

The Proposed Bill of N. C. Anti-Saloon League

A Bill to Be entitled—An Act to Promote Temperance and to Restrict the Receipt, Possession and Use of Spirituous, Vinous, Fermented or Malted Liquors or Intoxicating Bitters, and to Secure the Enforcement of the Laws Against the Sale and Manufacture of Such Liquors and Bitters in This State.

The General Assembly of North Carolina do enact:

Section 1.—That it shall be unlawful for any railroad company, express company, or other common carrier, or any agent, agent or employee of any such person, to transport into or to deliver in this State in any manner or by any means whatsoever any spirituous, vinous, fermented or malted liquors or intoxicating bitters of any kind from any other State, Territory or District of the United States, or place non-contiguous thereto, subject to the jurisdiction of the United States, or from any foreign country, to any person, firm or corporation within the territory of this State, when the said liquors or bitters, or any of them, are intended to be received, possessed, sold or in any manner used, either in the original package or otherwise, in violation of the law of this State or of any other State, Territory or District of the United States, or of any law that may hereafter take effect in this State.

Section 2.—That it shall be unlawful for any person, firm or corporation to accept from corporations, companies, or any persons mentioned in Section 1 of this Act, any delivery of the liquors or intoxicating bitters mentioned in Section 1, or any of them, when transported into or delivered in this State in any manner or by any means whatsoever from the points or places mentioned in Section 1 of this Act, when the said person, firm or corporation is accepting such delivery with intent to receive, possess, sell or in any manner use, in the original package or otherwise, the said liquors or bitters, or any of them, in the violation of the law of this State or of any other State, Territory or District of the United States, or of any law that may hereafter take effect in this State.

Section 3.—That it shall be unlawful for any railroad company, express company, or other common carrier, or any agent, agent or employee of any of them, or any other person, to deliver any liquors or bitters of the kind mentioned in Section 1 of this Act (1) to any person whomsoever, when said liquors have been consigned to a fictitious person, firm or corporation, or to a person, firm or corporation under a fictitious name; or (2) to any person, firm or corporation at any hour on Sunday, or Christmas day, or the day preceding Christmas, or before twelve A. M. and after 5 o'clock P. M., on any day on which delivery may legally be made; or (3) to any person who is intoxicated; or (4) to any minor; or (5) to any person during any day on which any election or primary election, State, county or municipal, or for any other district, is held in this State, or on the day preceding the holding of any such election, this inhibition to be enforced with in the territory, whether State, county or municipal, or any other district, for which the election is held; and it shall be unlawful for any person to receive or accept delivery, or acquire possession, of any of such liquors or bitters mentioned in Section 1 of this Act when delivery is made to any person or at any time contrary to the inhibition of this Section.

Section 4.—That it shall be unlawful for any person to possess or have in possession any spirituous, vinous, or malted liquors. Provided, however, that this section shall not be construed to prohibit the possession of two quarts or less of spirituous liquor, one hundred per cent proof, or three gallons of malt liquors, containing not more than five per centum of alcohol, for medicinal use, or five gallons of vinous liquor for sacramental or medical use. But this section shall not modify or affect the provisions of Section 5 relating to the receipt and possession of liquors obtained from carriers.

Section 5.—That it shall be unlawful for any person in this State to receive, directly or indirectly, any spirituous, vinous, malt, fermented or any intoxicating liquors or ciders or bitters, from a common or other carrier; and it shall also be unlawful for any person in this State to possess said liquors, or any of them, received directly from a common or other carrier in this State. This section shall apply to such liquors for personal use as well as for other purposes and to interstate as well as intrastate shipments or carriers. Provided, however, that wine for sacramental purposes, not to exceed three gallons during the period of three months, may be received and possessed when ordered or received and possessed by the pastor or other church officer, duly authorized to provide the elements for the celebration of the Lord's Supper by a church organization.

Section 6.—That it shall be unlawful to sell or manufacture for sale in this State vinous liquor. Provided, however, that a person may manufacture for consumption in his own private home five (5) gallons of wine, and no more, during a calendar year, and have the same in his possession for such consumption. It shall also be unlawful to sell or otherwise dispose of, or make for sale, fermented or hard cider containing more than two per centum of alcohol, although made from fruits grown by the seller or maker on his land; Provided, this section shall not prohibit the manufacture of cider from fruit for the purpose of making vinegar not used as a beverage; and it shall also be unlawful to sell or otherwise dispose of beer, near-beer, or any imitation of beer. Any liquor or beverage that possesses the same color, odor and general appearance as beer, or the same taste, color and general appearance as beer, shall be deemed to be within the inhibition of this Section, although the same may be deemed to be within the inhibition of this Section, although the same may be non-alcoholic, and non-intoxicating, it being necessary to enact this Section and all provisions thereof in order to prevent evasions of the law against selling malt liquors or beer, and alcoholic and intoxicating beer.

Section 7.—That it shall be unlawful for any person, firm or corporation to store, keep, possess, or have in possession, or permit another to store, keep, possess, or have in possession, any of the liquors or intoxicating bitters mentioned in Section 1 of this Act, in or at any fruit stand, restaurant, store, or in any club or room of any social or fraternal organization or any other organization or association, or in any public building of the State, county, or municipality or district, or at any room or place where a bowling alley or any billiard or pool table is maintained or operated for gain; this Section being deemed by the Legislature necessary to prevent evasions of the law against the sale or barter of such liquors, for which evasion such places furnish ready facilities, and for the preservation of the public order. And it shall also be unlawful for any person, firm or corporation engaged in the business of selling or dealing in soft drinks or non-prohibited beverages to keep, possess or store on the premises any of the liquors or bitters mentioned in Section 1 of this Act, and any sale or storage of such prohibited liquors and bitters by any person engaged in the business of dealing in soft drinks shall forfeit the license of said party, whether State, county or municipal.

Section 8.—That it shall be unlawful for any person, firm, corporation or association to receive for storage, distribution, or on consignment for another, the liquors and bitters mentioned in Section 1 of this Act, or any of them; and it shall be unlawful for any person, firm, corporation or association to have or maintain any warehouse or other place for the receiving, storing or distribution of such liquors or bitters, or any of them, for another. And it shall be unlawful to convey or transport over or along any

public street or highway any of said liquors or bitters for another.

Section 9.—That it shall be unlawful for any person, firm or corporation in this State, in person, by letter, circular or other written or printed matter, or in any other manner, to solicit or take orders in this State for any of the liquors or bitters mentioned in Section 1 of this Act; and the inhibition of this Section shall apply to such liquors and bitters whether the parties intend that the same shall be shipped into this State from outside of the State or from one point in the State to another. If such order be in writing, parole evidence thereof is admissible without producing or accounting for the absence of the original; and the taking, receiving or soliciting of such orders is within the inhibition of this Section, although the orders are subject to approval by some other person, and no part of the price is paid, nor any part of the goods delivered when the order is taken.

Section 10.—Whereas it is the public policy of the State to discourage the use and consumption of the liquors and bitters named in Section 1 of this Act, and to secure the strict enforcement of the law against the manufacture, sale, keeping for sale or other disposition within this State, that is to say of alcoholic, spirituous, vinous or malt liquors, such as brandy, whiskey, rum, cider, gin, wine, and beer, and other intoxicating liquors and bitters and all liquors and bitters prohibited by the law of North Carolina to be manufactured, sold, received or possessed in this State; therefore, it is hereby made unlawful: (1) to advertise upon any street car, railroad car, or other vehicle of transportation, or at any public place or resort, or upon any sign or bill board, or by circulars, posters, price lists, newspapers, periodicals, or otherwise within this State said liquors and bitters, or any of them; or to advertise the manufacture, sale, keeping for sale or furnishing of any of them, or the person from whom, or the firm or corporation from which, or the place where, or the price at which, or the method by which the same or any of them may be obtained; (2) to circulate or publish any newspaper, periodical, or other printed or written matter in which any advertisement specified in this Section shall appear, or to permit any sign or bill board containing such advertisement to remain upon one's premises; or to circulate any price list, order blanks, or other matter for the purpose of inducing or securing orders for such liquors, bitters, or any of them, no matter where located. Any sheriff, constable, or police officer is authorized, and it shall be his duty, to remove any such advertisement from an sign, bill board or other public place when it comes to his notice, and he shall do so upon demand of any citizen. And any advertisement or notice containing a picture of a brewery, distillery, bottle, keg, barrel or box, or other receptacle represented as containing any of such liquors or bitters or designed to serve as an advertisement thereof, shall be within the inhibition of this Section.

Section 11.—That no liquors or bitters of the kind mentioned in Section 1 of this Act shall be kept in any locker or other place in any social club or fraternal organization, or in the club rooms of any association of persons, and all persons carrying such liquors or bitters to such clubs or lockers for use therein, or keeping the same there, shall be guilty of a violation of this Section.

Section 12.—That it shall be unlawful for any person, firm, corporation or association, directly or indirectly, to keep or maintain, or in any manner to aid or abet in keeping or maintaining any of the following places which are hereby declared to be unlawful drinking places: (1) Any place or resort where any of the liquors or bitters mentioned in Section 1 of this Act, are kept to be drunk upon or about the premises by persons resorting thereto for that purpose; (2) any club room or other place where are received or kept for the purpose of barter or sale, or use, or gift as a beverage, or for distribution or division among, or furnished to, or used by members of any club or association of persons by any means whatever, the said liquors and bitters; (3) any club room or room of any association of persons in which said liquors and bitters, or any of them, are kept or stored for the purpose of being drunk or consumed by the members of such club or other association of persons or their guests, or others, on the premises, or at or near the place where the same, or any of them, are kept or stored; (4) any place adjacent to or near the premises of any club, corporation or association, or other combination of persons to which members or their guests, or others by the permission of the members, resort for the purpose of drinking the said liquors and bitters, or any of them, that are kept at or near such places.

Any of the places herein designated, if kept or maintained, shall be and constitute an unlawful drinking place, and the act of keeping or maintaining any such room or place shall be deemed a separate offense for each day that it continues. Any place or room kept or maintained in violation of the provisions of this Section shall be deemed a common nuisance and may be abated by writ of injunction issued out of a Superior Court upon a bill filed in the name of the State by the State Attorney-General, or any district or county attorney whose duty requires him to prosecute criminal cases on behalf of the State, in the county where the nuisance is maintained, or by any citizen or citizens of such county, such bill to be filed in the county in which the nuisance exists. And all

rules of evidence and the practice and procedure that pertain to injunction procedure hereunder.

Any chartered club or incorporated association of persons under the laws of North Carolina that is guilty of violating any of the provisions of this Section, or maintains or keeps any such place as hereinabove described, shall forfeiture may be declared by a proceeding in quo waro or other appropriate action against the club or incorporated association in a court of competent jurisdiction in the county where the unlawful act is committed.

Section 13.—That if any person, firm or association, or corporation, shall have or keep in his, their or its possession, any spirituous, vinous or malt liquors in violation of any State law now existing or of this Act, or any law that shall hereafter take effect herein, the sheriff or other officer of any county, city or town, who shall seize such liquors as provided by Chapter 44, public Laws of one thousand nine hundred and thirteen, or by any other authority provided by law, is hereby authorized and required to seize and take into his custody any vessel, boat, cart, carriage, automobile, and every vehicle and beast, or either, together with all the teams used in conveying or drawing such vehicles and all appurtenance and all equipment, trapping, and other appurtenances of such boat, team, or vehicle, and all horses or other animals or things used in conveying, concealing or removing such spirituous, vinous or malt liquors, and safely keep the same until the guilt or innocence of the defendant has been determined upon his trial for the violation of any such law making it unlawful to so keep in his, their or its possession any spirituous, vinous or malt liquors, and upon conviction of a violation of said law, the said property and appurtenances hereinabove described shall be subject to forfeiture and all right, title and interest of all persons in and to said property or thing so seized shall be forfeited and lost to the State of North Carolina; and it shall be the duty of the sheriff or other officer of any county, city, or town having in his possession said vessel, boat, cart, carriage, automobile and all horses and other animals or things hereinabove described so used in conveying, concealing or removing such spirituous, vinous and malt liquors, to advertise and sell the same under the law covering the sale of personal property under execution.

Section 14.—That in the event the sheriff or other officer shall, at the time of seizing said spirituous, vinous or malt liquors and other property and things hereinabove described, or any of them, fail to capture the owner or party in possession and so using said vehicles, animals and things above described, to convey, conceal or remove such spirituous, vinous or malt liquors, he shall advertise for the owner or owners to come forward and institute the proper proceeding to secure possession of said property, and upon the failure of any person to so come forward and surrender himself to the sheriff, to the end that the question of whether the said property was used as set in this Act, may be determined, and upon the failure of such person to come forward, if an individual, in person, and make such claim within thirty (30) days after such notice shall have appeared in at least one issue of some newspaper published in the county where such seizure was made, and after such notice and time, the sheriff or other officer, as above described, shall advertise such property so seized for sale, and sell the same as provided in this Act; and the proceeds derived from the sale of such property, after paying for the reasonable expenses of such sale, shall be paid by the sheriff to the county treasurer and be applied by the treasurer to the credit of the public school fund of said county, and the said sale shall pass all right, title and interest of every party or person in and to the said property so seized and sold. In the event no newspaper is published in the county, notice of the sale by the sheriff or other officer shall be given by posting a notice at the court house door of the county for ten (10) days, requiring the person to come forward and make claim within thirty (30) days af-

ter the expiration of the said ten days and after such notice and time in such cases, the sheriff or other officer shall advertise such property so seized, for sale, and sell the same as provided in this Act, the proceeds to be devoted in the manner already prescribed, and the said sale shall also pass all right, title and interest of every person in and to the said property so seized and sold.

Section 15.—That in the prosecution of violations of this Act any common carrier, or any other person or transportation agency doing business in the State of North Carolina shall be required to produce any books, documents, or records in its possession, or under its control, throwing any light upon such prosecution, when commanded by process issued under the authority of any State or Federal court, and shall be required to permit an examination to be made of such by any officer of the State whose duty it is to prosecute crime, where such information is sought in the aid of any criminal prosecution, or as the means to ferret out criminals or persons charged with or suspected of crime.

Section 16.—That no person shall be excused from testifying before the grand jury or on the trial in any prosecution for any violation of this Act, or other laws of this State for the promotion of temperance and the suppression of the evils of intemperance; but no disclosure or discovery made by such persons is to be used against him in any criminal or penal prosecution for or on behalf of the matters disclosed.

Section 17.—That in all prosecutions under this Act for unlawful shipments of liquor or bitters mentioned in Section 1, the offense shall be held to have been committed in any county of the State through which or into which said liquors or bitters have been carried or transported, or in which they have been unloaded, or in which they have been delivered or conveyed for delivery; and this applies whether the said liquors and bitters are shipped into the State from outside of the State, or shipped or transported from one point in the State to any other point in the State; the circuit court held in the county from which, through which, or to which such shipments are made, or in which delivery of any such shipment is made, shall have jurisdiction for the trial of such violations of this Act, and the grand jury of such counties shall be vested with inquisitorial powers over violations of this Act, and the circuit judges shall call attention to this Act in charging the grand jury.

Section 18.—That the provisions of this Act shall not apply to grain alcohol received by duly licensed physicians, druggists, dental surgeons, college university and State laboratories, and manufacturers of medicine, when intended to be used in compounding, mixing or preserving medicines or medical preparations, or for surgical purposes, when obtained as herein after provided: Provided, however, that nothing contained in this Act shall prohibit the importation into the State of North Carolina, and the delivery and possession in said State, for use in industry, manufacture and arts, of any denatured alcohol or other denatured spirits, which are compounded and made in accordance with the formulae prescribed by acts of Congress of the United States and regulations made under authority thereof by the Treasury Department of said United States, and the Commissioner of Internal Revenue thereof, and which are not now subject to internal revenue tax levied by the government of the said United States: Provided, further, that this act shall not apply to transportation and possession of wines and liquors required and used by hospitals and sanatoria bona fide established and maintained for the treatment of patients addicted to the use of liquor, morphine, opium, cocaine or other deleterious drugs, when the same are administered to patients actually in such hospitals or sanatoria for treatment, and when the same are administered as an essential part of the particular system or method of treatment and exclusively by or under the direction of a duly licensed and registered physician of good moral character and standing.

Section 19.—That manufacturers of

medicines, duly licensed physicians, hospitals, dental surgeons, college university and State laboratories, and druggists may make written application to the Clerk of the Superior Court of the county for a permit to receive by transportation by a common carrier, grain alcohol intended to be used for surgical purposes and in compounding, mixing or preserving medicine or medical preparations. Such permit shall then be granted by the clerk or his duty appointed deputy, who shall affix the seal of his office thereto, and said permit shall contain the name of the applicant to whom the shipment is to be delivered, the place from which the shipment is to be made, the amount to be shipped, and the date of granting the permit. The said permit shall be executed in duplicate. The original shall be delivered to the applicant to be pasted on the outside of the package containing alcohol.

Section 20.—That a permit, issued as above, when attached to and plainly affixed in a conspicuous place to any package or parcel containing grain alcohol transported within this State shall authorize any common carrier within the State to transport the package or parcel to which such permit is attached or affixed containing only the alcohol mentioned in said permit, and to deliver the same to the person, firm or corporation to which said permit was issued.

Section 21.—That the duplicate copy of said permit, together with the application therefor, as hereinbefore provided, shall be filed in the office of the Clerk of the Superior Court chronologically and alphabetically with regard to the name of the applicant, and the application and permit shall at all times be subject to the inspection of any citizen or officer of the State, county or municipality; and for his services the Clerk of the Superior Court shall be entitled to a fee of fifty cents, to be paid by the applicant.

Section 22.—That this is a supplemental act and does not contemplate a complete revision of the laws upon the subject-matter involved, and that all acts and parts of acts heretofore

shall authorize any common carrier within the State to transport the package or parcel to which such permit is attached or affixed containing only the alcohol mentioned in said permit, and to deliver the same to the person, firm or corporation to which said permit was issued.

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