

SEC. 2. No funds shall be disbursed on any commitment or agreement to make a loan or advance hereafter made by the Reconstruction Finance Corporation after the expiration of one year from the date of such commitment or agreement; but within the period of such one-year limitation no provision of law terminating any of the functions of the Reconstruction Finance Corporation shall be construed to prohibit disbursement of funds on prior commitments or agreements to make loans or advances.

No disbursement on any loan commitment, etc., after one year.

Prior agreements not affected.

SEC. 3. The amount of notes, debentures, and bonds or other such obligations which the Reconstruction Finance Corporation is authorized and empowered to have outstanding at any one time pursuant to section 9 of the Reconstruction Finance Corporation Act, as amended, is hereby increased by \$850,000,000.

Corporation notes, etc., increased. *Ante*, p. 50. Vol. 47, p. 9.

Approved, January 20, 1934.

[CHAPTER 4.]

AN ACT

To control the manufacture, transportation, possession, and sale of alcoholic beverages in the District of Columbia.

January 24, 1934.
[H. R. 6181.]
[Public, No. 85.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the National Prohibition Act, as amended and supplemented, insofar as it affects the manufacture, sale, and possession in the District of Columbia, and the transportation in, into, and from the District of Columbia, of alcoholic beverages, is hereby repealed, with the exception of title III, and section 4 of title II insofar as it affects denatured alcohol.

District of Columbia Alcoholic Beverage Control Act. *Post*, p. 349. National Prohibition Act; certain limitations not to apply hereunder. Vol. 41, pp. 309, 319; U. S. C., pp. 854, 861.

SEC. 2. This Act may be cited as the "District of Columbia Alcoholic Beverage Control Act." It shall apply only to the District of Columbia and shall not authorize the delivery of alcoholic beverages outside of the District of Columbia in violation of the law of the place of delivery.

Title.
Territory embraced.

SEC. 3. In the interpretation of this Act, unless the context indicates a different meaning:

Definitions.

(a) The word "alcohol" means ethyl alcohol, hydrated oxide of ethyl, or spirit of wine, from whatever source or by whatever processes produced.

"Alcohol."

(b) The word "spirits" means any beverage which contains alcohol obtained by distillation mixed with drinkable water and other substances in solution, including brandy, rum, whisky, cordials, and gin.

"Spirits."

(c) The word "wine" means the product of the normal alcoholic fermentation of the juice of fresh, sound, ripe grapes, with the usual cellar treatment and necessary additions to correct defects due to climatic, saccharine and seasonal conditions, including champagne, sparkling, artificially carbonated and fortified wine. No other product obtained by the fermentation of the natural sugar contents of fruits or other agricultural products containing sugar shall be called "wine" unless designated by appropriate prefix descriptions of the fruit or other product from which the same was predominantly produced, or as artificial or imitation wine. Light wines shall mean wines containing 14 per centum or less of alcohol by volume, other than champagne.

"Wine."

U. S. C., p. 765.

(d) The word "beer" means any fermented beverages of any name or description manufactured from malt, wholly or in part, or from any substitute therefor.

"Beer."

"Alcoholic beverage",
etc.

(e) The words "alcoholic beverage" or "beverage" include the four varieties of liquor above defined (alcohol, spirits, wine, and beer) and every liquid or solid, patented or not, containing alcohol, spirits, wine, or beer and capable of being consumed by a human being. Any liquid or solid containing more than one of the four varieties above defined is considered as belonging to that variety which has the higher percentage of alcohol, according to the order in which they are above defined, except as provided in subsection (c) hereof. The provisions of this section and of this Act shall not apply to any liquid or solid containing less than one half of 1 per centum of alcohol by volume, nor shall anything contained in this Act be construed as affecting the manufacture of apple cider or the sale thereof.

Containing more
than one of foregoing
ingredients.

Less than one half of
1 percent excluded.

Apple cider.

"Board."

(f) The word "Board" shall mean the Alcoholic Beverage Control Board created by this Act.

"Club."

(g) The word "club" means a corporation for the promotion of some common object (not including corporations organized for any commercial or business purpose, the object of which is money profit), owning, hiring, or leasing a building or space in a building of such extent and character as in the judgment of the Board may be suitable and adequate for the reasonable and comfortable use and accommodations of its members and their guests, and including such space outside of the building and adjoining it as may be approved by the Board, and provided with such suitable and adequate kitchen and dining room space and equipment, implements, and facilities, and employing such a sufficient number of employees for cooking, preparing, and serving meals for its members and their guests, as shall satisfy the Board that the sale of beverages intended is not more than an incident to and is not the prime source of revenue from such space; and the affairs and management of such corporation are conducted by a board of directors, executive committee, or similar body chosen by the members at least once each calendar year and no officer, agent, or employee of the club is paid directly or indirectly, or receives in the form of salary or other compensation, any profit from the disposition or sale of beverages to the club or to the members of the club or guests introduced by members, beyond the amount of such salary as may be fixed and voted by the members, or by its directors, or other governing body.

"Commissioners."

(h) The word "Commissioners" shall mean the Commissioners of the District of Columbia.

"District."

(i) The word "District" shall mean the District of Columbia.

"Hotel"; to contain
30 or more rooms, etc.

(j) The word "hotel" means a suitable building or other structure, approved by the Board, including such suitable space outside of the building and adjoining it as may be approved by the Board, kept, used, maintained, advertised, or held out to the public to be a place where meals are served and sleeping accommodations offered for pay to transient guests; in which thirty or more rooms are used for the sleeping accommodations of such transient guests, and having one or more dining rooms where meals are served to such transient guests, such sleeping accommodations and dining rooms being conducted in the same building or in connecting buildings, and such building or buildings, structure or structures being provided with such adequate kitchen and dining room equipment and capacity and having employed therein such number and kinds of employees for preparing, cooking, and serving meals for its guests as shall satisfy the Board that such dining room is intended for use primarily as a place for preparing, cooking, and serving meals and that the chief source of revenue to be derived from the operation of such dining

room shall be from the preparation, cooking, and serving of meals and not from the sale of beverages. No such dining room shall be considered suitable if any business is conducted therein other than the preparation, cooking, and serving of meals, except such a business as is incidental to a bona fide dining room.

Dining room restrictions.

(k) The word "manufacture" shall include rectification.

"Manufacture."

(l) The word "meals" means the usual assortment of foods commonly ordered at various hours of the day; and such food and victuals as sandwiches and salads shall not be regarded as a "meal."

"Meals."

(m) The word "person" includes an individual, partnership, corporation, and association.

"Person."

(n) The word "restaurant" means a suitable space in a suitable building, approved by the Board, including such suitable space outside of the building and adjoining it as may be approved by the Board, kept, used, maintained, advertised, or held out to the public to be a place where meals are served, such space being provided with such adequate kitchen and dining room equipment and capacity, and having employed therein such number and kinds of employees for preparing, cooking, and serving meals for its guests as shall satisfy the Board that such space is intended for use primarily as a place for preparing, cooking, and serving meals, and that the chief source of revenue to be derived from the operation of such place shall be from the preparation, cooking, and serving of meals and not from the sale of beverages. No such space shall be considered suitable if any business is conducted therein other than the preparation, cooking, and serving of meals, except such a business as is incidental to a bona fide restaurant.

"Restaurant."

Restrictions.

(o) The word "sell" or "sale" shall include offering for sale, keeping for sale, trafficking in, bartering, delivering for value, exchanging for goods, or in any way other than purely gratuitously, and every delivery of any alcoholic beverage made otherwise than by purely gratuitous title shall constitute a sale.

"Sell" or "sale."

(p) The word "table" shall not include a counter, bar, or similar contrivance.

"Table."

(q) The word "tavern" means a suitable space in a suitable building approved by the Board, including such suitable space outside of the building and adjoining it, as may be approved by the Board, kept, used, maintained, advertised, or held out to the public to be a place where sandwiches or light lunches are prepared and served for consumption on the premises in such quantities as to satisfy the Board that the sale of beer intended is no more than an incident to and is not the prime source of revenue of such "tavern."

"Tavern."

SEC. 4. The Commissioners of the District of Columbia, within fifteen days after the approval of this Act, shall appoint a Board of three persons, subject to removal by the Commissioners, to be called the "Alcoholic Beverage Control Board", each of the members of which shall be a citizen of the United States and a resident of the District of Columbia for at least three years immediately preceding his appointment and have during that period claimed residence nowhere else. Of the three persons first appointed as members of said Board, one shall be appointed for two years, one for three years and one for four years, and thereafter all appointments shall be for the term of four years, except such appointments as may be made for the remainder of unexpired terms. Vacancies caused by death, resignation or otherwise shall be filled by the Commissioners only for the unexpired terms. Members shall be eligible for reappointment. The Commissioners shall designate one of the members of the Board to be chairman thereof. The salary of each of the members of the Board shall be \$5,000 per annum. The Commissioners

Alcoholic Beverage Control Board appointed.

Qualifications, tenure of office, etc.

Chairman.

Salaries, etc.

Personnel; salaries under Classification Act.

U.S.C., p. 65; Supp. VII, p. 34.

Interest in alcoholic beverages restricted.

Revocation, etc., of licenses.

Appeals allowed.

License suspended pending appeal.

Additional powers, duties, etc.

Rules, etc., to be prescribed.

Licenses, etc.

Limitations; number, locality, etc.

are authorized to employ such other personal services, including three additional assistant corporation counsel, as may be necessary to carry out the provisions of this Act, and to provide for the expenses of the Board. The salaries of employees, other than members of the Board, shall be fixed in accordance with the provisions of the Classification Act of 1923, as amended. The Commissioners shall include in their annual estimates such amounts as may be required for the salaries and expenses herein authorized.

SEC. 5. No member or employee of the Board, directly or indirectly, individually, or as a member of a partnership or association, or stockholder in a corporation shall have any interest whatsoever in dealing in, manufacturing, transporting, or storing alcoholic beverages, nor receive any commission or profit whatsoever from any person authorized by virtue of this Act to manufacture or sell alcoholic beverages. No provision of this section, however, shall prevent any such member or such employee from purchasing, transporting, and keeping in his possession any alcoholic beverage for the personal use of himself or members of his family or guests.

SEC. 6. The right, power, and jurisdiction to issue, transfer, and revoke all licenses under this Act shall be vested solely in the Board, and the action of the Board on any question of fact shall be final and conclusive; except that, in case a license is revoked by the Board, the licensee may, within ten days after the order of revocation is entered, appeal in writing to the Commissioners to review said action of the Board, the hearings on said appeal to be submitted either orally or in writing at the discretion of the Commissioners, and the Commissioners shall not be required to take evidence, either oral, written, or documentary. The decision of the Commissioners on any question of fact involved in such appeal shall be final and conclusive. Pending such appeal the license shall stand suspended unless the Commissioners shall otherwise order.

Said Board shall have such other authority and perform such other duties as the Commissioners may, by regulation, prescribe.

SEC. 7. The Commissioners are hereby authorized to prescribe such rules and regulations not inconsistent with this Act as they may deem necessary to carry out the purposes thereof and to control and regulate the manufacture, sale, keeping for sale, offer for sale, solicitation of orders for sale, importation, exportation, and transportation of alcoholic beverages in the District of Columbia for the protection of the public health, comfort, safety, and morals.

The Commissioners shall have specific authority to make rules and regulations for the issuance, transfer, and revocation of licenses; to facilitate and insure the collection of taxes; to govern the operation of the business of licensees, with full power and authority to prescribe the terms and conditions under which alcoholic beverages may be sold by each class of licensees; to forbid the issuance of licenses for manufacture, sale, or storage of alcoholic beverages in such localities in, and such sections and portions of, the District of Columbia as they may deem proper in the public interest; to limit the number of licenses of each class to be issued in the District of Columbia and to limit the number of licenses of each class in any locality in, or sections or portions of, the District of Columbia as they may deem proper in the public interest; to forbid the issuance of licenses for businesses conducted on such premises as they, in the public interest, may deem inappropriate; to forbid the issuance of any class or classes of licenses for businesses established subsequent to the date of enactment of this Act near or around schools, colleges, universities, churches, or public institutions, to prescribe the hours during which

beverages may be sold and to forbid the sale on Sundays; but the Commissioners shall not authorize the sale by any licensee, other than the holder of a retailer's license, class E, of any beverages on Sundays other than light wines and beer, and any such sale is hereby prohibited. The powers and authorities expressly enumerated are to be construed as in addition to, and not by way of limitation of, the general powers herein granted. Different regulations may be prescribed for the different classes of licenses, for the different classes of beverages, and for different localities in or sections or portions of the District of Columbia.

Sunday sales.

Additional powers hereby vested.

Any regulations promulgated hereunder shall become effective five days after being published in any daily newspaper of general circulation in the District of Columbia. Such regulations may be altered or amended from time to time as the Commissioners may deem desirable. The Commissioners shall also have authority in any time of public emergency, without previous notice or advertisement, to prohibit the sale of any or all beverages during the period of such emergency.

Effective date of regulations.

Emergency exceptions.

SEC. 8. No provision of this Act shall apply to alcohol intended for use in the manufacture and sale of any of the following when they are unfit for beverage purposes, namely:

Alcohol for non-beverage purposes.

(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 any of the products enumerated in paragraphs (a), (b), (c), or (d), for beverage purposes, or who shall sell any of the same under circumstances from which he might reasonably deduce the intention of the purchaser to use them for such purposes, shall be subject to the penalties provided for in section 33 of this Act.

Penalty for unlawful sales.

Post, p. 336.

SEC. 9. (a) No individual, partnership, association, or corporation shall, within the District of Columbia, manufacture for sale, keep for sale, or sell any alcoholic beverage without having first obtained a license under this Act for such manufacture or sale, except as provided in sections 31 and 32 hereof.

Licenses. Manufacture, sale, etc., without, forbidden. Exception. Post, p. 335.

(b) No individual shall, within the District of Columbia, offer for sale or solicit any order for the sale of any alcoholic beverage, irrespective of whether such sale is to be made within or without the District of Columbia, unless such individual has first obtained a license of the character described in section 11, subsection (k).

Solicitor to obtain, regardless of place of sale. Post, p. 327.

Nothing in this subsection shall apply to any offer for sale or solicitation made upon the premises designated in the license of the vendor.

"On premises" excepted.

No individual shall within the District of Columbia offer any beverage for sale to, or solicit orders for the sale of any beverage from, any person not a licensee under this Act, irrespective of whether such sale is to be made within or without the District of Columbia.

Trading with a non-licensee forbidden.

(c) A physician may administer alcoholic beverages to a bona fide patient in cases of actual need when, in the judgment of the physician, the use of alcoholic beverages is necessary.

Physician.

(d) A dentist who deems it necessary that a bona fide patient being then under treatment by him is in actual need of and should be supplied with alcoholic beverages as a stimulant or restorative, may administer to the patient alcoholic beverages.

Dentist.

Veterinarian.

(e) A veterinarian who deems it necessary may, in the course of his practice, administer or cause to be administered alcoholic beverages to a dumb animal.

Hospital, etc.

(f) A person in charge of an institution regularly conducted as a hospital or sanatorium for the care of persons in ill health, or as a home devoted exclusively to the care of aged people, may administer or cause to be administered alcoholic beverages to any bona fide patient or inmate of the institution who is in need of the same, either by way of external application or otherwise for emergency medicinal purposes, and may charge for the alcoholic beverages so administered.

Licenses, to whom
may be issued.

SEC. 10. The Board is authorized to issue licenses to individuals, partnerships, or corporations, but not to unincorporated associations, on application duly made therefor, for the manufacture, sale, offer for sale or solicitation of orders for sale of alcoholic beverages within the District of Columbia. The Board shall keep a full record of all applications for licenses, and of all recommendations for and remonstrances against the granting of licenses and of the action taken thereon.

Records of applica-
tions for.

License classifica-
tions.

SEC. 11. Licenses issued under authority of this Act shall be of eleven kinds:

Manufacturer's, class
A.

(a) MANUFACTURER'S LICENSE, CLASS A.—To operate a rectifying plant, a distillery, or a winery. Such a license shall authorize the holder thereof to operate a rectifying plant for the manufacture of the products of rectification by purifying or combining alcohol, spirits, wine, or beer; a distillery for the manufacture of alcohol or spirits by distillation or redistillation; or a winery for the manufacture of wine; at the place therein described, but such license shall not authorize more than one of said activities, namely, that of a rectifying plant, a distillery or a winery, and a separate license shall be required for each such plant. Such a license shall also authorize the sale from the licensed place of the products manufactured under such license by the licensee to another license holder for resale or to a dealer outside of the District of Columbia for resale. It shall not authorize the sale of beverages to any other person except as may be provided by regulations promulgated by the Commissioners under this Act. The annual fee for such license for a rectifying plant shall be \$3,500; for a distillery shall be \$3,500; and for a winery shall be \$500: *Provided, however,* That if a manufacturer shall operate a distillery only for the manufacture of alcohol and more than 50 per centum of such alcohol is sold for nonbeverage purposes, the annual fee shall be \$1,000. If said manufacturer holding a license issued at the rate last mentioned shall sell during any license period 50 per centum or more of said alcohol for beverage purposes, he shall pay to the Collector of Taxes the difference between the license fee paid and the license fee for a distiller of spirits.

Separate license for
each plant.
Further provisions.

Annual fee.

Proviso.
Nonbeverage distil-
lery.

If 50% or more alco-
hol is sold for beverage
purposes.

Manufacturer's, class
B.

(b) MANUFACTURER'S LICENSE, CLASS B.—To operate brewery. Such a license shall authorize the holder thereof to operate a brewery for the manufacture of beer at the place therein described. It shall also authorize the sale from the licensed place of the beer manufactured under such license to another license holder for resale or to a dealer outside of the District of Columbia for resale, or to a consumer. Said manufacturer may sell beer to the consumer only in barrels, kegs, and sealed bottles and said barrels, kegs, and bottles shall not be opened after sale, nor the contents consumed, on the premises where sold. The annual fee for such license shall be \$2,500.

"On sale" by, forbid-
den.

Annual fee.

(c) **WHOLESALEERS' LICENSE, CLASS A.**—Such a license shall authorize the holder thereof to sell beverages from the place therein described to another license holder for resale or to a dealer outside of the District of Columbia for resale and, in addition, in the case of beer or light wines, to a consumer, said beverages to be sold only in barrels, kegs, sealed bottles, and other closed containers, which said barrels, kegs, sealed bottles, and other closed containers shall not be opened after sale, nor the contents consumed, on the premises where sold.

Wholesalers', Class A.
Post, p. 654.

No holder of such a license except a wholesale druggist or a wholesale grocer shall be engaged in any business on the premises for which the license is issued other than the sale of alcoholic and nonalcoholic beverages.

Restriction on use of premises.

The annual fee for such license shall be \$1,500.

Annual fee.
Wholesaler's, Class B.

(d) **WHOLESALEER'S LICENSE, CLASS B.**—Such a license shall authorize the holder thereof to sell beer and light wines from the place therein described to another license holder for resale or to a dealer outside of the District of Columbia for resale or to a consumer in barrels, kegs, sealed bottles, and other closed containers, which said barrels, kegs, sealed bottles, and other closed containers shall not be opened after sale nor the contents consumed on the premises where sold.

The annual fee for such license shall be \$750.

Annual fee.
Retailer's, Class A.
"Off sale" of all alcoholic beverages.

(e) **RETAILER'S LICENSE, CLASS A.**—Such a license shall authorize the holder thereof to sell beverages from the place therein described and to deliver the same in the barrel, keg, sealed bottle, or other closed container in which the same was received by the licensee, which said barrel, keg, sealed bottle, or other closed container shall not be opened nor the contents consumed on the premises where sold. Such license shall not authorize the licensee to sell to other licensees for resale.

Restriction.

The annual fee for such license shall be \$750.

(f) **RETAILER'S LICENSE, CLASS B.**—Such a license shall authorize the holder thereof to sell beer and light wines from the place therein described and to deliver the same in the barrel, keg, sealed bottle, or other closed container in which the same was received by the licensee, which said barrel, keg, sealed bottle, or other closed container shall not be opened nor the contents consumed on the premises where sold. Such license shall not authorize the licensee to sell to other licensees for resale.

Annual fee.
Retailer's, Class B.
"Off sale" of beer and light wines.

Restriction.

The annual fee for such license shall be \$100.

(g) **RETAILER'S LICENSE, CLASS C.**—Such a license shall be issued only for a bona fide restaurant, hotel, or club, or a passenger-carrying marine vessel serving meals, or a club car or a dining car on a railroad. It shall authorize the holder thereof to keep for sale and to sell spirits, wine and beer at the place therein described for consumption only in said place. Except in the case of clubs and hotels no beverage shall be sold or served to a customer in any closed container. In the case of restaurants and passenger-carrying marine vessels and club cars or dining cars on a railroad, said spirits and wine, except light wines, shall be sold or served only to persons seated at public tables and beer and light wines shall be sold and served only to persons seated at public tables or at bona fide lunch counters, except that spirits, wine, and beer may be sold or served to assemblages of more than six individuals in a private room when such room has been previously approved by the Board. In the case of hotels, said beverages may be sold and served only in the private room of a registered guest or to persons seated at public tables or to assemblages of more than six individuals in a private room, when

Annual fee.
Retailer's, Class C.
Restaurants, hotels, etc., serving meals.
Sale of spirits, for consumption on premises.

such room has been previously approved by the Board. Beer and light wines may also be sold and served to persons seated at bona fide lunch counters. And in the case of clubs, said beverages may be sold and served in the private room of a member or guest of a member, or to persons seated at tables. No license shall be issued to a club which has not been established for at least three months immediately prior to the making of the application for such license.

Annual fees.

The fee for such a license shall be for a restaurant, \$500 per annum; for a hotel, under one hundred rooms, \$500 per annum; for a hotel of one hundred or more rooms, \$1,000 per annum; for a club, \$250 per annum; for a marine vessel serving meals, \$50 per month or \$500 per annum; and for each railroad dining car or club car, \$2 per month or \$20 per annum.

Retailer's, Class D.
Sales of beer and light
wines by restaurants,
etc., serving meals.

(h) **RETAILER'S LICENSE, CLASS D.**—Such a license shall be issued only for a bona fide restaurant, tavern, hotel, or club, or a passenger-carrying marine vessel serving meals, light lunches, or sandwiches, or a club car or a dining car on a railroad. Such a license shall authorize the holder thereof to sell beer and light wines at the place therein described for consumption only in said place. Except in the case of clubs and hotels, no beer or light wines shall be sold or served to a customer in any closed container. In the case of restaurants, taverns, and passenger-carrying marine vessels and club cars or dining cars on a railroad, said beer shall be sold or served only to persons seated at public tables or at bona fide lunch counters, except that beer and light wines may be sold or served to assemblages of more than six individuals in a private room when such room has been previously approved by the Board. In the case of hotels, beer may be sold and served only in the private room of a registered guest or to persons seated at public tables or at bona fide lunch counters or to assemblages of more than six individuals in a private room when such room has been previously approved by the Board. And in the case of clubs, beer and light wines may be sold and served in the private room of a member or guest of a member, or to persons seated at tables. No license shall be issued to a club which has not been established for at least three months immediately prior to the making of the application for such license.

"On premises" only.

Closed containers.

Served at public
tables or bona fide
lunch counters only.

Exceptions.

Club provisions.

Annual fees.

The annual fee for such a license shall be \$200; except that in the case of a marine vessel, the fee shall be \$20 per month or \$200 per annum, and in the case of each railroad dining car or club car, \$1 per month or \$10 per annum.

Retailer's, Class E.
Druggists, selling
beverages on physi-
cians' prescription.

(i) **RETAILER'S LICENSE, CLASS E.**—Such a license shall authorize a person entitled to retail, compound, and dispense medicines and poisons, to sell from the place therein described, beverages in sealed packages, not to exceed one quart each, for medical purposes, and only upon prescription of a duly licensed practicing physician for liquors as defined by the United States Pharmacopoeia. Such package shall not be opened after sale, nor its contents consumed, on the premises where sold. Such prescription, when filled, shall be canceled by writing across its face the word "Canceled" together with the date on which it is presented and filled, and such prescriptions shall be numbered consecutively as filled and kept on file in consecutive order. No such prescription shall be refilled. The annual fee for such license shall be \$25.

Annual fee.

Retailer's, Class F.
Sales of beer, etc., at
public gatherings.

(j) **RETAILER'S LICENSE, CLASS F.**—Such license shall authorize the holder thereof temporarily to sell beer and light wines on the premises therein described for consumption on the premises where sold. Such permits may be issued for a banquet, picnic, bazaar, fair, or similar public or private gathering, where food is served for consumption on the premises. No beer or light wines shall be sold or

served to a customer in any unopened container. The issuance of such a permit shall be solely in the discretion of the Board. The fee for each such license shall be \$5 per day.

(k) **SOLICITOR'S LICENSES.**—Such a license shall authorize the licensee to offer for sale to or solicit orders from licensees for the sale of any beverage.

A solicitor's license shall set forth the name of the vendor whom the solicitor represents and such solicitor shall not represent any vendor whose name does not appear upon such license.

The annual fee for such license shall be \$100.

Nothing in this Act shall be construed as repealing any portion of section 7 of the District of Columbia Appropriation Act for the fiscal year ending June 30, 1903, approved July 1, 1902, as amended.

SEC. 12. (a) The holder of a manufacturer's or wholesaler's license issued hereunder shall not be entitled to hold any other class of license. A person, not licensed hereunder, owning an establishment for the manufacture of beverages located outside the District of Columbia may hold one wholesale license, and shall not be entitled to hold any other license.

(b) No licensee holding a retailer's license, class C or class D, shall, by direct ownership, stock ownership, or interlocking directors, hold, directly or indirectly, any license other than retailer's licenses class C, class D, or class E. No licensee holding a retailer's license class A or class B shall, by direct ownership, stock ownership, or interlocking directors, hold, directly or indirectly, more than one license except retailer's licenses class E. When used in this subsection the word "licensee" shall include any stockholder holding directly or indirectly 25 per centum or more of the common stock or any officer of such licensee if such licensee is a corporation.

SEC. 13. Every license shall particularly describe the place where the rights thereunder are to be exercised, and beverages shall not be manufactured or kept for sale or sold by any licensee except at the place so described in his license: *Provided, however,* That the holder of a manufacturer's or wholesaler's license may store beverages, with the consent of the Board, upon premises other than the premises designated in the license. Every annual license shall date from the 1st day of February in each year and expire on the 31st day of January next after its issuance, except as hereinafter provided. Licenses issued at any time after the beginning of the license year shall date from the first day of the month in which the license was issued and end on the last day of the license year above described, and payments shall be made of the proportionate amount of the annual license fee. Every monthly license shall date from the first day of the month in which it is issued and expire on the last day of the month named in the license. Monthly licenses shall not be issued for periods exceeding six months.

SEC. 14. (a) Any individual, partnership, or corporation desiring a license under this Act shall file with the Board an application in such form as the Commissioners may prescribe, and such application shall contain such additional information as the Board may require, and (except in the case of an application for a manufacturer's license, retailer's license class E, or solicitor's license) shall contain a statement setting forth the name and address of the true and actual owner of the premises upon which the business to be licensed is to be conducted. Before a license is issued the Board shall satisfy itself:

1. That the applicant, if an individual, or, if a partnership, each of the members of the partnership, or if a corporation, each of its

Fee.

Solicitor's licenses.

Vendor represented to be stated.

Annual fee.

Certain license tax provisions not repealed.
Vol. 32, p. 622.

Manufacturer or wholesale dealer prohibited from holding another class license.

Establishments outside the District.

Retail licensees C or D; restrictions.

"Licensee" construed.

Premises to be described in license.

Proviso.
Storehouse provision.

License year.

Fractions.

Monthly licenses.

Qualifications of applicants.

Owner of business premises to be stated.

Information to be furnished.

Applicant's character etc.

principal officers and directors, is of good moral character and generally fit for the trust to be in him reposed.

Citizenship, age, etc.

2. That the applicant, if an individual, or, if a partnership, each of the members of the partnership, or, if a corporation, each of its principal officers, is a citizen of the United States, not less than twenty-one years of age, and has not, within five years prior to the filing of such application, been convicted of a misdemeanor under the National Prohibition Act, as amended and supplemented, or, within ten years prior to such filing, been convicted of any felony.

Prior offenses.

Ownership, etc., statement.

3. Except in the case of an application for a solicitor's license, that the applicant is the true and actual owner of the business for which the license is desired, and that he intends to carry on the business authorized by the license for himself and not as the agent of any individual, partnership, association or corporation, and that he intends to superintend in person the management of the business licensed, or intends to have some other person, to be approved by the Board, manage the business for him, which said manager must possess all of the qualifications required of a licensee hereunder.

Interest of manufacturer in retail business, etc.

4. That in the case of an applicant for a wholesaler's license or a retailer's license (except a retailer's license class E), no manufacturer or wholesaler of beverages other than the applicant (including a stockholder holding 25 per centum or more of the common stock, or an officer of any manufacturer or wholesaler of beverages, if such manufacturer or wholesaler is a corporation), has such a substantial interest, direct or indirect, in the business for which the license is requested, or in the premises in respect of which such license is to be issued, as in the judgment of the Board may tend to influence such licensee to purchase beverages from such manufacturer or wholesaler, and that such business will not be conducted with any money, equipment, furniture, fixtures, or property rented from or loaned or given by any such manufacturer or wholesaler (including such stockholder or officer) or sold by such manufacturer or wholesaler (including such stockholder or officer) to any such licensee for less than the fair market value or upon a conditional sale agreement or chattel trust.

Character of premises.

5. That the place for which the license is to be issued is an appropriate one considering the character of the premises, its surroundings, and the wishes of the persons residing or owning property in the neighborhood of the premises for which the license is desired.

Advertising application for retailer's license required.

(b) Before granting a retailer's license, except a retailer's license class E or class F, the Board shall give notice by advertisement published once a week and for at least two weeks in some newspaper of general circulation published in the District of Columbia. The advertisement so published shall contain the name of the applicant and a description by street and number, or other plain designation, of the particular location for which the license is requested and the class of license desired. Such notice shall state that remonstrants are entitled to be heard before the granting of such licenses and shall name the time and place of such hearing. There shall also be posted by the Board a notice, in a conspicuous place, on the outside of the premises. This notice shall state that remonstrants are entitled to be heard before the granting of such license and shall name the same time and place for such hearing as set out in the public advertisement; and, if remonstrance against the granting of such license is filed, no final action shall be taken by the Board until the remonstrant shall have had an opportunity to be heard, under rules and regulations prescribed by said Board. Any person willfully removing, obliterating, marring, or defacing said notice shall be deemed guilty of a violation of this Act.

Hearing of protests.

Posting notice on premises.

Deferring action pending opportunity of remonstrant to be heard.

Defacing, etc., notices.

(c) Except in the case of a retailer's license class C or class D, to be issued for a hotel or club, or a retailer's license class B or class E, no place for which a license under this Act has not been issued and in effect on the date the written objections hereinafter provided for are filed, shall be deemed appropriate if the owners of a majority of the real property within a radius of six hundred feet of the boundary lines of the lot or parcel of ground upon which is situated the place for which the license is desired, shall, on a form to be prescribed by the Commissioners and filed with the Board, object to the granting of such license. In determining the sufficiency of such objections the owners of all such property not lying within a residential use district as defined in the zoning regulations and shown in the official atlases of the Zoning Commission shall be taken as consenting to the granting of such license, except that the Commissioners shall have power to file objections on behalf of any property lying within such radius owned by the United States or the District of Columbia. This subsection shall be construed as a limitation upon the discretion of the Board in granting a license and not as a limitation upon the discretion of the Board in refusing a license: *Provided, however,* That none of the provisions of this Act shall prevent the Board from promulgating regulations to permit the lawful bona fide owners of warehouse receipts for bonded liquors stored in Government warehouses either in the District of Columbia or elsewhere from withdrawing such bonded liquors for personal use on payment to the Collector of Taxes for the District of Columbia, taxes at such rates as provided in this Act: *Provided,* That such bona fide holder of such warehouse receipts held legal title to such warehouse receipts prior to the passage of this Act.

Objections of property owners may be filed.

Sufficiency of, to be determined.

Proximity of Government property.

Provisos.
Removal of bonded liquor in Government warehouses.

Pre-existing title to be shown.

Application to be filed for each location; fee.

Bond.

Verification.

Penalty for false statements.

(d) A separate application shall be filed with respect to each place of business. The required license fee shall be paid to the Collector of Taxes and his duplicate receipt shall accompany the application for license. In the event the license is denied the fee shall be returned. Each application (except an application for a retailer's license, class F, or a solicitor's license) shall be accompanied by a bond on a form to be prescribed by the Commissioners, executed by the applicant with corporate surety approved by the Board, in the penal sum of \$1,000, said bond to run to the District of Columbia and be conditioned upon the payment by the applicant of any and all taxes due the District of Columbia under this Act and any and all fines that may be imposed upon the applicant under this Act. Said bond shall not become operative unless and until the license applied for is issued, and in the event said application is denied said bond shall be returned. Every such application shall be verified by the affidavit of the applicant, if an individual, or by all of the members of a partnership, or by the president or vice president of a corporation. If any false statement is knowingly made in such application, or in any accompanying statement under oath which may be required by the Commissioners or the Board, the person making the same shall be deemed guilty of perjury. The making of a false statement in any such application, or in any such accompanying statement, whether made with or without the knowledge or consent of the applicant, shall, in the discretion of the Board, constitute sufficient cause for the revocation of the license.

Issuing licenses in certain districts restricted.

Post, p. 074.
Hotel, club, etc., provisions.

SEC. 15. No retailer's licenses except of class E shall be issued for any business conducted in a residential-use district as defined in the zoning regulations and shown in the official atlases of the Zoning Commission, except for a restaurant or tavern conducted in a hotel,

apartment house, or club, and then only when the entrance to such restaurant or tavern is entirely inside of the hotel, apartment house, or club and no sign or display is visible from the outside of the building.

Wholesaler's, etc., establishments.

No wholesaler's license shall be issued for any establishment conducted in such residential-use district and no manufacturer's license shall be issued for any establishment conducted in a residential- or first commercial-use district as defined in the zoning regulations and shown in the official atlases of the Zoning Commission. Nothing herein contained shall be construed as permitting the establishment of a bottling works in violation of said zoning regulations.

Bottling works.

Transfer provisions.

SEC. 16. No license shall be transferred by the licensee to any other person or to any other place, except with the written consent of the Board, upon a regular application therefor in writing and after notice and hearing, as herein provided for an original application for license, and the fee to be paid by the party applying for such transfer shall be \$25, which shall be paid to the Collector of Taxes for the District of Columbia before such transfer is made:

Fee.

Proviso.
Conditions imposed.

Provided, That the Board shall not allow the transfer of the license of any person against whom there is pending in the courts or before the Board any charge of keeping a disorderly house, or of violating this law or the laws against gambling in the District of Columbia.

Revocation of licenses.

SEC. 17. If any licensee violates any of the provisions of this Act or any of the rules or regulations promulgated pursuant thereto or fails to superintend in person, or through a manager approved by the Board, the business for which the license was issued, or allows the premises with respect to which the license of such licensee was issued, to be used for any unlawful, disorderly, or immoral purpose, or knowingly employs in the sale or distribution of beverages any person who has, within five years prior thereto, been convicted of a misdemeanor under the National Prohibition Act, as amended and supplemented, or, within ten years prior thereto, been convicted of any felony, or such licensee otherwise fails to carry out in good faith the provisions of this Act, the license of said licensee may be revoked by the Board after the licensee has been given an opportunity to be heard in his defense, subject to review by the Commissioners as herein provided. In case a license issued hereunder shall be revoked, no part of the license fee shall be returned, and the Board may, in its discretion, subject to review by the Commissioners, as a part of the order of revocation provide that no license shall be granted for the same place for the period of one year next after such revocation, and in case such order shall be made, no license shall, during said year, be issued for said place or to a person or persons whose license is so revoked for any other location.

Unlawful use of premises.

Ex-convict employees.

Hearing permitted.
No part of fee to be returned.

Discretionary closing for ensuing year.

Manufacturer of beverages; interest in certain business forbidden.

SEC. 18. If any manufacturer of beverages, whether licensed hereunder or not, by direct ownership, stock ownership, interlocking directors, mortgage, or lien, or by any other means shall have such a substantial interest, whether direct or indirect, in the business of any wholesale or retail licensee or in the premises on which said business is conducted as in the judgment of the Board may tend to influence such licensee to purchase beverages from such manufacturer, the Board may, in its discretion, revoke the license issued in respect of the business in which such manufacturer is interested, subject to review by the Commissioners as herein provided. No such manufacturer of beverages shall loan or give any money to any wholesale or retail licensee or sell to such licensee for less than the fair market value or upon a conditional sale agreement or chattel trust, or rent, loan or give to such licensee any equipment, furniture, fixtures or property, or give or sell any service to such

licensee for less than the fair market value thereof. No wholesale or retail licensee shall receive or accept any loan or gift of money from any such manufacturer or purchase from any such manufacturer for less than the fair market value or upon a conditional sale agreement or chattel trust, or rent from, borrow or receive by gift from such manufacturer any equipment, furniture, fixtures or property, or accept or receive any service from such manufacturer for less than the fair market value thereof. Nothing herein contained, however, shall prohibit the reasonable extension of credit by a manufacturer for beverages sold to a wholesale or retail licensee. When used in this section the word "manufacturer" shall include any stockholder holding directly or indirectly 25 per centum or more of the common stock or any officer of a manufacturer of beverages, if a corporation, whether licensed hereunder or not. This section shall not apply to retail licenses class E, or to the wholesale license held by a person not licensed hereunder owning an establishment for the manufacture of beverages.

Accepting favors etc., forbidden.

Extending credit permitted.

"Manufacturer" includes stockholder.

Druggists exempt.

Wholesaler of beverages. Interest in retail business, etc., forbidden.

SEC. 19. If any wholesaler of beverages, whether licensed hereunder or not, by direct ownership, stock ownership, interlocking directors, mortgage, or lien or by any other means shall have such a substantial interest either direct or indirect in the business of any retail licensee or in the premises on which said business is conducted as in the judgment of the Board may tend to influence such licensee to purchase beverages from such wholesaler, the Board may in its discretion revoke the license issued in respect of the business in which such wholesaler is interested, subject to review by the Commissioners as herein provided. No such wholesaler of beverages shall lend or give any money to any retail licensee or sell to such licensee for less than the fair market value or upon a conditional sale agreement or chattel trust, or rent, loan or give to such licensee any equipment, furniture, fixtures or property, or give or sell any service to such licensee for less than the fair market value thereof. No retail licensee shall receive or accept any loan or gift of money from any such wholesaler or purchase from any such wholesaler for less than the fair market value or upon a conditional sale agreement or chattel trust, or rent from, borrow or receive by gift from such wholesaler any equipment, furniture, fixtures, or property, or receive any service from such wholesaler for less than the fair market value thereof. Nothing herein contained, however, shall prohibit the reasonable extension of credit by a wholesaler for beverages sold to a retail licensee. When used in this section the word "wholesaler" shall include any stockholder holding directly or indirectly 25 per centum or more of the common stock or any officer of a wholesaler of beverages, if a corporation, whether licensed hereunder or not. This section shall not apply to retail licenses class E.

Accepting favors.

Extending credit not prohibited.

SEC. 20. Licenses issued hereunder shall not authorize the sale or delivery of beverages, with the exception of beer and light wines, to any person under the age of twenty-one years, or beer or light wines, to any person under the age of eighteen years, either for his own use or for the use of any other person; or the sale of beverages to any intoxicated person or to any person of notoriously intemperate habits or to any person who appears to be intoxicated; and ignorance of the age of any such minor shall not be a defense to any action instituted under this section. No licensee shall be liable to any person for damages claimed to arise from refusal to sell such alcoholic beverages.

Sale, etc., limitations.

Minors or intoxicated persons.

SEC. 21. If any person holding a license under this Act shall become bail for any person complained of for the violation of any provisions

Licenses becoming bail.

of this Act, his license shall become void as of the date of becoming such bail.

Reports by licensees required.

Post, pp. 654, 656.

SEC. 22. (a) Each holder of a manufacturer's license shall, on or before the 10th day of each month, furnish to the Board on a form to be prescribed by the Commissioners, a statement under oath, showing the quantity of each kind of beverages, except beer, manufactured during the preceding calendar month. Beverages shall not be considered as manufactured within the meaning of this section and section 23 until they are ready for sale.

(b) Each holder of a wholesaler's or retailer's license shall, on or before the 10th day of each month, furnish to the Board on a form to be prescribed by the Commissioners, a statement under oath, showing the quantity of each kind of beverages, except beer, purchased by him during the preceding calendar month, and also showing the date of each such purchase, the name of the person from whom purchased, giving the license number of the vendor, if licensed hereunder, and the quantity and kind of beverages in each such purchase.

Tax rates.

Post, pp. 654, 1014.

SEC. 23. There shall be levied and collected by the District of Columbia on all beverages, except beer, manufactured by a holder of a manufacturer's license and on all beverages, except beer, purchased by the holder of a wholesaler's or retailer's license, except such beverages as may have been purchased from a licensee under this Act, a tax of 35 cents for every wine gallon of wine containing more than 14 per centum of alcohol by volume, except champagne or any wine artificially carbonated, and at a like rate for any other quantity or for fractional parts thereof; a tax of 50 cents for every wine gallon of champagne or any wine artificially carbonated, and at a like rate for any other quantity or for the fractional parts thereof; a tax of 50 cents on every wine gallon of spirits, and at a like rate for any other quantity or for the fractional parts thereof; and a tax of \$1.10 on every wine gallon of alcohol, and at a like rate for any other quantity or for the fractional parts thereof. The taxes imposed by this section shall be paid to the Collector of Taxes of the District of Columbia on or before the fifteenth day of each month for beverages manufactured by the holders of manufacturers' licenses or purchased by the holders of wholesalers' or retailers' licenses during the preceding calendar month, and such taxes shall be deposited in the Treasury of the United States to the credit of the District of Columbia. No tax shall be levied and collected on any alcohol exempt from tax under the laws of the United States, or on any alcohol sold for nonbeverage purposes, in accordance with regulations promulgated by the Commissioners. If any Act of Congress shall hereafter prescribe for a Federal volume tax on alcoholic beverages under which a portion of said tax shall be returned to the District of Columbia, the taxes levied under this section shall not be collected after the effective date of such Act.

Wine gallon of wine.

Champagne, etc.

Spirits.

Alcohol.
Payment of taxes.

Licensees doing business outside of the District.

SEC. 24. No person holding a wholesaler's or retailer's license shall purchase any beverage, except beer or tax-free wines, from any manufacturer or wholesaler doing business outside of the District of Columbia and not holding a license issued under the provisions of this Act, and transport or cause the same to be transported into the District of Columbia for resale, unless such wholesaler or retailer has delivered to the Board a memorandum of the order for such beverages, in duplicate, on a form to be prescribed by the Board, one copy to be retained by the Board and the other copy to have noted thereon by the Board the fact of its delivery to the Board, which said last-mentioned copy of said order shall accompany the shipment of said beverages to the licensed premises. This section shall not apply to beverages transported into the District of Columbia on club

Common carriers.

cars or dining cars of a railroad or passenger-carrying marine vessels for sale thereon.

SEC. 25. No licensee under this Act shall allow any person who has, within five years prior thereto, been convicted of a misdemeanor under the National Prohibition Act, as amended and supplemented, or, within ten years prior thereto, been convicted of any felony, to sell, give, furnish, or distribute any beverage, nor allow any minor under the age of twenty-one years of age to sell, give, furnish, or distribute any beverage, except beer, or any minor under the age of eighteen years of age to sell, give, furnish, or distribute beer.

Limitation on employees distributing, etc., beverages.

SEC. 26. Said Board is hereby authorized and empowered to summon any person before it to give testimony on oath or affirmation, or to produce all books, records, papers, documents, or other legal evidence as to any matter affecting the operation of this Act and any member of said Board shall have the power to administer all oaths and affirmations for the purposes of the administration of this Act. Such summonses may be served by any member of the Metropolitan Police Department. If any witness having been personally summoned shall neglect or refuse to obey the summons issued as herein provided, then and in that event any member of the Board may report that fact to the Supreme Court of the District of Columbia or one of the justices thereof and said court or any justice thereof hereby is empowered to compel obedience to said summons to the same extent as witnesses may be compelled to obey the subpoenas of that court. Witnesses, other than those employed by the District of Columbia or the United States Government, summoned to appear before said Board shall be entitled to the same fees as are paid witnesses for attendance before the Supreme Court of the District of Columbia, but said fees need not be paid said witnesses in advance of their appearing and testifying, or producing books, records, papers, documents, or other legal evidence before said Board. Any person who shall willfully swear falsely in any proceeding, matter, or hearing before said Board shall be deemed guilty of perjury.

Taking testimony.

Witness fees allowed.

SEC. 27. (a) No person shall be intoxicated while in charge of or operating any locomotive or while acting as a conductor or brakeman of a car or train of cars, or while in charge of or operating any street car, elevator, watercraft or horse-drawn vehicle in the District of Columbia.

Operating conveyance, etc., while intoxicated, prohibited. Vol. 46, p. 1128.

(b) Any person violating the provisions of this section shall be punished by a fine of not more than \$300, or by imprisonment for not longer than three months, or by both such fine and imprisonment in the discretion of the court.

Punishment for.

(c) Nothing herein contained shall be construed as repealing or modifying any provision of the Act of Congress entitled "An Act to amend the Acts approved March 3, 1925, and July 3, 1926, known as the District of Columbia Traffic Acts, and so forth" approved February 27, 1931.

Traffic Acts of D.C. not affected. Vol. 46, p. 1424.

SEC. 28. (a) No person shall in the District of Columbia drink any alcoholic beverage in any street, alley, park or parking, or in any vehicle in or upon the same, or in any place to which the public is invited for which a license has not been issued hereunder permitting the sale and consumption of such alcoholic beverage upon such premises. No person shall be drunk or intoxicated in any street, alley, park or parking, or in any vehicle in or upon the same or in any place to which the public is invited or at any public gathering and no person anywhere shall be drunk or intoxicated and disturb the peace of any person.

Drinking, etc., in certain public places unlawful.

(b) Any person violating the provisions of this section shall be punished by a fine of not more than \$100 or by imprisonment for not

Punishment for.

more than thirty days or by both such fine and imprisonment in the discretion of the court.

(c) Section 11 of the Act of Congress entitled "An Act to prevent the manufacture and sale of alcoholic liquors in the District of Columbia, and for other purposes", approved March 3, 1917, as amended by the Act of Congress entitled "An Act to provide revenue for the District of Columbia by the taxation of beverages, and for other purposes", approved April 5, 1933, and section 20 of said Act approved March 3, 1917, are hereby repealed.

Vol. 39, p. 1127.
Ante, p. 28.

Search warrants.

SEC. 29. (a) A search warrant may be issued by any judge of the police court of the District of Columbia or by a United States Commissioner for the District of Columbia when any alcoholic beverages are manufactured for sale, kept for sale, or sold in violation of the provisions of this Act, and any such alcoholic beverages and any other property designed for use in connection with such unlawful manufacture for sale, keeping for sale, or selling may be seized thereunder, and shall be subject to such disposition as the court may make thereof, and such alcoholic beverages may be taken on the warrant from any house or other place in which it is concealed.

(b) A search warrant cannot be issued but upon probable cause supported by affidavit particularly describing the property and the place to be searched.

(c) The judge or commissioner must, before issuing the warrant, examine on oath the complainant and any witness he may produce, and require their affidavits or take their depositions in writing and cause them to be subscribed by the parties making them.

(d) The affidavits or depositions must set forth the facts tending to establish the grounds of the application or probable cause for believing that they exist.

(e) If the judge or commissioner is thereupon satisfied of the existence of the grounds of the application or that there is probable cause to believe their existence, he must issue a search warrant signed by him with his name of office to the major and superintendent of police of the District of Columbia or any member of the Metropolitan Police Department, stating the particular grounds or probable cause for its issue and the names of the persons whose affidavits have been taken in support thereof, and commanding him forthwith to search the place named for the property specified and to bring it before the judge or commissioner.

(f) A search warrant may in all cases be served by any of the officers mentioned in its direction, but by no other person, except in aid of the officer on his requiring it, he being present and acting in its execution.

(g) The officer may break open any outer or inner door or window of a house, or any part of a house, or anything therein, to execute the warrant, if, after notice of his authority and purpose, he is refused admittance.

(h) The judge or commissioner must insert a direction in the warrant that it be served in the daytime unless the affidavit is positive that the property is in the place to be searched in which case he must insert a direction that it be served at any time in the day or night.

(i) A search warrant must be executed and returned to the judge or commissioner who issued it within ten days after its date; after the expiration of this time the warrant, unless executed, is void.

(j) When the officer takes property under the warrant, he must give a copy of the warrant together with a receipt for the property taken (specifying it in detail) to the person from whom it was taken

by him, or in whose possession it was found; or, in the absence of any person, he must leave it in the place where he found the property.

Search warrants—
Continued.

(k) The officer must forthwith return the warrant to the judge or commissioner and deliver to him a written inventory of the property taken, made publicly or in the presence of the person from whose possession it was taken, and of the applicant for the warrant, if they are present, verified by the affidavit of the officer at the foot of the inventory and taken before the judge or commissioner at the time, to the following effect: "I, R. S., the officer by whom this warrant was executed, do swear that the above inventory contains a true and detailed account of all the property taken by me on the warrant."

(l) The judge or commissioner must thereupon, if required, deliver a copy of the inventory to the person from whose possession the property was taken and to the applicant for the warrant.

(m) The judge or commissioner must annex the affidavits, search warrant, return, inventory, and evidence, and at once file the same, together with a copy of the record of his proceedings, with the clerk of the police court.

(n) Whoever shall knowingly and willfully obstruct, resist, or oppose any such officer or person in serving or attempting to serve or execute any such search warrant, or shall assault, beat, or wound any such officer or person, knowing him to be an officer or person so authorized, shall be fined not more than \$1,000 or imprisoned not more than two years.

(o) If the accused be discharged, the beverages and other property seized shall be returned to the person in whose possession they were found; if he be convicted, the said beverages and other property shall be forfeited, and may be destroyed by the police department or delivered for medicinal, mechanical, or scientific uses to any department or agency of the United States Government or the District of Columbia government or any hospital or other charitable institution in the District of Columbia, or sold at public auction, as the court may direct.

(p) If any of said property so seized, other than the said beverages and the containers thereof, shall be subject to a lien which is established by intervention or otherwise to the satisfaction of the court as being bona fide and as having been created without the lienor's having any notice that said property was to be used in connection with the illegal manufacture for sale, keeping for sale, or selling of alcoholic beverages, the court, upon the conviction of the accused, shall order a sale of said property at public auction and the officer making the sale, after deducting the expenses of keeping the property, the fee for the seizure and the cost of the sale, shall pay all such liens according to their priorities, and such lien or liens shall be transferred from the property to the proceeds of the sale thereof.

SEC. 30. That any minor who falsely represents his age for the purpose of procuring any beverage shall be deemed guilty of a misdemeanor and be fined for each offense not more than \$25 and, in default in the payment of such fine, shall be imprisoned not exceeding ten days.

Minor misrepresenting age, to procure any beverage.

SEC. 31. After the date of the approval of this Act no permit shall be issued under the Act of Congress entitled "An Act to provide revenue for the District of Columbia by the taxation of beverages and for other purposes", approved April 5, 1933, and no permits issued thereunder shall be renewed, but the Commissioners are hereby authorized to extend the expiration dates of permits issued under said Act to a date designated by them, not to exceed sixty days after the approval of this Act, upon such terms and conditions, including

Permits to sell 3.2% beer.

Act, p. 25.

Temporary extension permitted.

- the payment of such fees as the Commissioners may prescribe. Any permittee thereunder may make an application for a license under this Act, and, if said application is approved by the Board, such permittee shall surrender his permit and he shall be allowed a refund of the permit fee prorated as hereinafter provided. Any permittee under said Act of April 5, 1933, may surrender his permit and receive a refund of the permit fee prorated from the date of surrender of such permit to the date of expiration thereof. All such refunds shall be paid from the permanent indefinite appropriation for refunding erroneously paid taxes in the District of Columbia. All permits issued under said Act of April 5, 1933, shall remain in force and effect for the respective periods for which they were issued, unless sooner surrendered. After the approval of this Act no taxes shall be collected under section 11 of the Act approved April 5, 1933.
- The said Act approved April 5, 1933, is repealed, effective one year from the date of approval of this Act.
- SEC. 32.** Any druggist or other person holding, on the date of the approval of this Act, a permit to manufacture, use, compound, or sell intoxicating liquors issued under the authority of the National Prohibition Act, as amended and supplemented, may, during such period of time as the Commissioners may designate, not to exceed sixty days after the approval of this Act, continue to manufacture, use, compound, and sell alcoholic beverages as provided in said permit notwithstanding the provisions of section 9 and section 36 of this Act, and the provision of section 11 (i) of this Act requiring the sale only of such liquors as are defined by the United States Pharmacopœia, but such manufacture, use, compounding, and sale shall be subject to all other provisions of this Act to the same extent as if such permittee were licensed hereunder. No rectified or blended spirits shall be sold under this section unless the container in which it is sold shall bear a label containing in letters not less than one inch high the legend: "Rectified spirits", or "Blended spirits", as the case may be.
- SEC. 33.** Whosoever violates any of the provisions of this Act for which no specific penalty is provided, or any of the rules and regulations promulgated pursuant thereto, shall be punished by a fine of not more than \$1,000 or by imprisonment for not longer than one year or by both such fine and imprisonment in the discretion of the court.
- Prosecutions for violations of this Act shall be on information filed in the police court by the corporation counsel or any of his assistants, except for such violations as are felonies, and prosecutions for such violations as are felonies shall be by the United States Attorney in and for the District of Columbia or any of his assistants.
- SEC. 34.** All laws which prohibit the sale of alcoholic beverages in certain defined sections or parts of the District of Columbia are hereby repealed.
- SEC. 35.** No holder of a retailer's license, except a retailer's license class E, shall sell on credit any beverages except beer and light wines. This section shall not prohibit a club from extending credit to its members or the guests of members or a hotel from extending credit to its registered guests.
- SEC. 36.** No rectified or blended spirits shall be sold unless the container in which it is sold shall bear a legible label firmly affixed thereto stating the nature and percentage of each ingredient therein (except water), the age of each such ingredient, and the alcoholic content of such spirits by volume.
- Refunds.**
- Taxes hereunder.**
Ante, p. 28.
- Repeal in one year.**
Ante, p. 25.
- Sales of spirits on hand by druggists.**
- Ante*, pp. 323, 326.
- Labeling requirements.**
- Fine, etc., where no specific penalty is provided.**
- Prosecutions for violations.**
- Inconsistent laws repealed.**
- Selling spirits on credit prohibited; exceptions.**
- Labeling, showing nature of spirits, etc.**

SEC. 37. Any offense committed, or any right accrued, or any penalty or obligation incurred, or any seizure or forfeiture made, prior to the effective date of this Act, under the provisions of the National Prohibition Act, as amended and supplemented, or under any permit or regulation issued thereunder, or under any other provision of law repealed by this Act, may be prosecuted or enforced in the same manner and with the same effect as if this Act had not been enacted.

Saving clause; continuing prosecutions, etc.

SEC. 38. If any provision of this Act, or the application thereof to any person or circumstances, is held invalid, the remainder of the Act, and the application of such provisions to other persons or circumstances, shall not be affected thereby.

Separability of provisions.

Approved, January 24, 1934.

[CHAPTER 5.]

AN ACT

Relating to contracts and agreements under the Agricultural Adjustment Act.

January 25, 1934.
[S. 2284.]
[Public, No. 86.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of section 3741 of the Revised Statutes (U.S.C., title 41, sec. 22) and sections 114 and 115 of the Criminal Code of the United States (U.S.C., title 18, secs. 204 and 205) shall not apply to any contracts or agreements heretofore or hereafter entered into under the Agricultural Adjustment Act.

Contracts, etc., under Agricultural Adjustment Act.
Participation in, by Members of Congress, etc., permitted.
R.S. sec. 3741, p. 737; Vol. 35, p. 1109; U.S.C., p. 475.

Approved, January 25, 1934.

[CHAPTER 6.]

AN ACT

To protect the currency system of the United States, to provide for the better use of the monetary gold stock of the United States, and for other purposes.

January 30, 1934.
[H. R. 6976.]
[Public, No. 87.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the short title of this Act shall be the "Gold Reserve Act of 1934."

Gold Reserve Act of 1934.
Post, p. 1060.

SEC. 2. (a) Upon the approval of this Act all right, title, and interest, and every claim of the Federal Reserve Board, of every Federal Reserve bank, and of every Federal Reserve agent, in and to any and all gold coin and gold bullion shall pass to and are hereby vested in the United States; and in payment therefor credits in equivalent amounts in dollars are hereby established in the Treasury in the accounts authorized under the sixteenth paragraph of section 16 of the Federal Reserve Act, as heretofore and by this Act amended (U.S.C., title 12, sec. 467). Balances in such accounts shall be payable in gold certificates, which shall be in such form and in such denominations as the Secretary of the Treasury may determine. All gold so transferred, not in the possession of the United States, shall be held in custody for the United States and delivered upon the order of the Secretary of the Treasury; and the Federal Reserve Board, the Federal Reserve banks, and the Federal Reserve agents shall give such instructions and shall take such action as may be necessary to assure that such gold shall be so held and delivered.

Gold coin and bullion.
Title of Federal Reserve Board, etc., vested in United States.

Payments.
Credits established.
Vol. 40, p. 238; U.S.C., p. 287.

Balances payable in gold certificates.

Custody and delivery.

(b) Section 16 of the Federal Reserve Act, as amended, is further amended in the following respects:

Federal Reserve notes.
Vol. 38, p. 265; U.S.C., p. 284; Post, p. 398.
Redemption in lawful money.

(1) The third sentence of the first paragraph is amended to read as follows: "They shall be redeemed in lawful money on demand at the Treasury Department of the United States, in the city of Washington, District of Columbia, or at any Federal Reserve bank."