented wine, treated wine, blended wine, for-
9 tified wine, sparkling wine, distilled liquors, blended distilled liquors and
10 any brewed, fermented or distilled liquors fit for use for beverage purposes
11 or any mixture of the same, and fruit juices.

12 (b) "Building." A structure of which licensed premises are or may be
13 a part, including all rooms, cellars, outbuildings, passageways, closets, vaults,
14 yards, attics, and every part of the structure of which the licensed premises
15 are a part, and of any other structure to which there is a common means of
16 access, and any other appurtenances.

17 (c) "Civil service act." The act entitled "An act regulating the employ-
18 ment, tenure and discharge of certain officers and employees of this State,

19 and of the various counties and municipalities thereof, and providing for a
20 civil service commission, and defining its powers and duties," approved April
21 tenth, one thousand nine hundred and eight, and all acts amendatory thereof
22 and supplementary thereto.

23 (d) "Commissioner." The State Commissioner of Alcoholic Beverage
24 Control.

25 (e) "Container." Any glass, can, bottle, vessel or receptacle of any
26 material whatsoever used for holding alcoholic beverages, which container is
27 covered, corked or sealed in any manner whatsoever.

28 (f) "Eligible." The status of a person who is a citizen of the United
29 States, a resident of this State, of good moral character and repute, and of
30 legal age.

31 (g) "Governing board or body [or other controlling authority]." The
32 board or body which governs a municipality, including a board of aldermen
33 in municipalities so governed[.]; provided, however, that in every munic-
34 ipality having a board of public works which exercises general licensing pow-
35 ers said board shall be considered as the governing board or body.

36 (h) "Importing." The act of bringing or of causing to be brought any
37 alcoholic beverage into this State.

38 (i) "Illicit beverage." Any alcoholic beverage manufactured, distrib-
39 uted, bought, sold, or transported in violation of this act, or on which any
40 Federal tax or tax imposed by the laws of this State has not been paid.

41 (j) "Licensed building." Any building containing licensed premises.

42 (k) "Licensed premises." Any premises for which a license under this
43 act is in force and effect.

44 (l) "Magistrate." A judge of the court of quarter sessions in and for
45 any county, or a judge of a city or district criminal court, or a police judge
46 or justice or recorder of any municipality, and all justices of the peace; *pro-*
47 *vided, however,* that no justice of the peace shall sit as a magistrate under
48 this act within the corporate limits of a municipality having a police judge or
49 justice or recorder, or a city criminal court or within the corporate limits of
50 any municipality included in any criminal district in which there shall be a

51 district criminal court: *and further provided*, that no magistrate shall take
 52 any complaint or hear any cause arising out of the limits of the particular
 53 municipality in and for which he may have been appointed or elected.

54 (m) "Manufacturer." Any person who, directly or indirectly, personal-
 55 ly or through any agency whatsoever, engages in the making or other proce-
 56 ssing whatsoever of alcoholic beverages.

57 (n) "Municipality." Any city, town, township, village, or borough, in-
 58 cluding a municipality governed by a board of commissioners or improve-
 59 ment commission, but excluding a county.

60 (o) "Municipal board." The municipal board of alcoholic beverage con-
 61 trol as established by this act.

62 (p) "Officer." Any sheriff, deputy sheriff, constable, police officer, mem-
 63 ber of the Department of State Police, or any other person having the power
 64 to execute a warrant for arrest or any inspector or investigator of the De-
 65 partment of Alcoholic Beverage Control.

66 (q) "Original container." Any container in which an alcoholic beverage
 67 has been delivered to a retail licensee.

68 (r) "Person." Any natural person or association of natural persons, as-
 69 sociation, trust company, partnership, corporation, organization, or the man-
 70 ager, agent, servant, officer, or employee of any of them.

71 (s) "Premises." The physical place at which a licensee is or may be
 72 licensed to conduct and carry on the manufacture, distribution or sale of al-
 73 coholic beverages, but not including vehicular transportation.

74 (t) "Retailer." Any person who sells alcoholic beverages to consumers.

75 (u) "Rules and regulations." The rules and regulations established from
 76 time to time by the commissioner.

77 (v) "Sale." Every delivery of an alcoholic beverage otherwise than by
 78 purely gratuitous title, including deliveries from without this State and de-
 79 liveries by any person without this State intended for shipment by carrier
 80 or otherwise into this State and brought within this State, or the solicitation
 82 barter, traffic in, keeping and exposing for sale, serving with meals, deliver-
 81 or acceptance of an order for an alcoholic beverage, and including exchange,

ing for value, peddling, possessing with intent to sell, and the gratuitous delivery or gift of any alcoholic beverage by any licensee.

(w) "Unlawful alcoholic beverage activity." The manufacture, sale, distribution, bottling, rectifying, blending, treating, fortifying, mixing, processing, warehousing or transportation of any alcoholic beverage in violation of this act, or the importing, owning, possessing, keeping or storing in this State of alcoholic beverages with intent to manufacture, sell, distribute, bottle, rectify, blend, treat, fortify, mix, process, warehouse or transport alcoholic beverages in violation of this act, or the owning, possessing, keeping or storing in this State of any implement or paraphernalia for the manufacture, sale, distribution, bottling, rectifying, blending, treating, fortifying, mixing, processing, warehousing or transportation of alcoholic beverages with intent to use the same in the manufacture, sale, distribution, bottling, rectifying, blending, treating, fortifying, mixing, processing, warehousing or transportation of alcoholic beverages in violation of this act, or to aid or abet another in the manufacture, sale, distribution, bottling, rectifying, blending, treating, fortifying, mixing, processing, warehousing or transportation of alcoholic beverages in violation of this act, or the aiding or abetting of another in any of the foregoing activities.

(x) "Unlawful property." All illicit beverages and all implements and paraphernalia for the manufacture, sale, distribution, bottling, rectifying, blending, treating, fortifying, mixing, processing, warehousing or transportation of illicit beverages used in the manufacture, sale, distribution, bottling, rectifying, blending, treating, fortifying, mixing, processing, warehousing or transportation of illicit beverages or owned, possessed, kept or stored with intent to use the same in the manufacture, sale, distribution, bottling, rectifying, blending, treating, fortifying, mixing, processing, warehousing or transportation of illicit beverages, whether such use be by the person owning, possessing, keeping, or storing the same, or by another with the consent of such person.

113 (y) "Wholesaler." Any person who sells an alcoholic beverage for the
 114 purpose of resale, either to a licensed wholesaler or to a licensed retailer, or
 115 both.

116 Any definition herein contained shall apply to the same word in any form.
 117 Thus "sell" means to make a "sale" as above defined.

1 2. Section two of the act of which this is an amendment is hereby amended
 2 to read as follows:

3 2. It shall be unlawful to manufacture, sell, transport, warehouse, rec-
 4 tify, blend, treat, fortify, mix, process, bottle, or distribute alcoholic bever-
 5 ages in this State, except in accordance with this act [and except for personal
 6 consumption.]; *provided, however,* that any drink actually intended for im-
 7 mediate personal consumption may be mixed by any person, and *provided*
 8 *further,* that alcoholic beverages intended in good faith to be used solely for
 9 personal consumption may be transported in any vehicle to the extent of, not
 10 exceeding one-half ($\frac{1}{2}$) barrel, or two (2) cases containing not in excess of
 11 twenty-four (24) quarts in all, of beer, ale or porter, and (5) gallons of wine
 12 and twelve (12) quarts of other alcoholic beverages within any consecutive
 13 period of twenty-four (24) hours. If any person or persons desire to trans-
 14 port alcoholic beverages intended only for personal consumption in quantities
 15 in excess of those above mentioned, an application may be made to the com-
 16 missioner who may, upon being satisfied of the good faith of the applicant,
 17 and upon payment of a fee of five dollars (\$5.00) issue a special permit lim-
 18 ited by such conditions as the commissioner may impose, authorizing such
 19 transportation of alcoholic beverages in quantities in excess of those above
 20 mentioned.

1 3. Section three of the act of which this is an amendment is hereby
 2 amended to read as follows:

3 3. There is hereby established a State Department to be known as the
 4 Department of Alcoholic Beverage Control. The chief executive of said de-
 5 partment shall be the State Commissioner of Alcoholic Beverage Control.
 6 His term shall commence upon the effective date of this act and shall ter-
 7minate on the first day of April, in the year nineteen hundred and forty, but

8 he shall serve until his successor has been elected and qualified. His suc-
 9 cessor shall be elected by a joint session of the Legislature for a term of
 10 seven years beginning on the first day of April, nineteen hundred and forty,
 11 and every seven years thereafter. The commissioner shall receive compen-
 12 sation at the rate of ~~[\$13,000]~~ \$16,500 per annum. Before entering upon
 13 the discharge of his duties, he shall give bond, to the State of New Jersey,
 14 to be approved by the Governor ~~[,]~~ as to form and sufficiency, in the sum of
 15 \$30,000. It shall be the duty of the commissioner to supervise the manufac-
 16 ture, distribution and sale of alcoholic beverages in such manner as to pro-
 17 mote temperance and eliminate the racketeer and bootlegger. The first State
 18 Commissioner of Alcoholic Beverage Control shall be D. Frederick Burnett,
 19 of the village of South Orange, in the county of Essex, who shall hold said of-
 20 fice until ~~[until]~~ the first day of April, nineteen hundred and forty, or until
 21 his successor is elected and qualified as aforesaid. Any vacancy in said of-
 22 fice shall be filled by joint session of the Legislature for the unexpired term
 23 only.

1 4. Section four of the act of which this is an amendment is hereby
 2 amended to read as follows:

3 4. The commissioner is hereby empowered:

4 (a) To maintain suitable headquarters for said department and such
 5 other offices and establishments within the State as he may determine neces-
 6 sary ~~[,]~~ to organize said department, creating such divisions and altering
 7 them in such manner and at such times as he considers advisable.

8 (b) To appoint and have at all times three deputy commissioners who
 9 shall each receive compensation at the rate of ~~[\$4,000]~~ not exceeding \$6,000
 10 per annum, and who shall be removable by the commissioner at will, and who
 11 shall be respectively in charge of the divisions assigned to them by the com-
 12 missioner [hereby created in said department, to wit: Administration, Li-
 13 censing and Investigation, and Inspection and Compliance.]. Each such dep-
 14 uty shall, before entering upon the duties of his office, if required by the com-
 15 missioner, give bond, to be approved by the commissioner, in the sum of

16 ~~[\$8,000]~~ \$12,000. Deputy commissioners shall not be subject to the civil serv-
17 act act.

18 (c) To appoint such clerical force and employees as he may deem neces-
19 sary and to fix their duties, all of whom shall be subject to the civil service
20 act.

21 (d) To appoint such inspectors and investigators as he may deem neces-
22 sary and to fix their duties, terms of service and compensation. Inspectors
23 and investigators shall, (1) not be subject to the civil service act, (2) not re-
24 ceive a salary in excess of \$3,500 per annum, and (3) be removable by the
25 commissioner at will. Each inspector and investigator, before entering upon
26 the duties of his office, shall, if required by the commissioner, give bond,
27 to be approved by the commissioner, in the sum of \$7,000. The commission-
28 er, deputies, inspectors and investigators **[Inspectors]** shall have authority
29 to arrest, without warrant, for violations of this act, committed in their pres-
30 ence, and shall have all the authority and powers of peace officers to enforce
31 this act. Investigators shall have full authority to conduct any investigation
32 ordered by the commissioner,

33 (e) To appoint for short-time employment or for the purpose of per-
34 forming specified expert or specialist service such experts and specialists as
35 from time to time he shall deem necessary to carry out the provisions of this
36 act, and to determine the specified duty, salary or fee and term of service.
36½ Such experts or specialists shall not be subject to the civil service act.

37 (f) To appoint such counsel and other legal assistants as he shall deem
38 necessary to carry out the provisions of this act and to fix their powers,
39 duties, salaries and terms of office. Such counsel and assistants shall not be
40 subject to the civil service act.

1 5. Section five of the act of which this is an amendment is hereby amended
2 to read as follows:

3 5. Each municipality having a population of fifteen thousand (15,000) or
4 more, as determined by the last federal census, is hereby authorized to es-
5 tablish in and for such municipality, by resolution or ordinance of the govern-
6 ing board or body **[or other controlling authority]** now established by law

7 in respect to said municipality, a **municipal board of alcoholic beverage con-**
 8 **trol**, which shall consist of three persons, no more than two of whom shall be
 9 of the same political party, who shall be chosen and appointed by said gov-
 10 erning board or body **[or other controlling authority]** of said municipality,
 11 for a term of three years; *provided, however*, that one of the initial appoint-
 12 ments shall be for one year, another for two years, and the third for three
 13 years; *provided, further*, that in the case of any vacancy occurring before
 14 the expiration of any term, the appointment to fill such vacancy shall be only
 15 for the unexpired term. **[Each member of such municipal board shall re-**
 16 **ceive an annual salary in an amount to be determined by the governing**
 17 **board or body or other controlling authority of said municipality.]** The
 18 members of such municipal board shall receive no salaries and **[Each such**
 19 **member]** shall be removable by the appointing authority for cause. [and be-
 20 fore entering upon his duties shall give a bond, to be approved by the appoint-
 21 ing authority, in twice the amount of his annual salary.] Such members
 22 shall not be subject to the civil service act and may be members of said gov-
 23 erning board or body **[or other controlling authority]** of said municipality
 24 **[; provided, however**, that in any such municipality wherein there is no board
 25 of aldermen but wherein there is a board of public works, all licenses shall
 26 be granted by such board of public works].

1 6. Section six of the act of which this is an amendment is hereby re-
 2 pealed.

1 7. Section nine of the act of which this is an amendment is hereby
 2 amended to read as follows:

3 9. All bonds made or furnished by any person appointed to any office, po-
 4 sition or employment under this act, except the commissioner, shall be given
 5 to the commissioner **[State of New Jersey]** and are to be approved as to
 6 form and sufficiency by the commissioner and be conditioned for the proper
 7 accounting of public funds intrusted to the care of said person **[faithful**
 8 **performance of the duties of such appointee and for his compliance with all**
 9 **the provisions of this act]** and shall remain in force and effect notwithstand-
 10 ing expiration of office or appointment or employment or removal therefrom.

1 8. Section ten of the act of which this is an amendment is hereby amended
2 to read as follows:

3 10. Licenses shall be of the following classes:

4 Class A—Manufacturer's license

5 Class B—Wholesaler's license

6 Class C—Retailer's license

7 Class D—Transportation license [.]

8 Class E—Public warehouse license.

1 9. Section eleven of the act of which this is an amendment is hereby
2 amended to read as follows:

3 11. Class A licenses shall be subdivided and classified as follows:

4 (1) a. Plenary [Brewery] brewery license. The holder of this license
5 shall be entitled, subject to rules and regulations, to brew any malt alcoholic
6 beverages and to distribute and sell his products to wholesalers and retailers
7 licensed respectively in accordance with this act, and to sell and distribute
8 without this State to any persons pursuant to the laws of the places of such
9 sale and distribution, and to maintain a warehouse. The fee for this license
10 shall be three thousand five hundred dollars (\$3,500.00) [.] ; *provided, how-*
11 *ever,* that on and after July first, one thousand nine hundred and thirty-four
12 the fee fixed for this license shall be four thousand dollars (\$4,000.00).

13 (1) b. Limited brewery license. The holder of this license shall be en-
14 titled, subject to rules and regulations, to brew any malt alcoholic beverages
15 in a quantity dependent upon the following fees and not in excess of three
16 hundred thousand (300,000) barrels of thirty one (31) fluid gallons capacity
17 per year and to be expressed in said license and to distribute and sell his
18 products to wholesalers and retailers licensed respectively in accordance with
19 this act, and to sell and distribute without this State to any persons pursu-
20 ant to the laws of the places of such sale and distribution, and to maintain
21 a warehouse. The fee for this license shall be graduated as follows: To sell
22 brew not more than fifty thousand (50,000) barrels of thirty one (31) fluid gal-
23 lons capacity per annum, five hundred dollars (\$500.00); to sell brew not more

24 than one hundred thousand (100,000) barrels of thirty-one (31) fluid gal-
 25 lons capacity per annum, one thousand dollars (\$1,000.00); to so brew not
 26 more than two hundred thousand (200,000) barrels of thirty-one (31) fluid gal-
 27 lons capacity per annum, two thousand dollars (\$2,000.00); to so brew not
 28 more than three hundred thousand (300,000) barrels of thirty-one (31) fluid
 29 gallons capacity per annum, three thousand dollars (\$3,000.00).

30 (2) a. Plenary winery license. The holder of this license shall be en-
 31 titled, subject to rules and regulations, to manufacture any fermented wines,
 32 and to blend, fortify and treat wines, and to distribute and sell his products
 33 to wholesalers and retailers respectively licensed in accordance with this act,
 34 and to sell and distribute without this State to any persons pursuant to the
 35 laws of the places of such sale and distribution, and to maintain a warehouse.
 36 The fee for this license shall be five hundred dollars (\$500.00).

37 (2) b. Limited winery license. The holder of this license shall be en-
 38 titled, subject to rules and regulations, to manufacture for sale any naturally
 39 fermented wines and fruit juices in a quantity dependent upon the following
 40 fees and not in excess of five thousand gallons per year and to be expressed
 41 in said license and to distribute and sell his products to wholesalers and re-
 42 tailers respectively licensed in accordance with this act, and to consumers, and
 43 to sell and distribute without this State to any persons pursuant to the laws
 44 of the places of such sale and distribution, and to maintain a warehouse. The
 45 fee for this license shall be graduated as follows: to so manufacture between
 46 twenty five hundred (2,500) and five thousand (5,000) gallons per annum, two
 47 hundred dollars (\$200.00); to so manufacture between one thousand (1,000)
 48 and twenty-five hundred (2,500) gallons per annum, one hundred dollars
 49 (\$100.00); to so manufacture between two hundred (200) and one thousand
 50 (1,000) gallons per annum, twenty-five dollars (\$25.00); to so manufacture
 51 less than two hundred (200) gallons per annum, one dollar (\$1.00) [.] ; *provi-*
 52 *cided, however, that on and after July first, one thousand nine hundred and*
 53 *thirty-four, the fee fixed for this license to so manufacture less than two hun-*
 54 *dred (200) gallons per annum shall be five dollars (\$5.00).*

55 (3) a. Plenary distillery license. The holder of this license shall be en-
 56 titled, subject to rules and regulations, to manufacture any distilled alcoholic
 57 beverages and rectify, blend, treat and mix, and to distribute and sell his
 58 products to wholesalers and retailers respectively licensed in accordance with
 59 this act, and to sell and distribute without this State to any persons pursuant
 60 to the laws of the places of such sale and distribution, and to maintain a
 61 warehouse. The fee for this license shall be seven thousand five hundred
 62 dollars (\$7,500.00).

63 (3) b. Limited distillery license. The holder of this license shall be en-
 64 titled, subject to rules and regulations, to manufacture, in a quantity depend-
 65 ent upon the following fees and not in excess of ten thousand (10,000) gal-
 66 lons per year and to be expressed in said license, any alcoholic beverages
 67 distilled from fruit juices and rectify, blend, treat and mix, and to distribute
 68 and sell his said products to wholesalers and retailers respectively licensed in
 69 accordance with this act, and to sell and distribute without this State to any
 70 persons pursuant to the laws of the places of such sale and distribution,
 71 and to maintain a warehouse. The fee for this license shall be graduated as
 72 follows: To so manufacture not more than five thousand (5,000) gallons per
 73 annum, one thousand dollars (\$1,000.00); and to so manufacture not more
 74 than ten thousand (10,000) gallons per annum, twenty-five hundred dollars
 75 (\$2,500.00) 【.】; provided, however, that on and after July first, one thou-
 76 sand nine hundred and thirty-four, the fee for this license shall be graduated
 77 as follows: To so manufacture not more than five thousand (5,000) gallons
 78 per annum, five hundred dollars (\$500.00); and to so manufacture not more
 79 than ten thousand (10,000) gallons per annum, one thousand two hundred and
 80 fifty dollars (\$1,250.00).

81 (4) Rectifier and blender license. The holder of this license shall be en-
 82 titled, subject to rules and regulations, to rectify, blend, treat and mix dis-
 83 tilled alcoholic beverages, and to fortify, blend and treat fermented alcoholic
 84 beverages, and prepare mixtures of alcoholic beverages, and to distribute and
 85 sell his products to wholesalers and retailers respectively licensed in accord-

86 ance with this act, and to sell and distribute without this State to any per-
 87 sons pursuant to the laws of the places of such sale and distribution, and to
 88 maintain a warehouse. The fee for this license shall be one thousand five hun-
 89 dred dollars (\$1,500.00) [.] ; provided, however, that on and after July first,
 90 one thousand nine hundred and thirty-four, the fee fixed for this license shall
 91 be five thousand dollars (\$5,000.00).

1 10. Section twelve of the act of which this is an amendment is hereby
 2 amended to read as follows:

3 12. Class B licenses shall be subdivided and classified as follows:

4 (1) Plenary wholesale license. The holder of this license shall be en-
 5 titled, subject to rules and regulations, to distribute and sell to retailers, and
 6 wholesalers, licensed in accordance with this act, alcoholic beverages, and to
 7 maintain a warehouse and salesroom. The fee for this license shall be one
 8 thousand five hundred dollars (\$1,500.00).

9 (2) Limited wholesale license. The holder of this license shall be en-
 10 titled, subject to rules and regulations, to distribute and sell to retailers, and
 11 wholesalers, licensed in accordance with this act, brewed malt alcoholic bever-
 12 ages and naturally fermented wines, and to maintain a warehouse and sales-
 13 room. The fee for this license shall be seven hundred and fifty dollars
 14 (\$750.00).

15 (3) Plenary export wholesale license. The holder of this license shall be
 16 entitled, subject to rules and regulations, to distribute and sell to retailers,
 17 and wholesalers, licensed in accordance with this act, and to sell and distrib-
 18 ute without this State to any persons pursuant to the laws of the places of
 19 such sale and distribution, alcoholic beverages, and to maintain a warehouse
 20 and salesroom. The fee for this license shall be two thousand dollars
 21 (\$2,000.00).

22 (4) Limited export wholesale license. The holder of this license shall be
 23 entitled, subject to rules and regulations, to distribute and sell to retailers,
 24 and wholesalers, licensed in accordance with this act, and to sell and distrib-
 25 ute without this State to any persons pursuant to the laws of the places of

26 such sale and distribution, brewed malt alcoholic beverages and naturally fer-
 27 mented wines, and to maintain a warehouse and salesroom. The fee for this
 28 license shall be one thousand two hundred and fifty dollars (\$1,250.00).

1 11. Section thirteen of the act of which this is an amendment is hereby
 2 amended to read as follows:

3 13. Class C licenses shall be subdivided and classified as follows:

4 (1) Plenary retail consumption license. The holder of this license shall
 5 be entitled, subject to rules and regulations, to sell for consumption on the
 6 licensed premises any alcoholic beverages by the glass or other open recep-
 7 tacle, and also to sell all alcoholic beverages in original containers for con-
 8 sumption off the licensed premises. The fee for this license shall be fixed by
 9 the governing board or body [or other controlling authority] of the munici-
 10 pality in which the licensed premises are situated, by resolution or ordi-
 11 nance, at not less than [three hundred and fifty dollars (\$350.00)] two hun-
 12 dred dollars (\$200.00) and not more than [one thousand five hundred dollars
 13 (\$1,500.00)] two thousand dollars (\$2,000.00).

14 (2) Seasonal retail consumption license. The holder of this license shall
 15 be entitled, subject to rules and regulations, to sell, during the season from
 16 May fifteenth until September fifteenth inclusive, for consumption on the li-
 17 censed premises any alcoholic beverages by the glass or other open recep-
 18 tacle, and also to sell all alcoholic beverages in original containers for con-
 19 sumption off the licensed premises. The fee for this license shall be fixed
 20 by the governing board or body of the municipality in which the licensed
 21 premises are situated, by resolution or ordinance, at seventy-five per centum
 22 of the fee fixed by said board or body for plenary retail consumption licenses.

23 (3) [(2)] Plenary retail distribution license. The holder of this license
 24 shall be entitled, subject to rules and regulations, to sell any alcoholic bev-
 25 erages for consumption off the licensed premises, but only in original con-
 26 tainers. The fee for this license shall be fixed by the governing board or
 27 body or other controlling authority of the municipality in which the licensed
 28 premises are situated by resolution or ordinance at not less than [two hun-

29 dred dollars (\$200.00), one hundred dollars (\$100.00), and not more than
 30 one thousand dollars (\$1,000.00).

31 (4) [(3)] Plenary retail transit license. The holder of this license shall
 32 be entitled, subject to rules and regulations, to sell any alcoholic beverages
 33 for consumption only on railroad trains, airplanes and boats, while in transit.
 34 The fee for this license shall be one hundred and fifty dollars (\$150.00), except
 35 for boats under five (5) tons gross tonnage and for each such boat the fee
 36 shall be ten dollars (\$10.00); *provided, however*, that a license issued under
 37 this provision to a railroad or air transport company shall cover all dining
 38 and club cars and planes operated by any such company within the State of
 39 New Jersey; *and provided, further*, that a license for a boat issued under this
 40 provision shall apply only to the particular boat for which issued.

41 (5) Club license. The holder of this license shall be entitled, subject to
 42 rules and regulations, to sell, only to bona fide club members and their
 43 guests, alcoholic beverages intended for immediate consumption on the li-
 44 censed premises. The fee for this license shall be fixed by the governing
 45 board or body of the municipality in which the licensed premises are sit-
 46 uated, by resolution or ordinance, at not less than fifty dollars (\$50.00) and
 47 not more than one hundred and fifty dollars (\$150.00). Club licenses may
 48 be issued only to such corporations, associations and organizations, as are op-
 49 erated for benevolent, charitable, fraternal, social, religious, recreational,
 50 athletic, or similar purposes, and not for private gain, and comply with all
 51 conditions which, subject to rules and regulations, may be imposed by the
 52 commissioner, and no club license shall be issued unless the approval of the
 53 commissioner for its issuance be first obtained.

1 12. Section fourteen of the act of which this is an amendment is hereby
 2 amended to read as follows:

3 14. Class D licenses shall be as follows:

4 Transportation license. The holder of this license shall be entitled, sub-
 5 ject to rules and regulations, to transport alcoholic beverages into, out of,
 6 through and within the State of New Jersey and to maintain a warehouse.

7 The fee for this license shall be two hundred dollars (\$200.00). [Vehicles
8 transporting alcoholic beverages shall carry a transit receipt specifying the
9 names and addresses of the owner of the alcoholic beverages, of the consign-
10 or, and of the consignee, and the destination.]

1 13. Section fifteen of the act of which this is an amendment is hereby
2 amended to read as follows:

3 15. Any licensee entitled to maintain a warehouse or salesroom shall, if
4 approved by the commissioner, secure a separate license for each additional
5 warehouse, [or] salesroom, or separate office desired, and pay as a [the]
6 fee therefor twenty-five per centum (25%) of the fee paid for his license, each
7 additional warehouse [or], salesroom, or separate office being deemed a sep-
8 arate place of business.

1 14. Section sixteen of the act of which this is an amendment is hereby
2 amended to read as follows:

3 16. Before any Class A, Class B [or], Class D or Class E license shall
4 be issued, each such licensee shall give a bond to the State of New Jersey,
5 to be approved by the State Tax Commissioner as to form and amount, con-
6 ditioned for the payment of all taxes, [and] penalties and interest imposed by
7 the laws of this State upon the sale or delivery of alcoholic beverages. [or
8 the manufacture, sale or distribution thereof by the laws of this State.]
9 Such bonds shall be transmitted to and be held by the State Tax Commission-
10 er, and all such bonds heretofore received and now held by the Commission-
11 er of the Department of Alcoholic Beverage Control shall be transmitted
12 forthwith to the State Tax Commissioner.

1 15. Section seventeen of the act of which this is an amendment is hereby
2 amended to read as follows:

3 17. It shall be the duty of the commissioner to administer the issuance of
4 manufacturers', wholesalers', plenary retail transit, [and] transportation,
5 and public warehouse licenses, in accordance with this act.

1 16. Section eighteen of the act of which this is an amendment is hereby
2 amended to read as follows:

3 18. It shall be the duty of the governing board or body [or controlling
4 authority, as the case may be,] of each municipality, except in such munici-
5 palities as shall have created municipal boards pursuant to this act, in which
6 latter event it shall be the duty of such respective municipal boards, to ad-
7 minister the issuance of [plenary retail consumption and plenary retail dis-
8 tribution] all other licenses within their respective municipalities, in accord-
9 ance with this act, and forthwith to report the issuance of all such licenses to
10 the commissioner. The issuing authorities constituted by this section are
11 sometimes hereinafter referred to as "other issuing authority."

1 17. Section twenty of the act of which this is an amendment is hereby
2 amended to read as follows:

3 20. It shall be the duty of the commissioner to administer and enforce
4 this act and administer the Department of Alcoholic Beverage Control; to
5 make an annual report to the Governor of the activities of his department;
6 to investigate applicants for Class A, Class B, Class D, Class E and plenary
7 retail transit licenses, and all licensees, and to inspect all licensed premises; to
8 conduct hearings in accordance with this act; to make and conduct searches,
9 seizures and forfeitures in accordance with this act; to dispose of articles
10 seized and forfeited; to maintain proper records; to maintain a petty cash
11 fund not in excess of one thousand dollars (\$1,000); to requisition the pur-
12 chase of necessary supplies and equipment; to co-operate with municipalities
13 and municipal boards in enforcing this act; to keep full and correct minutes;
14 to publish lists of all licenses issued; and to do, perform, take and adopt all
15 other acts, procedures and methods designed to insure the fair, impartial,
15 stringent and comprehensive administration of this act. The enumeration of
17 the above specific duties shall not be construed to limit or restrict in any
18 way the general authority given by this act to the commissioner.

1 18. Section twenty-two of the act of which this is an amendment is here-
2 by amended to read as follows:

3 22. Applicants for licenses shall answer such questions and make such
4 declarations as shall be prescribed by rules and regulations. No retail license
5 shall be issued to a natural person unless he shall have been a resident of the

6 State of New Jersey for at least five years, continuously, immediately prior
7 to the submission of the application. No license of any class shall be issued
8 to any alien; to any person under legal age; or to any person who has been
9 convicted of a crime involving moral turpitude or [of] who has committed
10 two or more violations of this act. In case of applications by corporations,
11 except applications for club licenses, the names and addresses of all stock-
12 holders, holding one (1) or more per centum of any of the stock thereof, of
13 all officers, and of all members of the board of directors must be stated in
14 the application, and if one or more of such officers or members or any hold-
15 er directly or indirectly, of ten (10) per centum or more in beneficial inter-
16 est of the capital stock of the corporation would fail to qualify as an individ-
17 ual applicant in all respects, except as to residence and age, no license of any
18 class shall be granted.

19 In case of applications for club licenses, the names and addresses of all
20 officers, trustees, directors, or other governing officials, together with the
21 names and addresses of all the members of the corporation, association, or
22 organization must be stated in the application.

23 In the case of application by a partnership, the application shall contain
24 the names and addresses of all of the partners. No license shall be issued
25 unless all of the partners would qualify as individual applicants.

26 A photostatic copy of all federal licenses, permits and/or stamps neces-
27 sary to the lawful conduct of the business for which a State license is
28 sought and which relate to alcoholic beverages must accompany the license
29 application, together with a deposit of the full amount of the required license
30 fee, which deposit to the extent of ~~ninety~~ ninety per centum thereof shall be returned
31 to the applicant by the commissioner or other issuing authority if the appli-
32 cation is denied, and the remaining ten per centum shall constitute an inves-
33 tigation fee and be disposed of as hereinafter provided.

34 Every applicant for a license shall cause a notice of intention to make
35 such application to be published in a form prescribed by rules and regula-
36 tions, once a week for two weeks successively in a newspaper, printed in the

37 English language, published and circulated in the municipality in which the
38 licensed premises are located; *provided, however*, that if there shall be no
39 such newspaper, then such notice shall be published in a newspaper, printed in
40 the English language, published and circulated in the county in which the
41 licensed premises are located; *provided, further*, that no publication shall be
42 required with respect to applications for transportation or public warehouse
43 licenses.

44 All applications shall be duly sworn to by each of the applicants, except
45 in cases of applications by corporations, which shall be duly sworn to by
46 the president or vice-president. All statements in said applications re-
47 quired to be made by law or by rules and regulations shall be deemed mate-
48 rial, and any person who shall knowingly misstate any material fact, under
49 oath, in said application shall be guilty of a misdemeanor and punished ac-
50 cordingly. Fraud, misrepresentation, false statements, misleading state-
51 ments, evasions or suppression of material facts in the securing of a license
52 are grounds for revocation.

1 19. Section twenty-three of the act of which this is an amendment is here-
2 by amended to read as follows:

3 23. All licenses shall be for a term of one year from the first day of July
4 in each year; *provided, however*, that all such licenses issued prior to July
5 first, one thousand nine hundred and thirty-four, shall expire at midnight
6 on June thirtieth, one thousand nine hundred and thirty-four; *and further*
7 *provided*, that the respective fees for any such license shall be prorated ac-
8 cording to the date of such license and based on the respective annual fee as
9 in this act provided. Licenses are not transferable. A separate license is
10 required for each specific place of business and the operation and effect of
11 every license is confined to the licensed premises. No retail license of any
12 class shall be issued to any holder of manufacturer's or wholesaler's license.
13 and no manufacturer's or wholesaler's license shall be issued to the holder of
14 a retail license of any class [.] ; *provided, however*, that one plenary retail
15 distribution license may, subject to rules and regulations, be issued to the
16 holder of a wholesale license. Any person who shall exercise or attempt to

17 exercise, or hold himself out as authorized to exercise, the rights and priv-
18 ileges of a license except to the licensee and then only with respect to the li-
19 censed premises, shall be guilty of a misdemeanor.

20 In case of death, bankruptcy, receivership or incompetency of the li-
21 censee, or if for any other reason whatsoever the operation of the business
22 covered by the license shall devolve by operation of law upon a person
23 other than the licensee, the commissioner or other issuing authority may, in
24 his or its discretion, extend said license for a limited time, not exceeding its
25 term, to the executor, administrator, trustee, receiver or other person upon
26 whom the same has devolved by operation of law as aforesaid. Under no cir-
27 cumstances, however, shall a license, or rights thereunder, be deemed prop-
28 erty, subject to inheritance, sale, pledge, lien, levy, attachment, execution,
29 seizure for debts, or any other transfer or disposition whatsoever, except to
30 the extent expressly provided by this act.

31 On application made therefor setting forth the same matters and things
32 with reference to the premises to which a transfer of license is sought as
33 are required to be set forth in connection with an original application for li-
34 cense as to said premises, and after publication of notice of intention to
35 apply for transfer, in the same manner as is required in case of an appli-
36 cation for license as to said premises, the commissioner or other issuing au-
37 thority may transfer, upon payment of a fee of five dollars (\$5.00), any
38 license issued by him or it respectively to a different place of business than
39 that specified therein, by endorsing permission upon such license.

40 No person who would fail to qualify as a licensee under this act shall be
41 knowingly employed by or connected in any business capacity whatsoever
42 with the licensee; *provided, however*, that specialized technical workers, re-
43 quired in any business may, with the approval of the commissioner, and sub-
44 ject to rules and regulations, be employed although failing to qualify as to
45 residence or citizenship.

1 20. Section twenty-four of the act of which this is an amendment is here-
2 by amended to read as follows:

3 24. [License and investigation] All fees collected by the commissioner
4 shall be promptly paid, when earned, to the State Treasurer, and there-
5 upon shall become part of the free treasury funds of this State.

6 Any statute or exemption to the contrary notwithstanding, no license shall
7 be issued to any person except upon payment of the full fee therefor or as
8 above prorated; *provided, however*, that no license shall be required and
9 no fee charged in connection with the retail sale of alcoholic beverages for
10 consumption on the premises where sold, when sold at any camp, post or regi-
11 mental exchange duly organized under the regulations of the United States
12 Army or Navy or Marine Corps or, if the consent of the State Military
13 Board shall have first been obtained, under the State National Guard regu-
14 lations.

1 21. Section twenty-five of the act of which this is an amendment is here-
2 by amended to read as follows:

3 25. Licensees, except public warehouse licensees, may deliver alcoholic
4 beverages in their own vehicles, solely, however, for their own respective
5 business in connection with and as defined in their respective licenses, with-
6 out possessing a transportation license; *provided, however*, that the vehicles
7 while so used shall be marked in the manner prescribed for all vehicles au-
8 thorized to transport alcoholic beverages under a transportation license, as
9 shall be provided in rules and regulations[.]; and provided, further, that
10 one such transit insignia shall be furnished by the commissioner without cost
11 and each additional vehicle so used shall bear a separate insignia to be fur-
12 nished by the commissioner at a fee of two dollars (\$2.00) each.

1 22. Section twenty-six of the act of which this is an amendment is here-
2 by amended to read as follows:

3 26. Druggists and pharmacists duly registered under the laws of the State
4 of New Jersey as such may, upon their respective registered premises as
5 aforesaid, without license hereunder, purchase and use alcoholic beverages
6 for the compounding of physicians' prescriptions and for the prepara-
7 tion of mixtures and medicines, unfit for use as beverages, and sell

7½ same after being so compounded or prepared, subject to rules and
 8 regulations; *provided, however*, that they may not sell alcoholic beverages
 9 otherwise than as aforesaid and particularly shall not sell the same in either
 10 original containers or by glass or other open containers, except under a li-
 11 cense obtained under this act permitting the same. Hospitals may purchase
 12 and use alcoholic beverages for the compounding of physicians' prescrip-
 13 tions, and for the preparation of mixtures and medicines unfit for use as
 14 beverages, and for dispensing to patients in accordance with physicians' or-
 15 ders and prescriptions, without license therefor, subject to rules and regu-
 16 lations.

17 Wholesale licensees may sell alcoholic beverages, directly to druggists
 18 and pharmacists, registered as aforesaid, and to hospitals, for use as here-
 19 in authorized, subject to rules and regulations.

20 The commissioner shall have and exercise the same powers of investiga-
 21 tion and of prescribing rules and regulations with regard to the alcoholic bev-
 22 erages purchased, used, mixed, compounded or dispensed pursuant to this sec-
 23 tion as are by this act accorded to him in connection with the sale, distribu-
 24 tion, rectification, blending, treating, fortifying, mixing, processing, ware-
 25 housing and transportation of all alcoholic beverages.

1 23. Section twenty-seven of the act of which this is an amendment is
 2 hereby amended to read as follows:

3 27. This act, [is] while not designed to prohibit sales of [industrial al-
 4 cohol,] denatured alcohol [,] and alcoholic mixtures or compositions [unfit
 5 for use as beverages,] or articles of commerce containing alcohol, which
 6 are unfit for use as beverages, without license hereunder [,], is designed to
 7 control the sale, distribution, bottling, rectifying, blending, treating, fortify-
 8 ing, mixing, processing, warehousing and transportation of such products
 9 in order to prevent their conversion into alcoholic beverages fit for consump-
 10 tion, except pursuant to the provisions of this act, and [To] to prevent vio-
 11 lations of and secure the better enforcement of this act [,]. [the] The com-
 12 missioner shall have and exercise the same powers of investigation and of

13 preparing rules and regulations with respect to the sale, distribution, bot-
 14 ting, rectifying, blending, treating, fortifying, mixing, processing, warehous-
 15 ing and transportation of denatured alcohol and alcoholic mixtures or com-
 16 positions or articles of commerce containing or consisting of alcohol which
 17 are unfit for use as beverages [all the matters in this paragraph set forth]
 18 as are by this act accorded to him in connection with sales, distribution, bot-
 19 ting, rectifying, blending, treating, fortifying, mixing, processing, warehous-
 20 ing and transportation of alcoholic beverages.

1 24. Section twenty-eight of the act of which this is an amendment is here-
 2 by amended to read as follows:

3 28. Any license whether issued by the commissioner or any other issuing
 4 authority may be suspended or revoked by the commissioner or [by] the other
 5 issuing authority may suspend or revoke any [who issued such] license is-
 6 sued by it, [as the case may be,] for any of the following causes: violation
 7 of any of the provisions of this act; manufacture, transportation, distribu-
 8 tion or sale of alcoholic beverages in a manner or to an extent not per-
 9 mitted by the license or by law; nonpayment of any excise tax or other pay-
 10 ment required by law to be paid to the State Tax Commissioner; failure to
 11 have at all times a valid, unrevoked permit, license or special tax stamp, or
 12 other indicia of payment, of all fees, taxes, penalties and payments
 13 required by any law of the United States; failure to have at all times
 14 proper stamps or other proper evidence of payment of any tax re-
 15 quired to be paid by any law of this State; any violation of rules and regu-
 16 lations; any other act or happening occurring after the time of making of an
 17 application for a license which if it had occurred before said time would
 18 have prevented the issuance of the license; or for any other cause designated
 19 by this act. No suspension or revocation of any license shall be made until
 20 a five-day notice of the charges preferred against the licensee shall have
 21 been given to him personally or by mailing the same by registered mail ad-
 22 dressed to him at the licensed premises and a reasonable opportunity to be
 23 heard thereon afforded to him. A suspension or revocation of license shall

24 be effected by a notice in writing of such suspension or revocation, desig-
 25 nating the effective date thereof, and in case of suspension, the term of such
 26 suspension, which notice may be served upon the licensee personally or by
 27 mailing the same by registered mail addressed to him at the licensed prem-
 28 ises. Such suspension or revocation shall apply to the licensee and to the
 29 licensed premises. Any revocation shall render the licensee ineligible to re-
 30 ceive any other license, of any kind or class under this act, for a period of
 31 two years from the effective date thereof and may, in the discretion of the
 32 commissioner or the other issuing authority as the case may be, render the
 33 licensed premises ineligible to become the subject of any further license, of
 34 any kind or class under this act, during said period of two years. No re-
 35 fund shall be made of any portion of a licensee fee after issuance of a li-
 36 cense [.] ; *provided, however, that if any licensee, except a seasonal retail*
 37 *consumption licensee, shall voluntarily surrender his license, there shall be re-*
 38 *turned to him, after deducting as a surrender fee twenty-five per centum of*
 39 *the license fee paid by him, if the surrender is made prior to July first, one*
 40 *thousand nine hundred and thirty-four, and fifty per centum if made there-*
 41 *after, the pro rated fee for the unexpired term; provided, further, that such*
 42 *licensee shall not have committed any violation of this act or of any rule or*
 43 *regulation or done anything which in the fair discretion of the commissioner*
 44 *or other issuing authority, as the case may be, should bar or preclude such*
 45 *licensee from making such claim for refund and that all taxes and other set-*
 46 *offs or counterclaims which shall have accrued and shall have become due*
 47 *and payable to the State of New Jersey and/or any municipality have been*
 48 *paid. Such proration shall be made as of the date of the approval of such sur-*
 49 *render. Surrenders of retail licenses shall be promptly certified by the issu-*
 50 *ing authority to the commissioner. Surrender fees shall be accounted for as*
 51 *are investigation fees. In the event of any suspension or revocation of any*
 52 *license by the other issuing authority, the licensee may, within thirty (30)*
 53 *days after the date of service or of mailing of said notice of suspension or of*
 54 *revocation, appeal to the commissioner* [Board of Alcoholic Beverage Ap-

55 peals] from the action of the [commissioner or] other issuing authority [,
56 as the case may be,] in suspending or revoking such license. The [Board
57 of Alcoholic Beverage Appeals] commissioner shall thereupon fix a time for
58 the hearing of the appeal and before hearing the same shall give at least
59 five (5) days' notice of the time so fixed to both said licensee and to the [com-
60 missioner or the] other issuing authority [, as the case may be,] who effected
61 such suspension or revocation.

1 25. Section twenty-nine of the act of which this is an amendment is here-
2 by amended to read as follows:

3 29. Subject to rules and regulations, [the commissioner and other] each
4 issuing authority [as the case may be,] by resolution, first approved by the
5 commissioner, may impose any condition or conditions to the issuance of any
6 license deemed necessary and proper to accomplish the objects of this act
7 and secure compliance with the provisions hereof, and all such licenses shall
8 become effective only upon compliance with the conditions so stated and shall
9 be revocable for subsequent violation thereof.

1 26. Section thirty of the act of which this is an amendment is hereby
2 amended to read as follows:

3 30. No license shall be issued to any person to whom a license shall
4 have been issued under an act entitled "An act concerning the manufacture,
5 distribution and sale of certain beverages having an alcoholic content and
6 providing for licenses, regulations and fees in connection therewith and pen-
7 alties for violations thereof," approved April twelfth, one thousand nine
8 hundred and thirty-three, as amended and supplemented, or under this act as
9 amended and supplemented, and who shall have failed to pay to the State of
10 New Jersey or to any municipality of this State any tax, licensee fee or pen-
11 alty which shall have accrued pursuant to the provisions of said [act,] acts,
12 and of an act entitled "An act imposing taxes upon the sale of alcoholic bev-
13 erages and providing for the collection thereof," approved December fourth,
14 one thousand nine hundred and thirty-three and amendments thereof and sup-
15 plements thereto, unless such person shall have posted with the State Tax
16 Commissioner, or the municipality, as the case may be, a cash deposit in an

17 amount, or a bond in form, with sureties and in an amount satisfactory to
18 the State Tax Commissioner, or the municipality, as the case may be, to se-
19 cure the payment of said tax, license fee or penalty, and this provision shall
20 remain in force and effect notwithstanding the repeal of the aforesaid [act.]
21 acts.

1 27. Section thirty-two of the act of which this is an amendment is here-
2 by amended to read as follows:

3 32. The commissioner and each other issuing authority is hereby au-
4 thorized and empowered to make, or cause to be made, such investigations as
5 he or it shall deem proper in the administration of this act and of any and
6 all other acts now or which may hereafter be in force and effect concerning
7 alcoholic beverages, or the manufacture, distribution or sale thereof, or the
8 collection of taxes thereon, including the inspection of premises for which
9 the license is sought or has been issued, of any building containing the same,
10 of licensed buildings, examination of the books, records, accounts, docu-
11 ments and papers of the licensees or on the licensed premises, and every
12 applicant for a license, and every licensee, and every director, officer, agent
13 and employee of every licensee, shall, on demand, exhibit to the commission-
14 er or other issuing authority, as the case may be, or to his or its deputies
15 or investigators, or inspectors or agents all of the matters and things which
16 the commissioner or other issuing authority, as the case may be, is hereby au-
17 thorized or empowered to investigate, inspect or examine, and to facilitate, as
18 far as may be in their power so to do, in any such investigation, examination
19 or inspection, and they shall not in any way hinder or delay or cause the
20 hindrance or delay of same, in any manner whatsoever. For the purpose of
21 any investigation, examination, [or] inspection, revocation, rule to show
22 cause and every other proceeding authorized under this act or appropriate
23 for its enforcement, the commissioner and each other issuing authority is
24 hereby authorized and empowered to examine, under oath, any and all per-
25 sons whatsoever and to compel by subpoena the attendance of witnesses and
26 the production of books, records, accounts, papers and documents of any
27 person or persons and to take any oath or affirmation of any person to any

28 deposition, statement, report or application required in the administration of
29 this act, or of any and all other acts now or which may hereafter be in force
30 and effect concerning alcoholic beverages, or the manufacture, distribution
31 and sale thereof, or the collection of taxes thereon. The fees of witnesses
32 required to attend before the commissioner or other issuing authority shall
33 be the same as those allowed to witnesses in the Supreme Court.

34 The above enumerations of purposes and powers shall not be construed
35 as exclusive and shall not limit such power to investigate, examine and sub-
36 pœna for any purpose consonant with the administration and enforcement of
37 this act.

38 If a person subpoenaed to attend any hearing refuses or fails to appear
39 or to be examined, or to answer any question or to produce any books, records,
40 accounts, papers and documents when ordered so to do by the commissioner,
41 the commissioner or other issuing authority, as the case may be, may apply
42 to the Supreme Court, or any justice thereof, who shall have the power of
43 the court for that purpose, to make an order returnable not less than two
44 nor more than ten days, directing such person to show cause before the court
45 or a justice thereof why he should not comply with the subpoena or direction
46 or order of the commissioner or of the other issuing authority, as the case
47 may be, and upon the return of such order the court or justice shall exam-
48 ine such person, under oath, and thereupon make such order as may be re-
49 quired, and any refusal or failure to obey such order of the court or such
50 justice may be punished by said court or by said justice as a contempt of
51 the Supreme Court.

52 Each deputy commissioner shall have and exercise all the powers con-
53 ferred by this act upon the commissioner to the extent that the same shall be
54 delegated to him by the commissioner by rules and regulations.

55 One of such deputy commissioners shall be designated by the commis-
56 sioner with power to perform all of the duties of the commissioner in case
57 of his absence or inability to act for any cause and who shall also have
58 authority to so act in the event of death of the commissioner until a suc-
59 cessor has been appointed and qualified.

1 28. Section thirty-four of the act of which this is an amendment is here-
2 by amended to read as follows:

3 34. The commissioner shall adopt an official seal. Copies of any act,
4 rule, regulation, order or decision made by him and of any paper or papers
5 filed in any office maintained by him, may be authenticated under said seal
6 and when so authenticated shall be evidence in all courts of this State of the
7 same weight and force as the originals thereof. For authenticating any such
8 copy he shall receive such fees as are fixed by him, commensurate with the
9 reasonable cost of the services rendered [a fee of one dollar], to be ac-
10 counted for by him as in case of license fees, as hereinbefore provided. All
11 records and files of the department shall be open for inspection, pursuant to
12 rules and regulations.

1 29. Section thirty-five of the act of which this is an amendment is here-
2 by amended to read as follows:

3 35. [The Governor, the President of the Senate and the Speaker of the
4 House of Assembly shall constitute the Alcoholic Beverage Appeals Board,
5 and they shall serve without additional compensation.]

6 The [said board] commissioner is hereby empowered and it is [its] his
7 duty to hear and conduct all appeals provided for by this act, and there-
8 upon to render written decisions stating conclusions and reason therefor
9 upon each matter so appealed, and said decisions shall be binding upon all
10 persons and shall be honored and forthwith executed by the [commissioner
11 and] other issuing authority[, as the case may be]. The [said board] com-
12 missioner is hereby authorized to order the [commissioner or] other issuing
13 authority[, as the case may be,] to issue a license when and if, after a hear-
14 ing on the appeal of an applicant therefor, the [board] commissioner shall
15 decide that a license was improperly refused or improperly revoked by the
16 [commissioner or] other issuing authority[, as the case may be]; to order
17 the [commissioner or] other issuing authority[, as the case may be,] to sus-
18 pend or revoke a license, or to forthwith terminate the suspension or cancel
19 the revocation of a license, when and if, after a hearing on appeal, the

20 [board] commissioner shall reverse the decision of the [commissioner or]
 21 other issuing authority[, as the case may be;] to establish procedure and
 22 rules; and to make all findings, rulings, decisions and orders as may be
 23 right and proper and consonant with the spirit of this act.

1 30. Section thirty-seven of the act of which this is an amendment is
 2 hereby amended to read as follows:

3 37. Each issuing authority, other than the commissioner, may as regards
 4 each respective municipality limit the number of licenses to sell alcoholic
 5 beverages at retail and the hours between which the sales of alcoholic bever-
 6 ages at retail may be made and may, subject to the approval of the com-
 7 missioner first obtained, regulate the conduct of any business licensed to
 8 sell alcoholic beverages at retail[,] and the nature and condition of the
 9 premises upon which any such business is to be conducted[.,]. The aforesaid
 10 limitations of number of licensees and of hours of sale shall be subject re-
 11 spectively [all subject, however,] to appeal to the [Board of Alcoholic Bev-
 12 erage Appeals] commissioner, as hereinafter provided.

13 [The governing board or body or other controlling authority of each mu-
 14 nicipality may by resolution prohibit within its respective municipality eith-
 15 er (1) the retail sale of alcoholic beverages, other than brewed malt alcoholic
 16 beverages and naturally fermented wines for consumption on the licensed
 17 premises by the glass or other open receptacle, or (2) the retail sale of all
 18 kinds of alcoholic beverages for consumption on the licensed premises by the
 19 glass or other open receptacle, or (3) the sale of all alcoholic beverages at
 20 retail, except for consumption on railroad trains, airplanes and boats, or (4)
 21 the sale of all alcoholic beverages on Sundays. Any such resolution shall
 22 be instantly effective in and for such municipality and shall not be subject
 23 to appeal to the Board of Alcoholic Beverage Appeals; *provided, however,*
 24 that any such resolution shall be subordinate to any referendum subsequently
 25 held pursuant to this act.]

1 31. Section thirty-eight of the act of which this is an amendment is here-
 2 by amended to read as follows:

3 38. If any person affected or who might be affected by any [rule or regu-
 4 lation made by the commissioner, or by any condition imposed by the com-
 5 missioner or other issuing authority upon the issuance of any license, or by
 6 any] limitation of the number of licenses or of the hours between which
 7 sales of alcoholic beverages at retail may be made [or by any regulation af-
 8 fecting the conduct of any business licensed to sell alcoholic beverages at re-
 9 tail or the nature and condition of the premises upon which any such business
 10 is to be conducted,] shall consider himself aggrieved thereby, he may appeal
 11 to the [Board of Alcoholic Beverage Appeals] commissioner in respect there-
 12 to [to the form, content or subject matter of said rule or regulation or condi-
 13 tion,] and thereupon the [board] commissioner, after public hearing, may
 14 set aside, vacate and repeal the [rule or regulation or condition] limitation
 15 complained of or change, alter, amend or otherwise modify the same.

1 32. Section forty of the act of which this is an amendment is hereby
 2 amended to read as follows:

3 40. It shall be unlawful for any owner, part owner, stockholder or offi-
 4 cer or director of any corporation, or any other person whatsoever inter-
 5 ested in any way whatsoever in any brewery, winery, distillery or rectifying
 6 and blending plant, or any wholesaler of alcoholic beverages, to conduct,
 7 own either in whole or in part, or be directly or indirectly interested in the
 8 retailing of any alcoholic beverages except as provided in this act[.], and
 9 such interest shall include any payments or delivery of money or property
 10 by way of loan or otherwise accompanied by an agreement to sell the prod-
 11 uct of said brewery, winery, distillery, rectifying and blending plant or whole-
 12 saler. And it shall be unlawful for any owner, part owner, stockholder or
 13 officer or director of any corporation, or any other person whatsoever, in-
 14 terested in any way whatsoever in the retailing of alcoholic beverages to con-
 15 duct, own either in whole or in part or to be a shareholder, officer or director
 16 of a corporation or association, directly or indirectly, interested in any
 17 brewery, winery, distillery [or], rectifying and blending plant, or wholesaler,

18 except as provided for in this act, or with any manufacturing, wholesaling
19 or importing interests of any kind whatsoever outside of the State.

1 33. Section forty-seven of the act of which this is an amendment is here-
2 by amended to read as follows:

3 47. No person, except an officer, or other person authorized by and act-
4 ing pursuant to instructions from such officer, so doing in the course of and
5 for the purpose of enforcing this act shall knowingly purchase, receive or
6 procure any illicit beverage. Any person who shall violate this provision
7 shall be guilty of a misdemeanor and punished by a fine of not less than ten
8 dollars (\$10.00) and not more than one hundred dollars (\$100.00), or impris-
9 onment for not less than two days and not more than ten days, or by both such
10 fine and imprisonment, in the discretion of the court.

1 34. Section forty-eight of the act of which this is an amendment is here-
2 by amended to read as follows:

3 48. Any person who shall manufacture, sell, distribute, bottle, rectify,
4 blend, treat, fortify, mix, process, warehouse or transport any alcoholic bev-
5 erage in violation of this act, or who shall import, own, possess, keep or
6 store in this State alcoholic beverages with intent to manufacture, sell, dis-
7 tribute, bottle, rectify, blend, treat, fortify, mix, process, warehouse or trans-
8 port alcoholic beverages in violation of the provisions of this act, or who shall
9 own, possess, keep or store in this State any implement or paraphernalia for
10 the manufacture, sale, distribution, bottling, rectifying, blending, treating, for-
11 tifying, mixing, processing, warehousing or transportation of alcoholic bever-
12 ages with intent to use the same in the manufacture, sale, distribution, bot-
13 tling, rectifying, blending, treating, fortifying, mixing, processing, warehous-
14 ing or transportation of alcoholic beverages in violation of this act, or to aid
15 or abet another in the manufacture, sale, distribution, bottling, rectifying,
16 blending, treating, fortifying, mixing, processing, warehousing or transporta-
17 tion of alcoholic beverages in violation of this act, all of which shall be vio-
18 lations of this act, shall be guilty of a misdemeanor and punished by a fine
19 of not less than one hundred dollars (\$100.00) and not more than five hun-

20 dred dollars (\$500.00) or imprisonment for not less than thirty days and not
21 more than six months, or by both such fine and imprisonment, in the discre-
22 tion of the court.

1 35. Section fifty-eight of the act of which this is an amendment is here-
2 by amended to read as follows:

3 58. Every search warrant shall be executed and returned to the issuing
4 magistrate within [ten days after its date] forty-eight hours after its issu-
5 ance, after which time, unless executed, it shall be void.

1 36. Section sixty-four of the act of which this is an amendment is hereby
2 amended to read as follows:

3 64. Any officer knowing, or having reasonable cause to believe that any
4 person is engaged in unlawful alcoholic beverage activity, it shall be his duty
5 to investigate, under proper search warrant when necessary, which it shall be
6 his further duty to apply for, and to seize all property which he shall know,
7 or have reasonable ground to believe is unlawful property, including in the
8 case of illicit alcoholic beverages within any vehicle, [except the vehicle of
9 a common carrier,] the vehicle containing the same, and to arrest all persons
10 whom he shall know, or have reasonable ground to believe, are committing, or
11 have committed, a misdemeanor under this act and to make complaint
12 against such persons as in other cases of misdemeanor. All property when
13 seized shall be under the jurisdiction of the commissioner subject to this act.
14 Any seized property shall be returned to any person claiming the same upon
15 execution and delivery by him to the commissioner of a bond in a form and
16 with sureties satisfactory to the commissioner in a sum double the retail
17 value of the property, as appraised by the commissioner, conditioned, (1) to
18 pay to the commissioner for the use of the State the full retail value of said
19 property in case the same shall appear to have been unlawful property, and
20 (2) in case it shall appear that said property was not unlawful property, to
21 pay such part of the retail value thereof as may represent the value of the
22 outstanding right, title, interest, lien or claim of any other person, to such
23 other person, which bond shall be enforceable, as other obligations for pay-
24 ment of money, by civil action in any court of competent jurisdiction, first

25 by the commissioner, to be instituted within one year from the date thereof,
26 and, secondly, by such other person as third party beneficiaries, at any time
27 after final judgment in such action by the commissioner, or after the expira-
28 tion of said year in case no such action shall have been instituted by the com-
29 missioner in the meantime. In lieu of such bond, the claimant to the said
30 seized property may pay to the commissioner for the use of the State the re-
31 tail value thereof in cash, as appraised by the commissioner, under protest,
32 subject to the right of the person making the payment to recover said sum
33 upon establishing that the property was not unlawful property by an action
34 to be commenced within one year from the date of such payment, and not
35 thereafter, in any court of competent jurisdiction. Said claimant may, in
36 lieu of either remedy, bring an action of replevin for the said property
37 against the commissioner in any court of competent jurisdiction according
38 to the forms and procedure, including the delivery of a bond, of said court,
39 said action to be commenced within thirty days from the seizure of such prop-
40 erty and not thereafter. If the commissioner shall be satisfied that prop-
41 erty seized was not unlawful property he may return the same to the person
42 or place from whom the same were taken. If any seized property shall not
43 be reclaimed within thirty days, after determination by him that such prop-
44 erty is unlawful property, and subject to rules and regulations, the commis-
45 sioner shall sell the same at public sale for the use of the State; *provided,*
46 *however,* that the commissioner may in his discretion sell, destroy, or retain
47 for the use of hospitals and State, county and municipal institutions, all
48 seized illicit beverages. No such sale, destruction or retention for use of
49 hospitals and State, county and municipal institutions shall be had except
50 after hearing, of which notice, of not less than fifteen nor more than thirty
51 days, shall be given by mail to all persons known or believed by the commis-
52 sioner to have an interest in the seized property and by publication twice in
53 a newspaper to be designated by the commissioner and circulating in the
54 county where the property was seized once in each of the two consecutive cal-
55 endar weeks preceding such hearing. After such hearing, the commissioner

56 shall file his determination in the form of an order which shall be subject
57 to review on certiorari to the Supreme Court. Service of notice of applica-
58 tion for such writ shall operate as a stay of the commissioner's order until
59 further order of the court or of a justice thereof. [, other than illicit bever-
60 ages, shall not be reclaimed within thirty days, the commissioner shall, sub-
61 ject to rules and regulations, sell the same at public sale for the use of the
62 State.] All monies received by the commissioner hereunder shall be reserved
63 during the time allowed any person an opportunity of establishing a right
64 thereto and shall immediately thereafter be accounted for by the commis-
65 sioner as in the case of license fees received hereunder.

66 [All seized illicit beverages shall be held by the commissioner for thirty
67 days after seizure and unless reclaimed within that time as authorized by this
68 act shall be destroyed at the expiration of said time, or upon a final deter-
69 mination of a replevin suit for the same, favorable to the commissioner, if
70 such suit shall have been instituted and delivery of possession of the property
71 thereunder shall not have been required. The commissioner shall cause an
72 advertisement of all seized property, with a description thereof, to be pub-
73 lished in a newspaper, printed in the English language, published and circu-
74 lating in the municipality wherein the property was seized, or if there be no
75 such newspaper in said municipality then in a newspaper printed in the
76 English language published and circulating in the county where said prop-
77 erty was seized, once a week for two weeks successively commencing within
78 ten days after said seizure, and shall cause notice of such seizure, with a
79 description of the property, to be posted in three public places convenient
80 to the place of seizure, including, if reasonably possible, the premises,
81 building or place from which the seized property was taken, within ten days
82 from the date of such seizure.] Property seized and released shall there-
83 after be subject to further seizure because of ownership, possession or use
84 thereof in connection with further unlawful alcoholic beverage activities.

85 The commissioner may, upon being satisfied that a common carrier,
86 whose vehicle has been seized under the provisions of this act, has acted in

87 good faith and had no knowledge at the time of the seizure, that the vehicle
88 contained illicit alcoholic beverages, order that the seized vehicle be returned
89 to the common carrier.

1 37. Section sixty-seven of the act of which this is an amendment is
2 hereby repealed.

1 38. Section seventy of the act of which this is an amendment is hereby
2 amended to read as follows:

3 70. To the end that local police and other enforcing agencies shall
4 enforce this act in the interest of economy and effective control it [It] shall
5 be the duty of all officers to use all due diligence to detect violations of this
6 act and to apprehend the offenders and to make a proper complaint before
7 a magistrate. Arrests may be made as in other cases of misdemeanors.

1 39. Section seventy-two of the act of which this is an amendment is
2 hereby amended to read as follows:

3 72. There is hereby appropriated out of the fees to be collected by the
4 commissioner under this act the sum of [one hundred thousand dollars
5 (\$100,000.00)] two hundred and twenty-five thousand dollars (\$225,000.00)
6 for the expenses of administering this act during the fiscal year ending June
7 thirtieth, nineteen hundred and thirty-four. Thereafter, provision shall be
8 made for the maintenance of this department in the annual or supplemental
9 appropriation bills.

1 40. Section seventy-five of the act of which this is an amendment is
2 hereby amended to read as follows:

3 75. To provide for contingencies where it would be appropriate and
4 consonant with the spirit of this act to issue a license but the contingency
5 has not been expressly provided for, the commissioner may for special
6 cause shown, subject to rules and regulations, issue [a] temporary permits
7 [for a specific sale during a limited time of a specified quantity of
8 alcoholic beverages,] the fee for which [permit] shall be [ten dollars
9 (\$10.00),] determined in each case by the commissioner and shall not be less
10 than five dollars (\$5.00) nor more than five hundred dollars (\$500.00),

11 payable to the commissioner and to be accounted for by him as are license
 12 fees. [This provision is intended to apply to such contingencies as where
 13 a licensee shall have stock on hand at the expiration of his license and can-
 14 not otherwise lawfully dispose of it, or where a licensee dies having such
 15 stock on hand and the license expires before the alcoholic beverages are
 16 disposed of by his personal representative, or in the case of the foreclosure
 17 of a chattel mortgage covering alcoholic beverages. The expression of the
 18 foregoing specific contingencies is designed merely to illustrate the intention
 19 of this provision and the enumeration of these contingencies shall not by
 20 implication exclude any other application of this provision otherwise falling
 21 within its true intent and meaning or in anywise limit the general power to
 22 cover emergencies herein given.]

1 41. Section seventy-six of the act of which this is an amendment is
 2 hereby amended to read as follows:

3 76. Anything to the contrary hereinbefore notwithstanding, and for the
 4 benefit not of property but of persons attendant therein, no license shall
 5 be issued for the sale of alcoholic beverages within two hundred (200) feet
 6 of any church or public school house [,] or private school house not con-
 7 ducted for pecuniary profit, except to manufacturers, wholesalers, hotels,
 8 clubs and fraternal organizations which own or are actually in possession of
 9 the licensed premises at the time this act becomes effective [.] ; provided,
 10 however, that the protection of this section may be waived at the issuance
 11 of the license and at each renewal thereafter, by the duly authorized govern-
 12 ing body or authority of such church or school, such waiver to be effective
 13 until the date of the next renewal of the license; and provided, further, that
 14 said two hundred (200) feet shall be measured in the normal way that a
 15 pedestrian would properly walk from the nearest entrance of said church or
 16 school to the nearest entrance of the premises sought to be licensed.

17 The prohibition contained in this section shall not apply to the renewal
 18 of any license where no such church or school house was located within two
 19 hundred (200) feet of the licensed premises as aforesaid at the time of the

20 issuance of the license, nor to the issuance and/or renewal of any license
 21 where such premises have been heretofore licensed for the sale of alcoholic
 22 beverages or intoxicating liquors, and such church or school house was con-
 23 structed and/or established during the time said premises were operated
 24 under said previous license.

1 42. This act shall take effect immediately.

STATEMENT

Section 1. To modify the definition of governing board or body so as to provide for municipalities having boards of public works which exercise general licensing powers.

To modify the definition of sale so as to cover expressly deliveries from without this State and deliveries outside of this State intended for shipment into this State where the alcoholic beverage is brought within this State.

To enlarge the definitions of unlawful alcoholic beverage activity and unlawful property so as to include all types of prohibited acts.

Section 2. To enforce the act against bootleggers and racketeers by eliminating the wide open exception in the act relating to personal consumption and to substitute therefor a provision authorizing the mixing of drinks for immediate personal consumption, the transportation of alcoholic beverages in limited quantities for personal consumption and authorizing the issuance of special permits for the transportation of larger quantities for personal consumption.

To make it unlawful to warehouse alcoholic beverages except in accordance with the act.

To clarify the act so as to provide expressly that bottling shall be unlawful except in accordance with the act.

Section 3. To provide that the bond of the Commissioner shall be given to the State of New Jersey and shall be approved as to form and sufficiency.

To increase the compensation of the commissioner.

Section 4. To authorize the Commissioner to create and alter such divisions in his department as he considers advisable.

To change the salaries of deputies.

To provide for bonds by deputies, inspectors and investigators only if required by the Commissioner.

To confer upon the Commissioner, his deputies and investigators the powers of peace officers.

To confer upon the Commissioner power to appoint such counsel and legal assistants as he deems necessary for the carrying out of the provisions of the act and to fix their powers, duties, salaries and terms of office.

Section 5. To enable municipalities to appoint excise boards, but in the interest of economy, the members thereof shall receive no salaries.

To omit the special proviso relating to boards of public works since the definition of "governing board or body" as amended refers to boards of public works.

Section 6. To eliminate the authority conferred on municipal boards to appoint inspectors, etc., in the interest of economy and to the end that local police and other enforcing agencies shall enforce the act.

Section 7. To provide that bonds other than the Commissioner's shall be given to the Commissioner, approved by him and be conditioned for the proper accounting of public funds intrusted to the care of the bonded person.

Section 8. To include the new type of license known as public warehouse license to be provided in a supplement to the act.

Section 9. To authorize holders of manufacturers' licenses to sell and distribute outside of this State and to increase brewery license fees to four thousand dollars (\$4,000.00) after July 1, 1934.

To create a new type of license to be known as a limited brewery license.

To reduce the fees after July 1, 1934, for limited distillery licenses.

To increase the fees of rectifier and blender licenses after July 1, 1934.

To increase the fees after July 1, 1934, for limited winery licenses authorizing the manufacture of less than two hundred (200) gallons.

Section 10. To clarify the act so as to insure to wholesalers the right to distribute and sell to other licensed wholesalers as well as retailers.

To create new types of licenses known as plenary and limited export wholesale licenses.

Section 11. To change the limits of fees for retail consumption licenses from \$350 minimum and \$1,500 maximum to \$200 minimum and \$2,000 maximum in order to afford needed latitude according to local conditions.

To lower the minimum fee for retail distribution licenses from \$200 to \$100 so that the maximum and minimum fees for this license shall be one-half the maximum and minimum for retail consumption licenses.

To provide that fees fixed for retail distribution licenses shall be one-half the fees fixed by any particular municipality for retail consumption licenses.

To create a new type of license to be known as seasonal consumption license.

To create a new type of license to be known as club license and to afford to the Commissioner broad powers in order to prevent mushroom and false clubs from obtaining the advantage of club licenses.

Section 12. To eliminate the provision requiring that vehicles transporting alcoholic beverages shall carry a transit receipt in order to enable the Commissioner to substitute such rules and regulations in this connection as experience shall dictate.

Section 13. To authorize the establishment of an additional separate office as well as warehouse or salesroom and to provide that the fee for an additional warehouse, salesroom or separate office of a licensee shall be 25% of his license fee instead of 100%.

Section 14. To provide for the giving by public warehouse licensees of a bond conditioned upon the payment of taxes, penalties and interest.

To provide that the bond given by licensees shall be conditioned for the payment of interest as well as taxes and shall be held by the State Tax Commissioner.

Section 15. To provide that the Commissioner shall administer the issuance of public warehouse licenses.

Section 16. To simplify the definition of governing board or body and to provide appropriate language to cover retail licenses other than distribution and consumption licenses being administered by municipalities, for example club licenses.

Section 17. To provide that the Commissioner shall investigate applicants for public warehouse licenses.

Section 18. To provide that no licenses shall be given to a person who has committed two or more violations of the act.

To set forth requirements with respect to club licenses which are similar to the requirements relating to applications by corporations.

To provide that only such photostatic copies of Federal licenses and stamps as relate to alcoholic beverages must accompany license applications.

To provide that applications for public warehouse licenses need not be published.

Section 19. To provide for a fee of \$5.00 in connection with the transfer of licenses.

To permit the issuance of one plenary retail consumption license to the holder of a wholesale license.

Section 20. To provide that the Commissioner shall promptly pay all fees collected by him to the State Treasurer.

Section 21. To provide that a fee of two dollars (\$2.00) shall be paid to the Commissioner for each additional transit insignia to be attached to vehicles owned by licensees and used by them in connection with their business.

Section 22. To assure to the Commissioner power to investigate and prescribe rules and regulations with respect to alcoholic beverages sold or dispensed pursuant to this section.

Section 23. To clarify the act so as to permit the sale of alcohol unfit for use as a beverage and intended for commercial purposes, but to provide that such sales shall be subject to investigation and rules and regulations in order to enable the enforcement of the act.

Section 24. (1) To confer power upon Commissioner to enforce the act and rules and regulations by revoking, if necessary, any license.

(2) To provide for voluntary surrender of license and refund the fee in proper cases subject to suitable deductions.

Section 25. To make imposition upon licensees of special conditions by municipalities subject to approval by the Commissioner.

Section 26. To provide that no license shall be issued to any person who has not paid taxes, penalties or fees accrued under this act and its accompanying tax act as well as persons who have not paid fees under the old beer act.

Section 27. To enlarge the Commissioner's power of examination and subpoena to all types of proceedings appropriate for the administration and enforcement of the act.

Section 28. To provide that the Commissioner may fix the fees to be charged for authenticating any copies commensurate with the services rendered instead of a fixed fee of \$1.00.

Section 29. To abolish the Alcoholic Beverage Appeals Board and to provide that all appeals shall be to the Commissioner.

Section 30. To subject regulations by local boards of the conduct of licensees' business and the condition of licensed premises to the approval of the Commissioner, to the end that conflicts of authority may be avoided, uniformity of rulings insured in proper cases and interference avoided with the development of rules and regulations as a consistent whole to meet new and changing conditions.

To remove the power of local governing boards to declare by resolution and prior to submission to the electorate prohibitions on matters which should await determination by popular referendum.

Section 31. To adjust the right and method of appeal from limitations by local issuing authorities of the number of licenses or hours of sales pursuant to section 37 as amended.

Section 32. To prohibit expressly the practice of brewers and other manufacturers of lending money to retailers upon their agreement to sell only the products of the lender and to guard against subterfuges intended to accomplish the same effect.

To carry out the true intent of the section by prohibiting retailers from having any interest in wholesalers.

Section 33. To permit officers and persons acting under their instructions to procure illicit beverages to be used as evidence against the offenders.

Section 34. To provide that each of the types of conduct declared unlawful by section 2 shall constitute a misdemeanor.

Section 35. To provide that search warrants shall be returned within 48 hours if not served, instead of 10 days, in order to eliminate the possibility of abuse by a dishonest officer.

Section 36. To provide that illicit beverages need not be destroyed but may be sold or retained for the use of State institutions and all free hospitals.

To eliminate the necessity of having a hearing before a magistrate and to provide that the commissioner shall conduct a hearing upon due notice before ordering that unlawful property be sold or illicit beverages be sold, destroyed or retained for the use of State institutions.

Section 37. To eliminate the necessity of having a hearing before a magistrate pursuant to the amendment which provides for a hearing before the commissioner in place thereof.

Section 38. To insure enforcement of this act by local police and other enforcing agencies in the interest of economy and effective control.

Section 39. To provide a sufficient appropriation which will enable a proper enforcement of the act.

Section 40. (1) To amplify and make more flexible the power to issue temporary permits to fit emergency cases and contingencies that cannot be foreseen.

(2) To provide a scale of fees from \$5.00 to \$500.00 commensurate with the value of the permit instead of the rigid fee of \$10.00 as at present.

Section 41. To provide that the two hundred (200) feet provision shall apply to private schools not conducted for pecuniary profit as well as churches and public schools.

To provide that the two hundred (200) feet provision shall not apply to manufacturers and wholesalers who are in possession of the licensed premises.

To embody in the act itself the following rulings of the commissioner:

1. That the two hundred (200) feet shall be measured in the normal way that a pedestrian would properly walk from the nearest entrance of said church or school to the nearest entrance of the premises sought to be licensed.

2. That the protection of the section may be waived by a church or school.

3. That the section is intended for the protection of persons rather than property.

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COMPLETE

SENATE AMENDMENTS TO

ASSEMBLY, No. 304

STATE OF NEW JERSEY

1. Page 2, line 34½, beginning with "and" strike out the rest of the paragraph.

2. Page 5, section 2, line 11, after the word "and" and before the figure and parenthesis "(5)", insert the word "five."

3. Page 18, line 14, change semicolon to period and beginning with the word "*provided*" strike out rest of sentence.

4. Page 32, section 41, line 12, strike out word "or" and substitute word "on".

Amend section 11, page 12, by substituting the following paragraph for the paragraph commencing on line 41, page 13, and ending on line 53, page 14:

(5) Club License. The holder of this license shall be entitled subject to rules and regulations, to sell, only to bona fide club members and their guests, alcoholic beverages intended for immediate consumption on the licensed premises. The fee for this license shall be fixed by the governing board or body of the municipality in which the licensed premises are situated, by resolution or ordinance, at not less than fifty dollars (\$50.00) and not more than one hundred and fifty dollars (\$150.00); *provided, however*, that the governing board or body of each municipality may, by ordinance, enact that no club licenses shall be granted within its respective municipality. Club licenses may be issued only to such corporations, associations and organizations as are operated for benevolent, charitable, fraternal, social, religious, recreational, athletic or similar purposes, and not for private gain, and comply with all conditions which, subject to rules and regulations, may be imposed by the commissioner.

6. Page 10, line 51, change the semicolon to a period and strike out the proviso thereafter.

7. Amend section 11, page 12 by striking out the period after the word "premises" on line 8 and insert in its place a semicolon, then add the following: "*provided, however*, that on and after July first, one thousand nine hundred and thirty-four, this license shall not be issued to permit the sale of alcoholic beverages in or upon any premises in which a grocery, delicatessen, drug store or other mercantile business (except the keeping of a hotel or restaurant, or the sale of cigars and cigarettes at retail as an accommodation to patrons, or the retail sale of nonalcoholic beverages as accessory beverages to alcoholic beverages) is carried on."

8. Amend section 11, page 13, by striking out the period after the word "containers" on line 26 and insert in its place a semicolon, then add the following: "*provided, however*, that the governing board or body of each municipality may, by ordinance, enact that on and after July first, one thousand nine hundred and thirty-four, this license shall not be issued to permit the sale of alcoholic beverages in or upon any premises in which any other mercantile business is carried on."

9. Amend section 11, page 13, by adding a new paragraph known as 3-A, which shall follow immediately after paragraph (3) on page 13. The said new paragraph 3-A shall read as follows:

"(3-A) Limited retail distribution license. The holder of this license, subject to rules and regulations, shall be permitted to sell for consumption off the licensed premises, but only in original containers, any unchilled brewed malt alcoholic beverages in quantities of not less than seventy-two (72) fluid ounces. The fee for this license shall be fixed by the governing body or board of the municipality in which the licensed premises are situated, by resolution or ordinance; at not less than \$25.00 or more than \$50.00; *provided, however*, that the governing board or body of each municipality may, by ordinance, enact that no limited retail distribution license shall be granted within its respective municipality; *and further provided*, that such governing board or body may by ordinance enact that no more than one such license may be granted to any person, corporation, partnership, limited partnership, or association in each municipality, and said license shall cover only the licensed premises."

10. On page 13, line 14, after the word "of" eliminate the word "this" and substitute in lieu thereof "such".

11. On line 15, after the word "the" add the word "summer."

12. On line 16, after the word "inclusive" add the following "or during the winter season from November fifteenth until April fifteenth inclusive."

13. Page 27, line 12, strike out the period and add "*provided, however, that* prior to December sixth, one thousand nine hundred and thirty-six, the ownership of or mortgage upon or any other interest in licensed premises if such ownership, mortgage or interest existed on December sixth, one thousand nine hundred and thirty-three, shall not be deemed to be an interest in the retailing of alcoholic beverages."

14. Page 28, line 19, after the period, add a new sentence, reading: "No interest in the retailing of alcoholic beverages shall be deemed to exist by reason of the ownership, delivery or loan of interior signs designed for and exclusively used for advertising the product of or product offered for sale by such brewery, winery, distillery or rectifying and blending plant or wholesaler."

15. Section 23, line 3, strike out lines 3 to 6, both inclusive, at bottom of page 20, and lines 7 to 20, inclusive, at top of page 21. In lieu thereof, substitute the following:

"27. This act is not designed to prohibit sales of denatured alcohol and alcoholic mixtures or composition or articles of commerce containing alcohol which are unfit for use as beverages without license hereunder. No provision of this act shall apply to alcohol intended for and actually used in the manufacture and sale of any of the following when they are unfit in fact for beverage purposes, namely:

(a) Denatured alcohol produced and used pursuant to acts of Congress and regulations promulgated thereunder.

(b) Patent, proprietary, medicinal, pharmaceutical, antiseptic and toilet preparations.

(c) Flavoring extracts, syrups and food products.

(d) Scientific, chemical, mechanical and industrial products.

Any person who shall knowingly sell, use or transport any of the products

enumerated in paragraphs (a), (b), (c) or (d) for beverage purposes, or who shall use, sell or transport any of the same under circumstances from which he might reasonably deduce the intention of the purchaser or consignee to use them for such purposes shall be guilty of a misdemeanor and punished accordingly.

The Commissioner shall have the power to investigate the sale, purchase, use and transportation of industrial alcohol as set forth above to the extent reasonably necessary to prevent conversion into alcoholic beverages fit for consumption."

16. On page 27 of section 30, line 11, after the period, add new sentence reading:

"The governing board or body of each municipality may, by ordinance, enact that no more than one retail license shall be granted to any person, corporation, partnership, limited partnership or association in said municipality and that said license shall cover only the licensed premises; *provided, however*, that nothing herein contained shall operate to disqualify a guardian, executor, administrator, trustee, receiver, or any other fiduciary or court officer from obtaining or from holding more than one such license in different official capacities."

17. On page 32, line 1, at bottom of the page, strike out "42" and substitute "43" and insert new section 42 to read: "Section 19 of the act of which this is an amendment is hereby amended to read as follows:

"19. If the issuing authority other than the commissioner shall refuse to issue any license, the applicant shall be notified forthwith of such refusal by a notice served personally upon the applicant, or sent to him by registered mail addressed to him at the address stated in the application. Said applicant or any taxpayer opposing such application may within thirty days after the date of service or of mailing of said notice appeal to the commissioner from the action of the issuing authority. The commissioner shall thereupon fix a time for the hearing of the appeal and before hearing the same shall give at least five days' notice of the time so fixed to both said applicant, such taxpayer, and other issuing authority."

18. Amend section 23, page 17, by striking out the period after the word "citizenship" on page 19, line 45, and inserting in its place a semicolon; then add the following:

"and further provided, that persons failing to qualify as to age may, with the approval of the commissioner, and subject to rules and regulations, be employed by any licensee, but such employee shall not, in any manner whatsoever, sell or solicit the sale or participate in the manufacture, rectification, blending, treating, fortification, mixing, processing or bottling of any alcoholic beverage."

19. Page 8, amend line 2 of section 6, by adding a sentence reading:

"Anything hereinbefore or hereinafter to the contrary notwithstanding, in all counties of the sixth class, all the powers conferred and all the duties imposed upon issuing officials in and for each municipality in said county by this act and the rules and regulations made pursuant thereto, in respect to all the several classes of retail licenses for the sale and for the distribution of alcoholic beverages, shall reside in and be imposed upon and performed by the judge of the court of common pleas of such county."

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 19, 1934

By Mr. MUIR

Referred to Committee on Miscellaneous Business

AN ACT to amend an act entitled "An act concerning alcoholic beverages," passed December sixth, one thousand nine hundred and thirty-three.

1 BE IT ENACTED by the Senate and General Assembly of the State of New
2 Jersey:

1 1. Section one of the act of which this is an amendment is hereby amended
2 to read as follows:

3 1. For the purpose of this act, the following words and terms shall be
4 deemed to have the meanings herein given to them:

5 (a) "Alcoholic beverage." Any fluid or solid capable of being converted
6 into a fluid, suitable for human consumption, and having an alcoholic content
7 of more than one-half of one per centum by volume, including beer, lager
8 beer, ale, porter, naturally fermented wine, treated wine, blended wine, for-
9 tified wine, sparkling wine, distilled liquors, blended distilled liquors and
10 any brewed, fermented or distilled liquors fit for use for beverage purposes
11 or any mixture of the same, and fruit juices.

12 (b) "Building." A structure of which licensed premises are or may be
13 a part, including all rooms, cellars, outbuildings, passageways, closets, vaults,
14 yards, attics, and every part of the structure of which the licensed premises
15 are a part, and of any other structure to which there is a common means of
16 access, and any other appurtenances.

17 (c) "Civil service act." The act entitled "An act regulating the employ-
18 ment, tenure and discharge of certain officers and employees of this State,

19 and of the various counties and municipalities thereof, and providing for a
20 civil service commission, and defining its powers and duties," approved April
21 tenth, one thousand nine hundred and eight, and all acts amendatory thereof
22 and supplementary thereto.

23 (d) "Commissioner." The State Commissioner of Alcoholic Beverage
24 Control.

25 (e) "Container." Any glass, can, bottle, vessel or receptacle of any
26 material whatsoever used for holding alcoholic beverages, which container is
27 covered, corked or sealed in any manner whatsoever.

28 (f) "Eligible." The status of a person who is a citizen of the United
29 States, a resident of this State, of good moral character and repute, and of
30 legal age.

31 (g) "Governing board or body." The board or body which governs a
32 municipality, including a board of aldermen in municipalities so governed;
33 *provided, however*, that in every municipality having a board of public works
34 which exercises general licensing powers said board shall be considered as the
35 governing board or body.

36 (h) "Importing." The act of bringing or of causing to be brought any
37 alcoholic beverage into this State.

38 (i) "Illicit beverage." Any alcoholic beverage manufactured, distrib-
39 uted, bought, sold, or transported in violation of this act, or on which any
40 Federal tax or tax imposed by the laws of this State has not been paid.

41 (j) "Licensed building." Any building containing licensed premises.

42 (k) "Licensed premises." Any premises for which a license under this
43 act is in force and effect.

44 (l) "Magistrate." A judge of the court of quarter sessions in and for
45 any county, or a judge of a city or district criminal court, or a police judge
46 or justice or recorder of any municipality, and all justices of the peace; *pro-*
47 *vided, however*, that no justice of the peace shall sit as a magistrate under
48 this act within the corporate limits of a municipality having a police judge or
49 justice or recorder, or a city criminal court or within the corporate limits of
50 any municipality included in any criminal district in which there shall be a

51 district criminal court; *and further provided*, that no magistrate shall take
52 any complaint or hear any cause arising out of the limits of the particular
53 municipality in and for which he may have been appointed or elected.

54 (m) "Manufacturer." Any person who, directly or indirectly, personal-
55 ly or through any agency whatsoever, engages in the making or other proc-
56 essing whatsoever of alcoholic beverages.

57 (n) "Municipality." Any city, town, township, village, or borough, in-
58 cluding a municipality governed by a board of commissioners or improve-
59 ment commission, but excluding a county.

60 (o) "Municipal board." The municipal board of alcoholic beverage con-
61 trol as established by this act.

62 (p) "Officer." Any sheriff, deputy sheriff, constable, police officer, mem-
63 ber of the Department of State Police, or any other person having the power
64 to execute a warrant for arrest or any inspector or investigator of the De-
65 partment of Alcoholic Beverage Control.

66 (q) "Original container." Any container in which an alcoholic beverage
67 has been delivered to a retail licensee.

68 (r) "Person." Any natural person or association of natural persons, as-
69 sociation, trust company, partnership, corporation, organization, or the man-
70 ager, agent, servant, officer, or employee of any of them.

71 (s) "Premises." The physical place at which a licensee is or may be
72 licensed to conduct and carry on the manufacture, distribution or sale of al-
73 coholic beverages, but not including vehicular transportation.

74 (t) "Retailer." Any person who sells alcoholic beverages to consumers.

75 (u) "Rules and regulations." The rules and regulations established from
76 time to time by the commissioner.

77 (v) "Sale." Every delivery of an alcoholic beverage otherwise than by
78 purely gratuitous title, including deliveries from without this State and de-
79 liveries by any person without this State intended for shipment by carrier
80 or otherwise into this State and brought within this State, or the solicitation
81 or acceptance of an order for an alcoholic beverage, and including exchange,
82 barter, traffic in, keeping and exposing for sale, serving with meals, deliver-

g for value, peddling, possessing with intent to sell, and the gratuitous delivery or gift of any alcoholic beverage by any licensee.

(w) "Unlawful alcoholic beverage activity." The manufacture, sale, distribution, bottling, rectifying, blending, treating, fortifying, mixing, processing, warehousing or transportation of any alcoholic beverage in violation of this act, or the importing, owning, possessing, keeping or storing in this State of alcoholic beverages with intent to manufacture, sell, distribute, bottle, rectify, blend, treat, fortify, mix, process, warehouse or transport alcoholic beverages in violation of this act, or the owning, possessing, keeping or storing in this State of any implement or paraphernalia for the manufacture, sale, distribution, bottling, rectifying, blending, treating, fortifying, mixing, processing, warehousing or transportation of alcoholic beverages with intent to use the same in the manufacture, sale, distribution, bottling, rectifying, blending, treating, fortifying, mixing, processing, warehousing or transportation of alcoholic beverages in violation of this act, or to aid or abet another in the manufacture, sale, distribution, bottling, rectifying, blending, treating, fortifying, mixing, processing, warehousing or transportation of alcoholic beverages in violation of this act, or the aiding or abetting of another in any of the foregoing activities.

(x) "Unlawful property." All illicit beverages and all implements and paraphernalia for the manufacture, sale, distribution, bottling, rectifying, blending, treating, fortifying, mixing, processing, warehousing or transportation of illicit beverages used in the manufacture, sale, distribution, bottling, rectifying, blending, treating, fortifying, mixing, processing, warehousing or transportation of illicit beverages or owned, possessed, kept or stored with intent to use the same in the manufacture, sale, distribution, bottling, rectifying, blending, treating, fortifying, mixing, processing, warehousing or transportation of illicit beverages, whether such use be by the person owning, possessing, keeping, or storing the same, or by another with the consent of such person.

(y) "Wholesaler." Any person who sells an alcoholic beverage for the purpose of resale, either to a licensed wholesaler or to a licensed retailer, or both.

116 Any definition herein contained shall apply to the same word in any form.

117 Thus "sell" means to make a "sale" as above defined.

1 2. Section two of the act of which this is an amendment is hereby amended
2 to read as follows:

3 2. It shall be unlawful to manufacture, sell, transport, warehouse, re-
4 tify, blend, treat, fortify, mix, process, bottle, or distribute alcoholic bever-
5 ages in this State, except in accordance with this act; *provided*,
6 *however*, that any drink actually intended for immediate personal
7 consumption may be mixed by any person, *and provided further*,
8 that alcoholic beverages intended in good faith to be used solely for personal
9 consumption may be transported in any vehicle to the extent of, not exceeding
10 one-half ($\frac{1}{2}$) barrel, or two (2) cases containing not in excess of twenty-
11 four (24) quarts in all, of beer, ale or porter, and five (5) gallons of wine
12 and twelve (12) quarts of other alcoholic beverages within any consecutive
13 period of twenty-four (24) hours. If any person or persons desire to trans-
14 port alcoholic beverages intended only for personal consumption in quantities
15 in excess of those above mentioned, an application may be made to the com-
16 missioner who may, upon being satisfied of the good faith of the applicant,
17 and upon payment of a fee of five dollars (\$5.00) issue a special permit lim-
18 ited by such conditions as the commissioner may impose, authorizing such
19 transportation of alcoholic beverages in quantities in excess of those above
20 mentioned.

1 3. Section three of the act of which this is an amendment is hereby
2 amended to read as follows:

3 3. There is hereby established a State Department to be known as the
4 Department of Alcoholic Beverage Control. The chief executive of said de-
5 partment shall be the State Commissioner of Alcoholic Beverage Control.
6 His term shall commence upon the effective date of this act and shall ter-
7 minate on the first day of April, in the year nineteen hundred and forty, but
8 he shall serve until his successor has been elected and qualified. His suc-
9 cessor shall be elected by a joint session of the Legislature for a term of
10 seven years beginning on the first day of April, nineteen hundred and forty,

21 (d) To appoint such inspectors and investigators as he may deem neces-
 22 sary and to fix their duties, terms of service and compensation. Inspectors
 23 and investigators shall, (1) not be subject to the civil service act, (2) not re-
 24 ceive a salary in excess of \$3,500 per annum, and (3) be removable by the
 25 commissioner at will. Each inspector and investigator, before entering upon
 26 the duties of his office, shall, if required by the commissioner, give bond,
 27 to be approved by the commissioner, in the sum of \$7,000. The commission-
 28 er, deputies, inspectors and investigators shall have authority to
 29 arrest, without warrant, for violations of this act, committed in their pres-
 30 ence, and shall have all the authority and powers of peace officers to enforce
 31 this act. Investigators shall have full authority to conduct any investigation
 32 ordered by the commissioner,

33 (e) To appoint for short-time employment or for the purpose of per-
 34 forming specified expert or specialist service such experts and specialists as
 35 from time to time he shall deem necessary to carry out the provisions of this
 36 act, and to determine the specified duty, salary or fee and term of service.
 36½ Such experts or specialists shall not be subject to the civil service act.

37 (f) To appoint such counsel and other legal assistants as he shall deem
 38 necessary to carry out the provisions of this act and to fix their powers,
 39 duties, salaries and terms of office. Such counsel and assistants shall not be
 40 subject to the civil service act.

1 5. Section five of the act of which this is an amendment is hereby amended
 2 to read as follows:

3 5. Each municipality having a population of fifteen thousand (15,000) or
 4 more, as determined by the last federal census, is hereby authorized to es-
 5 tablish in and for such municipality, by resolution or ordinance of the govern-
 6 ing board or body now established by law in respect to said municipality, a
 7 municipal board of alcoholic beverage control, which shall consist of three per-
 8-9 sons, no more than two of whom shall be of the same political party, who shall
 10 be chosen and appointed by said governing board or body of said municipality,
 11 for a term of three years; *provided, however*, that one of the initial appoint-
 12 ments shall be for one year, another for two years, and the third for three

21 (d) To appoint such inspectors and investigators as he may deem neces-
22 sary and to fix their duties, terms of service and compensation. Inspectors
23 and investigators shall, (1) not be subject to the civil service act, (2) not re-
24 ceive a salary in excess of \$3,500 per annum, and (3) be removable by the
25 commissioner at will. Each inspector and investigator, before entering upon
26 the duties of his office, shall, if required by the commissioner, give bond,
27 to be approved by the commissioner, in the sum of \$7,000. The commission-
28 er, deputies, inspectors and investigators shall have authority to
29 arrest, without warrant, for violations of this act, committed in their pres-
30 ence, and shall have all the authority and powers of peace officers to enforce
31 this act. Investigators shall have full authority to conduct any investigation
32 ordered by the commissioner,

33 (e) To appoint for short-time employment or for the purpose of per-
34 forming specified expert or specialist service such experts and specialists as
35 from time to time he shall deem necessary to carry out the provisions of this
36 act, and to determine the specified duty, salary or fee and term of service.
36½ Such experts or specialists shall not be subject to the civil service act.

37 (f) To appoint such counsel and other legal assistants as he shall deem
38 necessary to carry out the provisions of this act and to fix their powers,
39 duties, salaries and terms of office. Such counsel and assistants shall not be
40 subject to the civil service act.

1 5. Section five of the act of which this is an amendment is hereby amended
2 to read as follows:

3 5. Each municipality having a population of fifteen thousand (15,000) or
4 more, as determined by the last federal census, is hereby authorized to es-
5 tablish in and for such municipality, by resolution or ordinance of the govern-
6 ing board or body now established by law in respect to said municipality, a
7 municipal board of alcoholic beverage control, which shall consist of three per-
8-9 sons, no more than two of whom shall be of the same political party, who shall
10 be chosen and appointed by said governing board or body of said municipality,
11 for a term of three years; *provided, however*, that one of the initial appoint-
12 ments shall be for one year, another for two years, and the third for three

13 years; *provided, further*, that in the case of any vacancy occurring before
14 the expiration of any term, the appointment to fill such vacancy shall be only
15 for the unexpired term. The members of such municipal board shall receive
16 no salaries and shall be removable by the appointing authority for cause.
17 Such members shall not be subject to the civil service act and may be mem-
18 bers of said governing board or body of said municipality.

1 6. Section six of the act of which this is an amendment is hereby re-
2 pealed. Anything hereinbefore or hereinafter to the contrary notwithstand-
3 ing, in all counties of the sixth class, all the powers conferred and all the
4 duties imposed upon issuing officials in and for each municipality in said
5 county by this act and the rules and regulations made pursuant thereto,
6 in respect to all the several classes of retail licenses for the sale and for
7 the distribution of alcoholic beverages, shall reside in and be imposed upon
8 and performed by the judge of the court of common pleas of such county.

1 7. Section nine of the act of which this is an amendment is hereby
2 amended to read as follows:

3 9. All bonds made or furnished by any person appointed to any office, po-
4 sition or employment under this act, except the commissioner, shall be given
5 to the commissioner and are to be approved as to form and sufficiency by the
6 commissioner and be conditioned for the proper accounting of public funds in-
7-9 trusted to the care of said person and shall remain in force and effect notwith-
10 standing expiration of office or appointment or employment or removal there-
11 from.

1 8. Section ten of the act of which this is an amendment is hereby amended
2 to read as follows:

3 10. Licenses shall be of the following classes:

- 4 Class A—Manufacturer's license
- 5 Class B—Wholesaler's license
- 6 Class C—Retailer's license
- 7 Class D—Transportation license
- 8 Class E—Public warehouse license.

1 9. Section eleven of the act of which this is an amendment is hereby
2 amended to read as follows:

3 11. Class A licenses shall be sub-divided and classified as follows:

4 (1) a. Plenary brewery license. The holder of this license
5 shall be entitled, subject to rules and regulations, to brew any malt alcoholic
6 beverages and to distribute and sell his products to wholesalers and retailers
7 licensed respectively in accordance with this act, and to sell and distribute
8 without this State to any persons pursuant to the laws of the places of such
9 sale and distribution, and to maintain a warehouse. The fee for this license
10 shall be three thousand five hundred dollars (\$3,500.00); *provided, how-*
11 *ever,* that on and after July first, one thousand nine hundred and thirty-four
12 the fee fixed for this license shall be four thousand dollars (\$4,000.00).

13 (1) b. Limited brewery license. The holder of this license shall be en-
14 titled, subject to rules and regulations, to brew any malt alcoholic beverages
15 in a quantity dependent upon the following fees and not in excess of three
16 hundred thousand (300,000) barrels of thirty-one (31) fluid gallons capacity
17 per year and to be expressed in said license and to distribute and sell his
18 products to wholesalers and retailers licensed respectively in accordance with
19 this act, and to sell and distribute without this State to any persons pursu-
20 ant to the laws of the places of such sale and distribution, and to maintain
21 a warehouse. The fee for this license shall be graduated as follows: To so
22 brew not more than fifty thousand (50,000) barrels of thirty-one (31) fluid gal-
23 lons capacity per annum, five hundred dollars (\$500.00); to so brew not more
24 than one hundred thousand (100,000) barrels of thirty-one (31) fluid gal-
25 lons capacity per annum, one thousand dollars (\$1,000.00); to so brew not
26 more than two hundred thousand (200,000) barrels of thirty-one (31) fluid gal-
27 lons capacity per annum, two thousand dollars (\$2,000.00); to so brew not
28 more than three hundred thousand (300,000) barrels of thirty-one (31) fluid
29 gallons capacity per annum, three thousand dollars (\$3,000.00).

30 (2) a. Plenary winery license. The holder of this license shall be en-
31 titled, subject to rules and regulations, to manufacture any fermented wines,
32 and to blend, fortify and treat wines, and to distribute and sell his products

33 to wholesalers, retailers and to churches for religious purposes respectively
34 licensed in accordance with this act, and to sell and distribute without this
35 State to any persons pursuant to the laws of the places of such sale and dis-
36 tribution, and to maintain a warehouse. The fee for this license shall be five
36½ hundred dollars (\$500.00).

37 (2) b. Limited winery license. The holder of this license shall be en-
38 titled, subject to rules and regulations, to manufacture for sale any naturally
39 fermented wines and fruit juices in a quantity dependent upon the following
40 fees and not in excess of five thousand gallons per year and to be expressed
41 in said license and to distribute and sell his products to wholesalers and re-
42 tailers respectively licensed in accordance with this act, and to consumers, and
43 to sell and distribute without this State to any persons pursuant to the laws
44 of the places of such sale and distribution, and to maintain a warehouse. The
45 fee for this license shall be graduated as follows: to so manufacture between
46 twenty-five hundred (2,500) and five thousand (5,000) gallons per annum, two
47 hundred dollars (\$200.00); to so manufacture between one thousand (1,000)
48 and twenty-five hundred (2,500) gallons per annum, one hundred dollars
49 (\$100.00); to so manufacture between two hundred (200) and one thousand
50 (1,000) gallons per annum, twenty-five dollars (\$25.00); to so manufacture
51-54 less than two hundred (200) gallons per annum, one dollar (\$1.00).

55 (3) a. Plenary distillery license. The holder of this license shall be en-
56 titled, subject to rules and regulations, to manufacture any distilled alcoholic
57 beverages and rectify, blend, treat and mix, and to distribute and sell his
58 products to wholesalers and retailers respectively licensed in accordance with
59 this act, and to sell and distribute without this State to any persons pursuant
60 to the laws of the places of such sale and distribution, and to maintain a
61 warehouse. The fee for this license shall be seven thousand five hundred
62 dollars (\$7,500.00).

63 (3) b. Limited distillery license. The holder of this license shall be en-
64 titled, subject to rules and regulations, to manufacture, in a quantity depend-
65 ent upon the following fees and not in excess of ten thousand (10,000) gal-

66 lons per year and to be expressed in said license, any alcoholic beverages
 67 distilled from fruit juices and rectify, blend, treat and mix, and to distribute
 68 and sell his said products to wholesalers and retailers respectively licensed in
 69 accordance with this act, and to sell and distribute without this State to any
 70 persons pursuant to the laws of the places of such sale and distribution,
 71 and to maintain a warehouse. The fee for this license shall be graduated as
 72 follows: To so manufacture not more than five thousand (5,000) gallons per
 73 annum, one thousand dollars (\$1,000.00); and to so manufacture not more
 74 than ten thousand (10,000) gallons per annum, twenty-five hundred dollars
 75 (\$2,500.00); *provided, however*, that on and after July first, one thou-
 76 sand nine hundred and thirty-four, the fee for this license shall be graduated
 77 as follows: To so manufacture not more than five thousand (5,000) gallons
 78 per annum, five hundred dollars (\$500.00); and to so manufacture not more
 79 than ten thousand (10,000) gallons per annum, one thousand two hundred and
 80 fifty dollars (\$1,250.00).

81 (4) Rectifier and blender license. The holder of this license shall be en-
 82 titled, subject to rules and regulations, to rectify, blend, treat and mix dis-
 83 tilled alcoholic beverages, and to fortify, blend and treat fermented alcoholic
 84 beverages, and prepare mixtures of alcoholic beverages, and to distribute and
 85 sell his products to wholesalers and retailers respectively licensed in accord-
 86 ance with this act, and to sell and distribute without this State to any per-
 87 sons pursuant to the laws of the places of such sale and distribution, and to
 88 maintain a warehouse. The fee for this license shall be one thousand five hun-
 89 dred dollars (\$1,500.00); *provided, however*, that on and after July first,
 90 one thousand nine hundred and thirty-four, the fee fixed for this license shall
 91 be five thousand dollars (\$5,000.00).

1 10. Section twelve of the act of which this is an amendment is hereby
 2 amended to read as follows:

3 12. Class B licenses shall be sub-divided and classified as follows:

4 (1) Plenary wholesale license. The holder of this license shall be en-
 5 titled, subject to rules and regulations, to distribute and sell to retailers, and
 6 wholesalers, licensed in accordance with this act, alcoholic beverages, and to

7 maintain a warehouse and salesroom. The fee for this license shall be one
8 thousand five hundred dollars (\$1,500.00).

9 (2) Limited wholesale license. The holder of this license shall be en-
10 titled, subject to rules and regulations, to distribute and sell to retailers, and
11 wholesalers, licensed in accordance with this act, brewed malt alcoholic bever-
12 ages and naturally fermented wines, and to maintain a warehouse and sales-
13 room. The fee for this license shall be seven hundred and fifty dollars
14 (\$750.00).

15 (3) Plenary export wholesale license. The holder of this license shall be
16 entitled, subject to rules and regulations, to distribute and sell to retailers,
17 and wholesalers, licensed in accordance with this act, and to sell and distrib-
18 ute without this State to any persons pursuant to the laws of the places of
19 such sale and distribution, alcoholic beverages, and to maintain a warehouse
20 and salesroom. The fee for this license shall be two thousand dollars
21 (\$2,000.00).

22 (4) Limited export wholesale license. The holder of this license shall be
23 entitled, subject to rules and regulations, to distribute and sell to retailers,
24 and wholesalers, licensed in accordance with this act, and to sell and distrib-
25 ute without this State to any persons pursuant to the laws of the places of
26 such sale and distribution, brewed malt alcoholic beverages and naturally fer-
27 mented wines, and to maintain a warehouse and salesroom. The fee for this
28 license shall be one thousand two hundred and fifty dollars (\$1,250.00).

1 11. Section thirteen of the act of which this is an amendment is hereby
2 amended to read as follows:

3 13. Class C licenses shall be sub-divided and classified as follows:

4 (1) Plenary retail consumption license. The holder of this license shall
5 be entitled, subject to rules and regulations, to sell for consumption on the
6 licensed premises any alcoholic beverages by the glass or other open recep-
7 tacle, and also to sell all alcoholic beverages in original containers for con-
7½ sumption off the licensed premises; *provided, however*, that on and after July
7½ first, one thousand nine hundred and thirty-four, this license shall not be
7¾ issued to permit the sale of alcoholic beverages in or upon any premises in

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8 which a grocery, delicatessen, drug store or other mercantile business (except
9 the keeping of a hotel or restaurant, or the sale of cigars and cigarettes at
10 8½ retail as an accommodation to patrons, or the retail sale of nonalcoholic bev-
11 erages as accessory beverages to alcoholic beverages) is carried on. The

12 fee for this license shall be fixed by the governing board or body of the
13 municipality in which the licensed premises are situated, by resolution or
14 ordinance, at not less than two hundred dollars (\$200.00) and not more
15 than two thousand dollars (\$2,000.00).

16 (2) Seasonal retail consumption license. The holder of such license shall
17 be entitled, subject to rules and regulations, to sell, during the summer
18 season from May fifteenth until September fifteenth inclusive, or during the
19 winter season from November fifteenth until April fifteenth inclusive, for
20 consumption on the licensed premises any alcoholic beverages by the glass
21 or other open receptacle, and also to sell all alcoholic beverages in original
22 containers for consumption off the licensed premises. The fee for this li-
23 cense shall be fixed by the governing board or body of the municipality in
24 which the licensed premises are situated, by resolution or ordinance, at
25 seventy-five per centum of the fee fixed by said board or body for plenary re-
26 tail consumption licenses.

27 (3) Plenary retail distribution license. The holder of this license
28 shall be entitled, subject to rules and regulations, to sell any alcoholic bev-
29 erages for consumption off the licensed premises, but only in original con-
30 tainers; *provided, however*, that the governing board or body of each munici-
31 pality may, by ordinance, enact that on and after July first, one thousand
32 nine hundred and thirty-four, this license shall not be issued to permit the
33 sale of alcoholic beverages in or upon any premises in which any other mer-
34 cantile business is carried on. The fee for this license shall be fixed by the gov-
35 erning board or body or other controlling authority of the municipality in
36 which the licensed premises are situated by resolution or ordinance at not
37 less than one hundred dollars (\$100.00), and not more than one thousand
38 dollars (\$1,000.00).

30 (3-A) Limited retail distribution license. The holder of this license,
30¼ subject to rules and regulations, shall be permitted to sell for consumption
30½ off the licensed premises, but only in original containers, any unchilled
30¾ brewed malt alcoholic beverages in quantities of not less than seventy-two

31 (72) fluid ounces. The fee for this license shall be fixed by the governing
31¼ body or board of the municipality in which the licensed premises are situ-
31½ ated, by resolution or ordinance at not less than \$25.00 or more than \$50.00;
31¾ *provided, however*, that the governing board or body of each municipality

32 may, by ordinance, enact that no limited retail distribution license shall be
32⅛ granted within its respective municipality; and *further provided*, that such
32¼ governing board or body may by ordinance enact that no more than one such
32⅝ license may be granted to any person, corporation, partnership, limited part-
32¾ nership, or association in each municipality, and said license shall cover only
32⅞ the licensed premises.

32¾ (4) Plenary retail transit license. The holder of this license shall
32⅞ be entitled, subject to rules and regulations, to sell any alcoholic beverages

33 for consumption only on railroad trains, airplanes and boats, while in transit.

34 The fee for this license shall be one hundred and fifty dollars (\$150.00), except
35 for boats under five (5) tons gross tonnage and for each such boat the fee
36 shall be ten dollars (\$10.00); *provided, however*, that a license issued under
37 this provision to a railroad or air transport company shall cover all dining
38 and club cars and planes operated by any such company within the State of
39 New Jersey; and *provided, further*, that a license for a boat issued under this
40 provision shall apply only to the particular boat for which issued.

41 (5) Club license. The holder of this license shall be entitled, subject to
42 rules and regulations, to sell, only to bona fide club members and their
43 guests, alcoholic beverages intended for immediate consumption on the li-
44 censed premises. The fee for this license shall be fixed by the governing
45 board or body of the municipality in which the licensed premises are sit-
46 uated, by resolution or ordinance, at not less than fifty dollars (\$50.00) and
46½ not more than one hundred and fifty dollars (\$150.00); *provided, however*,
47 that the governing board or body of each municipality may, by ordinance, en-

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47½ act that no club licenses shall be granted within its respective municipality.

48 Club licenses may be issued only to such corporations, associations and or-
49 ganizations as are operated for benevolent, charitable, fraternal, social, re-
50 ligious, recreational, athletic, or similar purposes, and not for private gain,
51 and comply with all conditions which, subject to rules and regulations, may
52-53 be imposed by the commissioner.

1 12. Section fourteen of the act of which this is an amendment is hereby
2 amended to read as follows:

3 14. Class D licenses shall be as follows:

4 Transportation license. The holder of this license shall be entitled, sub-
5 ject to rules and regulations, to transport alcoholic beverages into, out of,
6 through and within the State of New Jersey and to maintain a warehouse.
7 The fee for this license shall be two hundred dollars (\$200.00).

1 13. Section fifteen of the act of which this is an amendment is hereby
2 amended to read as follows:

3 15. Any licensee entitled to maintain a warehouse or salesroom shall, if
4 approved by the commissioner, secure a separate license for each additional
5 warehouse, salesroom, or separate office desired, and pay as a fee
6 therefor twenty-five per centum (25%) of the fee paid for his license, each
7 additional warehouse, salesroom or separate office being deemed a separate
8 place of business.

1 14. Section sixteen of the act of which this is an amendment is hereby
2 amended to read as follows:

3 16. Before any Class A, Class B, Class D or Class E license shall
4 be issued, each such licensee shall give a bond to the State of New Jersey,
5 to be approved by the State Tax Commissioner as to form and amount, con-
6 ditioned for the payment of all taxes, penalties and interest imposed by
7-8 the laws of this State upon the sale or delivery of alcoholic beverages.

9 Such bonds shall be transmitted to and be held by the State Tax Commission-
10 er, and all such bonds heretofore received and now held by the Commission-
11 er of the Department of Alcoholic Beverage Control shall be transmitted
12 forthwith to the State Tax Commissioner.

1 15. Section seventeen of the act of which this is an amendment is hereby
2 amended to read as follows:

3 17. It shall be the duty of the commissioner to administer the issuance of
4 manufacturers', wholesalers', plenary retail transit, transportation, and pub-
5 lic warehouse licenses, in accordance with this act.

1 16. Section eighteen of the act of which this is an amendment is hereby
2 amended to read as follows:

3 18. It shall be the duty of the governing board or body of each munici-
4 pality, except in such municipalities as shall have created municipal boards
5 pursuant to this act, in which latter event it shall be the duty of such re-
6 spective municipal boards, to administer the issuance of all other licenses
7 within their respective municipalities, in accordance with this act, and forth-
8 with to report the issuance of all such licenses to the commissioner. The is-
9 suing authorities constituted by this section are sometimes hereinafter re-
10 ferred to as "other issuing authority."

1 17. Section twenty of the act of which this is an amendment is hereby
2 amended to read as follows:

3 20. It shall be the duty of the commissioner to administer and enforce
4 this act and administer the Department of Alcoholic Beverage Control; to
5 make an annual report to the Governor of the activities of his department;
6 to investigate applicants for Class A, Class B, Class D, Class E and plenary
7 retail transit licenses, and all licensees, and to inspect all licensed premises; to
8 conduct hearings in accordance with this act; to make and conduct searches,
9 seizures and forfeitures in accordance with this act; to dispose of articles
10 seized and forfeited; to maintain proper records; to maintain a petty cash
11 fund not in excess of one thousand dollars (\$1,000); to requisition the pur-
12 chase of necessary supplies and equipment; to co-operate with municipalities
13 and municipal boards in enforcing this act; to keep full and correct minutes;
14 to publish lists of all licenses issued; and to do, perform, take and adopt all
15 other acts, procedures and methods designed to insure the fair, impartial,
16 stringent and comprehensive administration of this act. The enumeration of
17 the above specific duties shall not be construed to limit or restrict in any
18 way the general authority given by this act to the commissioner.

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1 18. Section twenty-two of the act of which this is an amendment is here-
2 by amended to read as follows:

3 22. Applicants for licenses shall answer such questions and make such
4 declarations as shall be prescribed by rules and regulations. No retail license
5 shall be issued to a natural person unless he shall have been a resident of the
6 State of New Jersey for at least five years, continuously, immediately prior
7 to the submission of the application. No license of any class shall be issued
8 to any alien; to any person under legal age; or to any person who has been
9 convicted of a crime involving moral turpitude or who has committed
10 two or more violations of this act. In case of applications by corporations,
11 except applications for club licenses, the names and addresses of all stock-
12 holders, holding one (1) or more per centum of any of the stock thereof, of
13 all officers, and of all members of the board of directors must be stated in
14 the application, and if one or more of such officers or members or any hold-
15 er directly or indirectly, of ten (10) per centum or more in beneficial inter-
16 est of the capital stock of the corporation would fail to qualify as an individ-
17 ual applicant in all respects, except as to residence and age, no license of any
18 class shall be granted.

19 In case of applications for club licenses, the names and addresses of all
20 officers, trustees, directors, or other governing officials, together with the
21 names and addresses of all the members of the corporation, association, or
22 organization must be stated in the application.

23 In the case of application by a partnership, the application shall contain
24 the names and addresses of all of the partners. No license shall be issued
25 unless all of the partners would qualify as individual applicants.

26 A photostatic copy of all federal licenses, permits and/or stamps neces-
27 sary to the lawful conduct of the business for which a State license is
28 sought and which relate to alcoholic beverages must accompany the license
29 application, together with a deposit of the full amount of the required license
30 fee, which deposit to the extent of ninety per centum thereof shall be returned
31 to the applicant by the commissioner or other issuing authority if the appli-
32 cation is denied, and the remaining ten per centum shall constitute an inves-
33 tigation fee and be disposed of as hereinafter provided.

34 Every applicant for a license shall cause a notice of intention to make
35 such application to be published in a form prescribed by rules and regula-
36 tions, once a week for two weeks successively in a newspaper, printed in the
37 English language, published and circulated in the municipality in which the
38 licensed premises are located; *provided, however*, that if there shall be no
39 such newspaper, then such notice shall be published in a newspaper, printed in
40 the English language, published and circulated in the county in which the
41 licensed premises are located; *provided, further*, that no publication shall be
42 required with respect to applications for transportation or public warehouse
43 licenses.

44 All applications shall be duly sworn to by each of the applicants, except
45 in cases of applications by corporations, which shall be duly sworn to by
46 the president or vice-president. All statements in said applications re-
47 quired to be made by law or by rules and regulations shall be deemed mate-
48 rial, and any person who shall knowingly misstate any material fact, under
49 oath, in said application shall be guilty of a misdemeanor and punished ac-
50 cordingly. Fraud, misrepresentation, false statements, misleading state-
51 ments, evasions or suppression of material facts in the securing of a license
52 are grounds for revocation.

1 19. Section twenty-three of the act of which this is an amendment is here-
2 by amended to read as follows:

3 23. All licenses shall be for a term of one year from the first day of July
4 in each year; *provided, however*, that all such licenses issued prior to July
5 first, one thousand nine hundred and thirty-four, shall expire at midnight
6 on June thirtieth, one thousand nine hundred and thirty-four; *and further*
7 *provided*, that the respective fees for any such license shall be prorated ac-
8 cording to the date of such license and based on the respective annual fee as
9 in this act provided. Licenses are not transferable. A separate license is
10 required for each specific place of business and the operation and effect of
11 every license is confined to the licensed premises. No retail license of any
12 class shall be issued to any holder of manufacturer's or wholesaler's license,
13 and no manufacturer's or wholesaler's license shall be issued to the holder of
14-16 a retail license of any class. Any person who shall exercise or attempt to

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17 exercise, or hold himself out as authorized to exercise, the rights and priv-
18 ileges of a license except to the licensee and then only with respect to the li-
19 censed premises, shall be guilty of a misdemeanor.

20 In case of death, bankruptcy, receivership or incompetency of the li-
21 censee, or if for any other reason whatsoever the operation of the business
22 covered by the license shall devolve by operation of law upon a person
23 other than the licensee, the commissioner or other issuing authority may, in
24 his or its discretion, extend said license for a limited time, not exceeding its
25 term, to the executor, administrator, trustee, receiver or other person upon
26 whom the same has devolved by operation of law as aforesaid. Under no cir-
27 cumstances, however, shall a license, or rights thereunder, be deemed prop-
28 erty, subject to inheritance, sale, pledge, lien, levy, attachment, execution,
29 seizure for debts, or any other transfer or disposition whatsoever, except to
30 the extent expressly provided by this act.

31 On application made therefor setting forth the same matters and things
32 with reference to the premises to which a transfer of license is sought as
33 are required to be set forth in connection with an original application for li-
34 cense as to said premises, and after publication of notice of intention to
35 apply for transfer, in the same manner as is required in case of an appli-
36 cation for license as to said premises, the commissioner or other issuing au-
37 thority may transfer, upon payment of a fee of five dollars (\$5.00), any
38 license issued by him or it respectively to a different place of business than
39 that specified therein, by endorsing permission upon such license.

40 No person who would fail to qualify as a licensee under this act shall be
41 knowingly employed by or connected in any business capacity whatsoever
42 with the licensee; *provided, however*, that specialized technical workers, re-
43 quired in any business may, with the approval of the commissioner, and sub-
44 ject to rules and regulations, be employed although failing to qualify as to
45 residence or citizenship; *and further provided*, that persons failing to qualify
46 as to age may, with the approval of the commissioner, and subject to rules
47 and regulations, be employed by any licensee, but such employee shall not,
48 in any manner whatsoever, sell or solicit the sale or participate in the
49 manufacture, rectification, blending, treating, fortification, mixing, process-
50 ing or bottling of any alcoholic beverage.

1 20. Section twenty-four of the act of which this is an amendment is here-
2 by amended to read as follows:

3 24. All fees collected by the commissioner shall be promptly paid, when
4 earned, to the State Treasurer, and thereupon shall become part of the free
5 treasury funds of this State.

6 Any statute or exemption to the contrary notwithstanding, no license shall
7 be issued to any person except upon payment of the full fee therefor or as
8 above prorated; *provided, however*, that no license shall be required and
9 no fee charged in connection with the retail sale of alcoholic beverages for
10 consumption on the premises where sold, when sold at any camp, post or regi-
11 mental exchange duly organized under the regulations of the United States
12 Army or Navy or Marine Corps or, if the consent of the State Military
13 Board shall have first been obtained, under the State National Guard regu-
14 lations.

1 21. Section twenty-five of the act of which this is an amendment is here-
2 by amended to read as follows:

3 25. Licensees, except public warehouse licensees, may deliver alcoholic
4 beverages in their own vehicles, solely, however, for their own respective
5 business in connection with and as defined in their respective licenses, with-
6 out possessing a transportation license; *provided, however*, that the vehicles
7 while so used shall be marked in the manner prescribed for all vehicles au-
8 thorized to transport alcoholic beverages under a transportation license, as
9 shall be provided in rules and regulations; *and provided, further*, that
10 one such transit insignia shall be furnished by the commissioner without cost
11 and each additional vehicle so used shall bear a separate insignia to be fur-
12 nished by the commissioner at a fee of two dollars (\$2.00) each.

1 22. Section twenty-six of the act of which this is an amendment is here-
2 by amended to read as follows:

3 26. Druggists and pharmacists duly registered under the laws of the State
4 of New Jersey as such may, upon their respective registered premises as
5 aforesaid, without license hereunder, purchase and use alcoholic beverages
6 for the compounding of physicians' prescriptions and for the prepara-

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7 tion of mixtures and medicines, unfit for use as beverages, and sell
7½ same after being so compounded or prepared, subject to rules and
8 regulations; *provided, however*, that they may not sell alcoholic beverages
9 otherwise than as aforesaid and particularly shall not sell the same in either
10 original containers or by glass or other open containers, except under a li-
11 cense obtained under this act permitting the same. Hospitals may purchase
12 and use alcoholic beverages for the compounding of physicians' prescrip-
13 tions, and for the preparation of mixtures and medicines unfit for use as
14 beverages, and for dispensing to patients in accordance with physicians' or-
15 ders and prescriptions, without license therefor, subject to rules and regu-
16 lations.

17 Wholesale licensees may sell alcoholic beverages, directly to druggists
18 and pharmacists, registered as aforesaid, and to hospitals, for use as here-
19 in authorized, subject to rules and regulations.

20 The commissioner shall have and exercise the same powers of investiga-
21 tion and of prescribing rules and regulations with regard to the alcoholic bev-
22 erages purchased, used, mixed, compounded or dispensed pursuant to this sec-
23 tion as are by this act accorded to him in connection with the sale, distribu-
24 tion, rectification, blending, treating, fortifying, mixing, processing, ware-
25 housing and transportation of all alcoholic beverages.

1 23. Section twenty-seven of the act of which this is an amendment is
2 hereby amended to read as follows:

3 27. This act is not designed to prohibit sales of denatured alcohol and al-
4 coholic mixtures or composition or articles of commerce containing alcohol
5 which are unfit for use as beverages without license hereunder. No provision
6 of this act shall apply to alcohol intended for and actually used in the manu-
7 facture and sale of any of the following when they are unfit in fact for bev-
8 erage purposes, namely:

9 (a) Denatured alcohol produced and used pursuant to acts of Congress
10 and regulations promulgated thereunder.

11 (b) Patent, proprietary, medicinal, pharmaceutical, antiseptic and toilet
12 preparations.

13 (c) Flavoring extracts, syrups and food products.

14 (d) Scientific, chemical, mechanical and industrial products.

15 Any person who shall knowingly sell, use or transport any of the products
16 enumerated in paragraphs (a), (b), (c) or (d) for beverage purposes, or who
17 shall use, sell or transport any of the same under circumstances from which
18 he might reasonably deduce the intention of the purchaser or consignee to use
19 them for such purposes shall be guilty of a misdemeanor and punished ac-
20 cordingly.

21 The Commissioner shall have the power to investigate the sale, purchase,
22 use and transportation of industrial alcohol as set forth above to the extent
23 reasonably necessary to prevent conversion into alcoholic beverages fit for
24 consumption.

1 24. Section twenty-eight of the act of which this is an amendment is here-
2 by amended to read as follows:

3 28. Any license whether issued by the commissioner or any other issuing
4 authority may be suspended or revoked by the commissioner or the other issu-
5 ing authority may suspend or revoke any license issued by it, for any of the
6 following causes: violation of any of the provisions of this act; manufacture,
7 transportation, distribution or sale of alcoholic beverages in a manner or to
8 an extent not permitted by the license or by law; nonpayment of any excise tax
9-10 or other payment required by law to be paid to the State Tax Commissioner;
11 failure to have at all times a valid, unrevoked permit, license or special tax
12 stamp, or other indicia of payment, of all fees, taxes, penalties and payments
13 required by any law of the United States; failure to have at all times
14 proper stamps or other proper evidence of payment of any tax re-
15 quired to be paid by any law of this State; any violation of rules and regu-
16 lations; any other act or happening occurring after the time of making of an
17 application for a license which if it had occurred before said time would
18 have prevented the issuance of the license; or for any other cause designated
19 by this act. No suspension or revocation of any license shall be made until
20 a five-day notice of the charges preferred against the licensee shall have
21 been given to him personally or by mailing the same by registered mail ad-
22 dressed to him at the licensed premises and a reasonable opportunity to be
23 heard thereon afforded to him. A suspension or revocation of license shall

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24 be effected by a notice in writing of such suspension or revocation, designating the effective date thereof, and in case of suspension, the term of such suspension, which notice may be served upon the licensee personally or by mailing the same by registered mail addressed to him at the licensed premises. Such suspension or revocation shall apply to the licensee and to the licensed premises. Any revocation shall render the licensee ineligible to receive any other license, of any kind or class under this act, for a period of two years from the effective date thereof and may, in the discretion of the commissioner or the other issuing authority as the case may be, render the licensed premises ineligible to become the subject of any further license, of any kind or class under this act, during said period of two years. No refund shall be made of any portion of a license fee after issuance of a license; *provided, however*, that if any licensee, except a seasonal retail consumption licensee, shall voluntarily surrender his license, there shall be returned to him, after deducting as a surrender fee twenty-five per centum of the license fee paid by him, if the surrender is made prior to July first, one thousand nine hundred and thirty-four, and fifty per centum if made thereafter, the pro rated fee for the unexpired term; *provided, further*, that such licensee shall not have committed any violation of this act or of any rule or regulation or done anything which in the fair discretion of the commissioner or other issuing authority, as the case may be, should bar or preclude such licensee from making such claim for refund and that all taxes and other set-offs or counterclaims which shall have accrued and shall have become due and payable to the State of New Jersey and/or any municipality have been paid. Such proration shall be made as of the date of the approval of such surrender. Surrenders of retail licenses shall be promptly certified by the issuing authority to the commissioner. Surrender fees shall be accounted for as are investigation fees. In the event of any suspension or revocation of any license by the other issuing authority, the licensee may, within thirty (30) days after the date of service or of mailing of said notice of suspension or of revocation, appeal to the commissioner from the action of the other issuing authority in suspending or revoking such license. The commissioner shall thereupon fix a time for the hearing of the appeal and before hearing the

57 same shall give at least five (5) days' notice of the time so fixed to both said
58 licensee and to the other issuing authority who effected such suspension or
59 revocation.

1 25. Section twenty-nine of the act of which this is an amendment is here-
2 by amended to read as follows:

3 29. Subject to rules and regulations, each issuing authority by resolution,
4 first approved by the commissioner, may impose any condition or conditions
5 to the issuance of any license deemed necessary and proper to accomplish the
6 objects of this act and secure compliance with the provisions hereof, and all
7 such licenses shall become effective only upon compliance with the conditions
8 so stated and shall be revocable for subsequent violation thereof.

1 26. Section thirty of the act of which this is an amendment is hereby
2 amended to read as follows:

3 30. No license shall be issued to any person to whom a license shall
4 have been issued under an act entitled "An act concerning the manufacture,
5 distribution and sale of certain beverages having an alcoholic content and
6 providing for licenses, regulations and fees in connection therewith and pen-
7 alties for violations thereof," approved April twelfth, one thousand nine
8 hundred and thirty-three, as amended and supplemented, or under this act as
9 amended and supplemented, and who shall have failed to pay to the State of
10 New Jersey or to any municipality of this State any tax, license fee or
11 penalty which shall have accrued pursuant to the provisions of said acts
12 and of an act entitled "An act imposing taxes upon the sale of alcoholic bev-
13 erages and providing for the collection thereof," approved December fourth,
14 one thousand nine hundred and thirty-three and amendments thereof and sup-
15 plements thereto, unless such person shall have posted with the State Tax
16 Commissioner, or the municipality, as the case may be, a cash deposit in an
17 amount, or a bond in form, with sureties and in an amount satisfactory to
18 the State Tax Commissioner, or the municipality, as the case may be, to se-
19 cure the payment of said tax, license fee or penalty, and this provision shall
20 remain in force and effect notwithstanding the repeal of the aforesaid acts.

1 27. Section thirty-two of the act of which this is an amendment is here-
2 by amended to read as follows:

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3 32. The commissioner and each other issuing authority is hereby au-
4 thorized and empowered to make, or cause to be made, such investigations as
5 he or it shall deem proper in the administration of this act and of any and
6 all other acts now or which may hereafter be in force and effect concerning
7 alcoholic beverages, or the manufacture, distribution or sale thereof, or the
8 collection of taxes thereon, including the inspection of premises for which
9 the license is sought or has been issued, of any building containing the same,
10 of licensed buildings, examination of the books, records, accounts, docu-
11 ments and papers of the licensees or on the licensed premises, and every
12 applicant for a license, and every licensee, and every director, officer, agent
13 and employee of every licensee, shall, on demand, exhibit to the commission-
14 er or other issuing authority, as the case may be, or to his or its deputies
15 or investigators, or inspectors or agents all of the matters and things which
16 the commissioner or other issuing authority, as the case may be, is hereby au-
17 thorized or empowered to investigate, inspect or examine, and to facilitate, as
18 far as may be in their power so to do, in any such investigation, examination
19 or inspection, and they shall not in any way hinder or delay or cause the
20 hindrance or delay of same, in any manner whatsoever. For the purpose of
21 any investigation, examination, inspection, revocation, rule to show
22 cause and every other proceeding authorized under this act or appropriate
23 for its enforcement, the commissioner and each other issuing authority is
24 hereby authorized and empowered to examine, under oath, any and all per-
25 sons whatsoever and to compel by subpoena the attendance of witnesses and
26 the production of books, records, accounts, papers and documents of any
27 person or persons and to take any oath or affirmation of any person to any
28 deposition, statement, report or application required in the administration of
29 this act, or of any and all other acts now or which may hereafter be in force
30 and effect concerning alcoholic beverages, or the manufacture, distribution
31 and sale thereof, or the collection of taxes thereon. The fees of witnesses
32 required to attend before the commissioner or other issuing authority shall
33 be the same as those allowed to witnesses in the Supreme Court.

34 The above enumerations of purposes and powers shall not be construed
35 as exclusive and shall not limit such power to investigate, examine and sub-
36 poena for any purpose consonant with the administration and enforcement of
37 this act.

38 If a person subpoenaed to attend any hearing refuses or fails to appear
39 or to be examined, or to answer any question or to produce any books, records,
40 accounts, papers and documents when ordered so to do by the commissioner,
41 the commissioner or other issuing authority, as the case may be, may apply
42 to the Supreme Court, or any justice thereof, who shall have the power of
43 the court for that purpose, to make an order returnable not less than two
44 nor more than ten days, directing such person to show cause before the court
45 or a justice thereof why he should not comply with the subpoena or direction
46 or order of the commissioner or of the other issuing authority, as the case
47 may be, and upon the return of such order the court or justice shall exam-
48 ine such person, under oath, and thereupon make such order as may be re-
49 quired, and any refusal or failure to obey such order of the court or such
50 justice may be punished by said court or by said justice as a contempt of
51 the Supreme Court.

52 Each deputy commissioner shall have and exercise all the powers con-
53 ferred by this act upon the commissioner to the extent that the same shall be
54 delegated to him by the commissioner by rules and regulations.

55 One of such deputy commissioners shall be designated by the commis-
56 sioner with power to perform all of the duties of the commissioner in case
57 of his absence or inability to act for any cause and who shall also have
58 authority to so act in the event of death of the commissioner until a suc-
59 cessor has been appointed and qualified.

1 28. Section thirty-four of the act of which this is an amendment is here-
2 by amended to read as follows:

3 34. The commissioner shall adopt an official seal. Copies of any act,
4 rule, regulation, order or decision made by him and of any paper or papers
5 filed in any office maintained by him, may be authenticated under said seal
6 and when so authenticated shall be evidence in all courts of this State of the

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7 same weight and force as the originals thereof. For authenticating any such
8 copy he shall receive such fees as are fixed by him, commensurate with the
9 reasonable cost of the services rendered, to be accounted for by him as in
10 case of license fees, as hereinbefore provided. All records and files of the de-
11 partment shall be open for inspection, pursuant to rules and regulations.

1 29. Section thirty-five of the act of which this is an amendment is here-
2 by amended to read as follows:

3 35. The commissioner is hereby empowered and it is his duty to hear and
4 conduct all appeals provided for by this act, and thereupon to render written
5 decisions stating conclusions and reason therefor upon each matter so ap-
6 pealed, and said decisions shall be binding upon all persons and shall be
7 honored and forthwith executed by the other issuing authority. The commis-
8 sioner is hereby authorized to order the other issuing authority to issue a li-
9 cense when and if, after a hearing on the appeal of an applicant therefor,
10 the commissioner shall decide that a license was improperly refused or im-
11 properly revoked by the other issuing authority; to order the other issuing
12 authority to suspend or revoke a license, or to forthwith terminate the sus-
13 pension or cancel the revocation of a license, when and if, after a hearing on
14 appeal, the commissioner shall reverse the decision of the other issuing au-
15 thority to establish procedure and rules; and to make all findings, rulings,
16 decisions and orders as may be right and proper and consonant with the
17 spirit of this act.

1 30. Section thirty-seven of the act of which this is an amendment is
2 hereby amended to read as follows:

3 37. Each issuing authority, other than the commissioner, may as regards
4 each respective municipality limit the number of licenses to sell alcoholic
5 beverages at retail and the hours between which the sales of alcoholic bever-
6 ages at retail may be made and may, subject to the approval of the com-
7 missioner first obtained, regulate the conduct of any business licensed to
8 sell alcoholic beverages at retail and the nature and condition of the prem-
9 ises upon which any such business is to be conducted. The aforesaid limita-
10 tions of number of licensees and of hours of sale shall be subject respectively

11 to appeal to the commissioner, as hereinafter provided. The governing board
 12 or body of each municipality may, by ordinance, enact that no more than
 13 one retail license shall be granted to any person, corporation, partnership,
 14 limited partnership or association in said municipality and that said license
 15 shall cover only the licensed premises; *provided, however*, that nothing herein
 16 contained shall operate to disqualify a guardian, executor, administrator,
 17 trustee, receiver, or any other fiduciary or court officer from obtaining or from
 18 holding more than one such license in different official capacities.

1 31. Section thirty-eight of the act of which this is an amendment is here-
 2 by amended to read as follows:

3 38. If any person affected or who might be affected by any limitation of
 4 the number of licenses or of the hours between which sales of alcoholic bev-
 5 erages at retail may be made shall consider himself aggrieved thereby, he
 6 may appeal to the commissioner in respect thereto and thereupon the com-
 7 missioner, after public hearing, may set aside, vacate and repeal the limita-
 8 tion complained of or change, alter, amend or otherwise modify the same.

1 32. Section forty of the act of which this is an amendment is hereby
 2 amended to read as follows:

3 40. It shall be unlawful for any owner, part owner, stockholder or offi-
 4 cer or director of any corporation, or any other person whatsoever inter-
 5 ested in any way whatsoever in any brewery, winery, distillery or rectifying
 6 and blending plant, or any wholesaler of alcoholic beverages, to conduct,
 7 own either in whole or in part, or be directly or indirectly interested in the
 8 retailing of any alcoholic beverages except as provided in this act, and
 9 such interest shall include any payments or delivery of money or property
 10 by way of loan or otherwise accompanied by an agreement to sell the prod-
 11 uct of said brewery, winery, distillery, rectifying and blending plant or whole-
 12 saler; *provided, however*, that prior to December sixth, one thousand nine
 13 hundred and thirty-six, the ownership of or mortgage upon or any other in-
 14 terest in licensed premises if such ownership, mortgage or interest existed on
 15 December sixth, one thousand nine hundred and thirty-three, shall not be
 16 deemed to be an interest in the retailing of alcoholic beverages. And it shall

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17 be unlawful for any owner, part owner, stockholder or officer or director of
 18 any corporation, or any other person whatsoever, interested in any way what-
 19 soever in the retailing of alcoholic beverages to conduct, own either in whole
 20 or in part or to be a shareholder, officer or director of a corporation or as-
 21 sociation, directly or indirectly, interested in any brewery, winery, distillery,
 22 rectifying and blending plant, or wholesaler, except as provided for in this
 23 act, or with any manufacturing, wholesaling or importing interests of any
 24 kind whatsoever outside of the State. No interest in the retailing of alcoholic
 25 beverages shall be deemed to exist by reason of the ownership, delivery or
 26 loan of interior signs designed for and exclusively used for advertising the
 27 product of or product offered for sale by such brewery, winery, distillery or
 28 rectifying and blending plant or wholesaler.

1 33. Section forty-seven of the act of which this is an amendment is here-
 2 by amended to read as follows:

3 47. No person, except an officer, or other person authorized by and act-
 4 ing pursuant to instructions from such officer, so doing in the course of and
 5 for the purpose of enforcing this act shall knowingly purchase, receive or
 6 procure any illicit beverage. Any person who shall violate this provision
 7 shall be guilty of a misdemeanor and punished by a fine of not less than ten
 8 dollars (\$10.00) and not more than one hundred dollars (\$100.00), or impris-
 9 onment for not less than two days and not more than ten days, or by both such
 10 fine and imprisonment, in the discretion of the court.

1 34. Section forty-eight of the act of which this is an amendment is here-
 2 by amended to read as follows:

3 48. Any person who shall manufacture, sell, distribute, bottle, rectify,
 4 blend, treat, fortify, mix, process, warehouse or transport any alcoholic bev-
 5 erage in violation of this act, or who shall import, own, possess, keep or
 6 store in this State alcoholic beverages with intent to manufacture, sell, dis-
 7 tribute, bottle, rectify, blend, treat, fortify, mix, process, warehouse or trans-
 8 port alcoholic beverages in violation of the provisions of this act, or who shall
 9 own, possess, keep or store in this State any implement or paraphernalia for
 10 the manufacture, sale, distribution, bottling, rectifying, blending, treating, for-

11 tifying, mixing, processing, warehousing or transportation of alcoholic beverage
 12 with intent to use the same in the manufacture, sale, distribution, bottling,
 13 rectifying, blending, treating, fortifying, mixing, processing, warehousing
 14 or transportation of alcoholic beverages in violation of this act, or to aid
 15 or abet another in the manufacture, sale, distribution, bottling, rectifying,
 16 blending, treating, fortifying, mixing, processing, warehousing or transportation
 17 of alcoholic beverages in violation of this act, all of which shall be violations
 18 of this act, shall be guilty of a misdemeanor and punished by a fine
 19 of not less than one hundred dollars (\$100.00) and not more than five hundred
 20 dollars (\$500.00) or imprisonment for not less than thirty days and not
 21 more than six months, or by both such fine and imprisonment, in the discretion
 22 of the court.

1 35. Section fifty-eight of the act of which this is an amendment is hereby
 2 amended to read as follows:

3 58. Every search warrant shall be executed and returned to the issuing
 4 magistrate within forty-eight hours after its issuance, after which time, unless
 5 executed, it shall be void.

1 36. Section sixty-four of the act of which this is an amendment is hereby
 2 amended to read as follows:

3 64. Any officer knowing, or having reasonable cause to believe that any
 4 person is engaged in unlawful alcoholic beverage activity, it shall be his duty
 5 to investigate, under proper search warrant when necessary, which it shall be
 6 his further duty to apply for, and to seize all property which he shall know,
 7 or have reasonable ground to believe is unlawful property, including in the
 8 case of illicit alcoholic beverages within any vehicle, the vehicle
 9 containing the same, and to arrest all persons whom he shall
 10 know, or have reasonable ground to believe, are committing, or
 11 have committed, a misdemeanor under this act and to make complaint
 12 against such persons as in other cases of misdemeanor. All property when
 13 seized shall be under the jurisdiction of the commissioner subject to this act.
 14 Any seized property shall be returned to any person claiming the same upon
 15 execution and delivery by him to the commissioner of a bond in a form and

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16 with sureties satisfactory to the commissioner in a sum double the retail
17 value of the property, as appraised by the commissioner, conditioned, (1) to
18 pay to the commissioner for the use of the State the full retail value of said
19 property in case the same shall appear to have been unlawful property, and
20 (2) in case it shall appear that said property was not unlawful property, to
21 pay such part of the retail value thereof as may represent the value of the
22 outstanding right, title, interest, lien or claim of any other person, to such
23 other person, which bond shall be enforceable, as other obligations for pay-
24 ment of money, by civil action in any court of competent jurisdiction, first
25 by the commissioner, to be instituted within one year from the date thereof,
26 and, secondly, by such other person as third party beneficiaries, at any time
27 after final judgment in such action by the commissioner, or after the expira-
28 tion of said year in case no such action shall have been instituted by the com-
29 missioner in the meantime. In lieu of such bond, the claimant to the said
30 seized property may pay to the commissioner for the use of the State the re-
31 tail value thereof in cash, as appraised by the commissioner, under protest,
32 subject to the right of the person making the payment to recover said sum
33 upon establishing that the property was not unlawful property by an action
34 to be commenced within one year from the date of such payment, and not
35 thereafter, in any court of competent jurisdiction. Said claimant may, in
36 lieu of either remedy, bring an action of replevin for the said property
37 against the commissioner in any court of competent jurisdiction according
38 to the forms and procedure, including the delivery of a bond, of said court,
39 said action to be commenced within thirty days from the seizure of such prop-
40 erty and not thereafter. If the commissioner shall be satisfied that prop-
41 erty seized was not unlawful property he may return the same to the person
42 or place from whom the same were taken. If any seized property shall not
43 be reclaimed within thirty days, after determination by him that such prop-
44 erty is unlawful property, and subject to rules and regulations, the commis-
45 sioner shall sell the same at public sale for the use of the State; *provided,*
46 *however,* that the commissioner may in his discretion sell, destroy, or retain
47 for the use of hospitals and State, county and municipal institutions, all

48 seized illicit beverages. No such sale, destruction or retention for use of
 49 hospitals and State, county and municipal institutions shall be had except
 50 after hearing, of which notice, of not less than fifteen nor more than thirty
 51 days, shall be given by mail to all persons known or believed by the commis-
 52 sioner to have an interest in the seized property and by publication twice in
 53 a newspaper to be designated by the commissioner and circulating in the
 54 county where the property was seized once in each of the two consecutive cal-
 55 endar weeks preceding such hearing. After such hearing, the commissioner
 56 shall file his determination in the form of an order which shall be subject
 57 to review on certiorari to the Supreme Court. Service of notice of applica-
 58 tion for such writ shall operate as a stay of the commissioner's order until
 59 further order of the court or of a justice thereof. All monies received by
 60 the commissioner hereunder shall be reserved during the time allowed any
 61 person an opportunity of establishing a right thereto and shall immediately
 62 thereafter be accounted for by the commissioner as in the case of license fees
 63-81 received hereunder.

82 Property seized and released shall thereafter be subject to further seiz-
 83 ure because of ownership, possession or use thereof in connection with fur-
 84 ther unlawful alcoholic beverage activities.

85 The commissioner may, upon being satisfied that a common carrier,
 86 whose vehicle has been seized under the provisions of this act, has acted in
 87 good faith and had no knowledge at the time of the seizure, that the vehicle
 88 contained illicit alcoholic beverages, order that the seized vehicle be returned
 89 to the common carrier.

1 37. Section sixty-seven of the act of which this is an amendment is
 2 hereby repealed.

1 38. Section seventy of the act of which this is an amendment is hereby
 2 amended to read as follows:

3 70. To the end that local police and other enforcing agencies shall
 4 enforce this act in the interest of economy and effective control it shall
 5 be the duty of all officers to use all due diligence to detect violations of this
 6 act and to apprehend the offenders and to make a proper complaint before
 7 a magistrate. Arrests may be made as in other cases of misdemeanors.

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1 39. Section seventy-two of the act of which this is an amendment is
2 hereby amended to read as follows:

3 72. There is hereby appropriated out of the fees to be collected by the
4 commissioner under this act the sum of two hundred and twenty-five thou-
5 sand dollars (\$225,000.00) for the expenses of administering this act during
6 the fiscal year ending June thirtieth, nineteen hundred and thirty-four.
7 Thereafter, provision shall be made for the maintenance of this department
8 in the annual or supplemental appropriation bills.

1 40. Section seventy-five of the act of which this is an amendment is
2 hereby amended to read as follows:

3 75. To provide for contingencies where it would be appropriate and
4 consonant with the spirit of this act to issue a license but the contingency
5 has not been expressly provided for, the commissioner may for special
6 cause shown, subject to rules and regulations, issue temporary permits the
7 fee for which shall be determined in each case by the commissioner and
8 shall not be less than five dollars (\$5.00) nor more than five hundred dollars
9 (\$500.00), payable to the commissioner and to be accounted for by him as
10 are license fees.

1 41. Section seventy-six of the act of which this is an amendment is
2 hereby amended to read as follows:

3 76. Anything to the contrary hereinbefore notwithstanding, and for the
4 benefit not of property but of persons attendant therein, no license shall
5 be issued for the sale of alcoholic beverages within two hundred (200) feet
6 of any church or public school house or private school house not con-
7 ducted for pecuniary profit, except to manufacturers, wholesalers, hotels,
8 clubs and fraternal organizations which own or are actually in possession of
9 the licensed premises at the time this act becomes effective; *provided,*
10 *however,* that the protection of this section may be waived at the issuance
11 of the license and at each renewal thereafter, by the duly authorized govern-
12 ing body on authority of such church or school, such waiver to be effective
13 until the date of the next renewal of the license; *and provided, further,* that
14 said two hundred (200) feet shall be measured in the normal way that a

15 pedestrian would properly walk from the nearest entrance of said church or
16 school to the nearest entrance of the premises sought to be licensed.

17 The prohibition contained in this section shall not apply to the renewal
18 of any license where no such church or school house was located within two
19 hundred (200) feet of the licensed premises as aforesaid at the time of the
20 issuance of the license, nor to the issuance and/or renewal of any license
21 where such premises have been heretofore licensed for the sale of alcoholic
22 beverages or intoxicating liquors, and such church or school house was con-
23 structed and/or established during the time said premises were operated
24 under said previous license.

1 42. Section nineteen of the act of which this is an amendment is hereby
2 amended to read as follows:

3 19. If the issuing authority other than the commissioner shall refuse to
4 issue any license, the applicant shall be notified forthwith of such refusal by a
5 notice served personally upon the applicant, or sent to him by registered mail
6 addressed to him at the address stated in the application. Said applicant or
7 any taxpayer opposing such application may within thirty days after the date
8 of service or of mailing of said notice appeal to the commissioner from the
9 action of the issuing authority. The commissioner shall thereupon fix a time
10 for the hearing of the appeal and before hearing the same shall give at least
11 five days' notice of the time so fixed to both said applicant, such taxpayer, and
12 other issuing authority.

1 43. This act shall take effect immediately.

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