

MESSAGE

You are the judges of what subjects of legislation you will consider at this special session. I trust you will bear in mind, however, that the Constitution of our state provides for biennial sessions of the legislature and that the next meeting is not far away. It would seem to be wise, therefore, to leave all matters not strictly of emergency nature for the action of the next legislature when time can be had for more careful consideration. I believe such a course will meet with the approval of the people we serve.

STANLEY C. WILSON,  
Governor

PUBLIC ACTS

Special Session, A. D. 1934

NO. 1.—AN ACT TO PROVIDE FOR REGULATING THE SALE OF INTOXICATING BEVERAGES.

[H. 1]

It is hereby enacted by the General Assembly of the State of Vermont:

SECTION 1. *Construction.* This act is based on the taxing power and the police power of the state, and is for the protection of the public welfare, good order, health, peace, safety and morals of the people of the state, and all of its provisions shall be liberally construed for the accomplishment of the purposes set forth herein.

SEC. 2. *Definitions.* The following words as used in this act, unless a contrary meaning is required by the context shall have the following meaning:

"Malt beverages"—all fermented beverages of any name or description manufactured for sale from malt, wholly or in part, or from any substitute therefor, known as beer, porter, ale and stout, containing not less than one per cent nor more than nine per cent of alcohol by volume at sixty degrees Fahrenheit.

"Vinous beverages"—all fermented beverages of any name or description manufactured or obtained for sale from the natural sugar contents of fruits, or other agricultural product, containing sugar, the alcoholic content of which is not less than one per cent nor more than fourteen per cent by volume at sixty degrees Fahrenheit.

"Spirits"—all beverages containing alcohol obtained by distillation, fortified wines and liquors and any other beverage, containing more than fourteen per cent of alcohol by volume at sixty degrees Fahrenheit, and malt beverages containing more than nine per cent of alcohol by volume at sixty degrees Fahrenheit.

"Spirituous liquors"—all spirits as hereinbefore defined.

"Alcohol"—the product of distillation of any fermented liquor, rectified either once or oftener whatever may be the origin thereof, and includes ethyl alcohol and alcohol which is considered nonpotable.

"Control commissioners"—the commissioners appointed under section 18 of this act.

"Bottler"—any person other than a brewer who shall bottle malt, or vinous beverages for sale or for distribution in this state.

af 1935 #196 § 15; af 1937 #207  
af 1935 #198 § 1 af 1937 #208, § 1-6

AF 1935 #28 § 1  
A 1935 #28 § 1  
AF 1937 #35 § 1  
A 1937 #202, § 1  
AF 1939 #34 § 1  
A 1941 #183, § 1  
AF 1945 #20 § 1  
AF 1947 #109, § 1

PAR. 2 AM 1935 #196 § 1  
" 4 " " 196 § 2

"Wholesale dealer"—any person other than a bottler who buys malt, or vinous beverages for distribution to or resale to a retail dealer.

"Retail dealer"—any person who sells or distributes malt, or vinous beverages to the public.

"Bottler's license"—the license granted by the liquor control board permitting a bottler to bottle for sale and to distribute and sell at wholesale malt, or vinous beverages.

"Wholesale dealer's license"—the license granted by the liquor control board permitting the wholesale dealer to sell or distribute malt, or vinous beverages as a wholesale dealer.

"First class license"—a license granted by the control commissioners permitting the licensee or seller of malt, or vinous beverages to sell to the public for consumption only on the premises for which the license is granted.

"Second class license"—a license granted by the control commissioners permitting the licensee or seller to sell malt, or vinous beverages to the public for consumption off the premises for which the license is granted. The words permit and license shall have the same meaning in this act.

"Third class license"—a license granted by the liquor control board permitting a person as herein defined to sell spirituous liquors in a hotel, restaurant, club, boat or dining car as herein defined.

"Liquor control board"—the board of control appointed under the provisions of this act.

"Liquor administrator"—the executive officer of the liquor control board appointed under the provisions of this act.

"Person," as applied to licensees—individuals and partnerships composed solely of individuals, who are both citizens and residents of the state, and to corporations organized under the laws of this state whereof all the directors are citizens of the United States and a majority thereof residents of this state, or to corporations subject to the jurisdiction of the public service commission.

"Hotel"—a building or part of a building owned or leased and operated by a person, advertised or held out to the public to be a place where food is served and sleeping accommodations are offered for pay to duly registered transient guests, in which twenty 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 or conducted in the same building or buildings used in connection therewith and such building or buildings, structure or structures being provided, in the judgment of the liquor control board, with adequate and sanitary kitchen and dining room equipment and capacity and having employed therein such number and kinds of servants and employees as the board may by regulation prescribe for preparing, cooking and serving suitable food for its guests.

"Club"—an unincorporated association or a corporation authorized to do business in this state, that has been in existence for at least two consecutive years prior to the date of application for license under this act, which owns, hires or leases a building or space in a building of such extent and character as may be suitable and adequate for the reasonable and comfortable use and accommodation of its members and their guests, and providing suitable and adequate kitchen and dining room space and equipment, implements and facilities; provided, that such club files with the liquor control board before June 1, 1934 and before May first of each year thereafter a list of the names and residences of its then members and a list of its then officers; and provided further that its affairs and management are conducted by a board of directors, executive committee or similar body chosen by the members at its annual meeting, and that no member or any officer, agent or employee of the club is paid, or directly or indirectly receives in the form of salary or other compensation, any profits from the disposition or sale of alcoholic liquors to the members of the club or its guests introduced by members beyond the amount of such salary as may be fixed and voted at annual meetings by the members or by its directors or other governing body, and as reported by the club to the liquor control board.

"Restaurant"—space in a suitable building, approved by the liquor control board, occupied, used, maintained, advertised or held out to the public to be a place where meals are regularly served without sleeping accommodations, such space being provided, in the judgment of the board, with adequate and sanitary kitchen and dining room capacity and having employed therein such number and kinds of servants and employees as the liquor control board may by regulation prescribe for preparing, cooking and serving suitable food for its guests and patrons.

"Boat"—a vessel operated for the transportation of passengers from one place to another, equipped with a suitable dining room, containing facilities for serving meals to its passengers, designed to serve any member of the public having means of payment and of proper demeanor, and subject to the same restrictions as are provided in case of restaurants.

"Dining car"—a railroad car on which meals are prepared and served.

SEC. 3. *Prohibition of sale; exceptions.* A person shall not furnish or sell, or expose or keep with intent to sell any malt, or vinous beverage, spirits, or alcohol except as authorized by this act; but this act shall not apply to the furnishing of such liquor by a person in his private dwelling, unless to an habitual drunkard, or unless such dwelling becomes a place of public resort, nor to the sale of fermented cider by the barrel or cask of not less than thirty-two liquid gallons capacity, provided the same is delivered and removed from the vendor's premises in such barrel or cask at the time of such sale, nor to the use of Sacramental wine.

A 1935  
#19683

A 1947  
#108,51

A 1935  
#19684

A 1935  
#197,51

AF. 1947  
#23331

SEC. 4. *Town meetings; warning.* The warning of each annual town meeting shall contain an article providing for a vote upon the following questions:

Shall licenses for the sale of malt and vinous beverages be granted in this town?

Shall spirituous liquors be sold in this town?

The vote under such article shall be by ballot in the following form:

Shall licenses for the sale of malt and vinous beverages be granted in this town?

YES  NO

Shall spirituous liquors be sold in this town?

YES  NO

Provided, however, that if a legal application therefor is made in any town on or before the 1st day of May, 1934, votes upon said questions may be had at a special town meeting duly called and held on the 15th day of May, 1934.

SEC. 5. *Report.* Each town clerk shall, forthwith after each annual town meeting, or after a special town meeting held during the year 1934 report to the secretary of state, upon blanks to be furnished by said secretary, the vote of the town upon the questions voted upon by virtue of the preceding section, and if the town votes to permit the sale of spirituous liquors, shall within three days thereafter notify the liquor administrator in writing.

Am 1935  
#194  
Am 1939  
#582

SEC. 6. *Ballots.* The secretary of state shall annually, before the first day of February, cause blank ballots for the votes provided for in this act to be printed on white paper, in such a manner that each ballot can be easily detached, to the number of one hundred for each fifty votes or fraction thereof cast in each town at the last preceding election for governor, and shall send the same to each town clerk by mail or in some other safe manner, so that such ballots will be received, at least ten days previous to the hour of opening the polls. Upon each such ballot shall be indorsed the words "Official ballot" followed by the name of the town in which it is to be used, the date of the election and a facsimile of the signature of the secretary of state, with his official title. Said secretary shall furnish additional ballots to supply any lost or destroyed, upon the certificate of a town clerk that such additional ballots are required.

Provided, however, that if a town shall hold a special town meeting during the year 1934, as provided in Section 4 of this Act, the secretary of state, upon application of the town clerk, in which he certifies that a special town meeting has been duly warned for such town, shall furnish ballots for such special town meeting in the form, number and manner as provided in this section for regular town meetings.

SEC. 7. *Duties of ballot clerks and town clerks.* The ballot clerks appointed for each polling place at general elections shall have charge of such ballots and shall perform the duties and be

subject to the penalties imposed upon such officials at general elections; but such provisions shall not apply to towns wherein the Australian ballot system is not required to be used at the annual meeting for the election of town officers. In towns not using such system, the members of the board of civil authority present shall have charge of the ballots, and perform the duties imposed upon ballot clerks and assisting clerks. The town clerk shall perform the same duties in respect to such ballots as are imposed upon him by the provisions of law governing general elections, except as otherwise provided.

SEC. 8. *Hours of opening.* The box for the reception of such ballots shall be opened at the hour the meeting is called, and be closed at three o'clock in the afternoon.

SEC. 9. *Liquor control board; appointment; salary.* The liquor control board shall consist of three persons who shall be appointed by the governor. Upon the passage of this act the governor shall appoint three members of said board, not more than two members of which shall belong to the same political party, one to hold office until February 1, 1935, one to hold office until February 1, 1937 and one to hold office until February 1, 1939. The governor shall biennially, with the advice and consent of the senate, appoint a person as a member of such board for the term of six years, whose term of office shall commence on February 1 of the year in which such appointment is made. The governor biennially shall designate a member of such board to be its chairman. Each member of the liquor control board shall receive nine dollars a day for time actually spent in the duties of his office until June 30, 1935, after which date each member shall receive ten dollars a day for time actually spent in the duties of his office.

SEC. 10. *Removal.* The governor, after notice and hearing may remove a member of the liquor control board for incompetency, failure to discharge his duties, malfeasance, immorality or other cause inimical to the general good of the state; and, in case of such removal, he shall appoint a person to fill the unexpired term.

SEC. 11. *Meetings.* The board shall hold such meetings as may be required for the performance of its duties. The times and places for such meetings shall be designated by the chairman of the board. Such chairman shall call a meeting upon the written request of any two members and upon the written request of the governor.

SEC. 12. *Duties.* The board shall have supervision and management of the sale of spirituous liquors within the state in accord with the provisions of this act, and through the liquor administrator shall:

- A 1935  
#19685  
A 1937  
#20381
- I. See that the laws relating to the sale of malt and vinous beverages and spirituous liquors are enforced.
  - II. Supervise the opening and operation of local agencies for the sale and distribution of spirituous liquors.

III. Locate and establish a central liquor agency for the purpose of supplying local agencies established in accordance with this act and for the purpose of selling to licensees of the third class and druggists, and supervise the operation of such central liquor agency.

IV. Supervise the financial transactions of such central liquor agency and the local agencies established in accordance with this act.

V. Make and promulgate regulations necessary for the execution of its powers and duties and of the powers and duties of all persons under its supervision and control.

VI. Employ such assistants, inspectors and other officers as it deems necessary, subject to the approval of the governor.

VII. Fix bonds and/or other security to be given by licensees.

VIII added 1935#19752  
IX added 1939#2045  
X added #939#215  
II added 1939-215  
AF 1945 #184,52

SEC. 13. *Secretary.* The board shall employ an executive officer, who shall be the secretary of the board and shall be called the liquor administrator. The administrator shall be appointed for an indefinite period and shall be subject to removal upon the majority vote of the entire board, and the board shall fix his salary subject to the approval of the governor. The administrator, at such times and in such detail as the board directs, shall make reports to the board concerning the liquor distribution system of the state, together with such recommendation as he deems proper for the promotion of the general good of the state.

SEC. 14. *Duties.* The liquor administrator shall:

I. In towns which vote to permit the sale of spirituous liquors establish such number of local agencies therein as the board shall determine, enter into agreements for the rental of necessary and adequate quarters, and employ suitable assistants for the operation thereof. Provided, however, that it shall not be obligatory upon the liquor control board to establish an agency in every town which votes to permit the sale of spirituous liquors.

AF 1935#196,56

II. Make regulations subject to the approval of the board governing the hours during which such agencies shall be open for the sale of spirituous liquors, governing the qualifications, and department of employees therein and the salaries thereof.

III. Make regulations subject to the approval of the board governing the prices at which spirituous liquors shall be sold in such agencies; and the method of delivery thereof, and the quantities of spirituous liquors to be sold to any one person at any one time.

IV. Supervise the quantities and qualities of spirituous liquor to be kept as stock in such local agency and to make regulations subject to the approval of the board regarding the filling of requisitions therefor on the liquor administrator.

V. Purchase through the state purchasing agent spirituous liquors for and in behalf of the liquor control board, supervise the storage thereof and the distribution to local agencies, druggists and licensees of the third class and make regulations subject to the approval of the board regarding the sale and delivery from such central storage plant.

VI. Check and audit the income and disbursements of all local agencies, and the central storage plant.

VII. Make regulations subject to the approval of the board governing the issue of permits to registered pharmacists, regarding the filling of prescriptions for spirituous liquors and the recording thereof.

VIII. Devise methods and plans for eradicating intemperance and promoting the general good of the state.

SEC. 15. *Third class licenses.* The liquor control board may in its discretion grant to a person who operates a hotel as hereinbefore defined a license of the third class:

a. Upon making application and paying a license fee hereinafter provided for the premises in which such person shall carry on the business of such hotel which license shall authorize such person to sell spirituous liquors to registered guests and guests to whom meals are served, for consumption only on the premises covered by said license and upon satisfying the liquor control board that the said person is the bona fide owner or lessee of such premises and that they are operated for the purpose covered by said license as hereinbefore defined.

b. The liquor control board may in those towns voting to permit the sale of spirituous liquors grant to a restaurant or club a license of the third class to sell spirituous liquors to members or guests to whom meals are served upon making application and paying a license fee hereinafter provided for the premises where such person shall carry on the business of such restaurant or club.

SEC. 16. *Purchase of liquors.* A person who holds a license of the third class or a druggist's permit shall purchase from the liquor control board all spirituous liquors dispensed in accordance with the provisions of said license and agreeably to the terms of this act.

SEC. 17. *Dining cars and boats.* The liquor control board may grant to a corporation operating a boat or dining car engaged in interstate commerce a license of the first and/or third class upon the application and payment by such corporation of the license fee hereinafter provided. A corporation who operates a dining car or boat engaged in interstate commerce may procure spirituous liquors outside the state of Vermont.

SEC. 18. *Control commissioners.* There shall be control commissioners in each town and city. Said control commissioners shall be the selectmen in each town and city council in each

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#202,53  
A 1937  
#205,51  
A 1935  
#195,51  
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A 1939  
#216,51

city. The town and city clerks shall be recording officers and clerks of the commissioners and be paid as hereinafter provided.

SEC. 19. *Duties.* The control commissioners shall administer such rules and regulations, which shall be furnished them by the liquor control board, as shall be necessary to carry out the purposes of this act. All forms of licenses and permits and applications therefor and all rules and regulations shall be prescribed by the liquor control board, who shall prepare and issue such forms, rules and regulations forthwith on the passage of this act.

SEC. 20. *Bottlers.* The liquor control board may grant to a bottler a license to bottle and sell malt and vinous beverages received by such bottler in bulk upon application of such bottler and the payment of the license fee as hereinafter provided and upon satisfying the liquor administrator as to the compliance with the rules and regulations of the liquor control board relating to the cleanliness of the storage and bottling of the malt and vinous beverages.

SEC. 21. *Wholesale dealers.* The liquor control board may grant to a wholesale dealer a license to distribute or sell malt and vinous beverages upon application of such wholesale dealer and the payment of the license fee as hereinafter provided and upon satisfying the liquor control board as to his qualifications as a wholesale dealer. In no event shall a wholesale dealer's license permit carrying on business allowed by a retail dealer's first class license or second class license.

SEC. 22. *Retail dealers.* The control commissioners may with the approval of the liquor control board grant to a retail dealer in respect to the premises wherein the dealer shall carry on business the following:

(A) Upon making application and paying the license fee hereinafter provided a first class license for the premises where such dealer shall carry on the business which shall authorize such dealer to sell malt and vinous beverages for consumption only on the said premises, and upon satisfying the control commissioners that the said premises are leased, rented or owned by such retail dealer and are devoted primarily to dispensing food as meals to the public and that the said premises have adequate and sanitary space and equipment devoted to preparing and serving meals. The term "public" shall include any part of the public as is represented by patrons of clubs, hotels, boarding houses, restaurants, dining cars and similar places where meals are served. A retail dealer carrying on business in more than one place shall be required to acquire a first class license for each place where he shall so sell malt and vinous beverages. No malt or vinous beverages shall be sold by a first class licensee to any person under eighteen years of age.

(B) Upon making application and paying the license fee hereinafter provided a second class license for the premises where such dealer shall carry on the business which shall authorize such dealer to sell malt and vinous beverages to the public from the said premises for consumption off the premises and upon satisfying the control commissioners that the said premises are leased, rented or owned by such retail dealers and are safe, sanitary and a proper place from which to sell malt and vinous beverages. A retail dealer carrying on business in more than one place shall be required to acquire a second class license for each place where he shall so sell malt and vinous beverages. No malt or vinous beverages shall be sold by a second class licensee to any person under eighteen years of age.

SEC. 23. *Incompatible licenses.* It shall be unlawful for a retail dealer to hold a first class license and a second class license or a second class license and a third class license at the same time in respect to any one place.

SEC. 24. *Fees.* The following fees shall be paid:

For a bottler's license—\$200.00;

For a wholesaler's license—\$100.00;

For a first class license—\$10.00;

For a second class license—\$10.00;

For a third class license—\$50.00;

For a druggist's permit—\$10.00.

The fees shall be paid to the control commissioners and the liquor control board as hereinafter provided. All permits and licenses shall expire on May 1 of each year and shall be renewable upon the payment of a new permit fee, or license fee as the case may be, provided the licensee is entitled thereto. Provided, however, that licenses heretofore granted pursuant to the provision of No. 140 of the Acts of 1933 shall continue in force and effect until June 1, 1934.

All taxes imposed by this act and all increases, interest and penalties thereon, shall become, from the time they become due and payable, a personal debt, from the person liable to pay the same, to the state of Vermont, to be recovered in an action of contract on this statute.

SEC. 25. *First, second and third class licenses.* Licenses of the first and/or second class shall not be granted by the control commissioners or the liquor control board to be exercised in any city or town except to hotels of twenty or more rooms used as sleeping rooms, the voters of which vote "No" to the question—"Shall license be granted for the sale of malt and vinous beverages?"

Licenses of the third class shall not be granted by the liquor control board to be exercised in any city or town except to hotels of twenty or more rooms used as sleeping rooms, the voters of

AF 1937  
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A 1935  
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A 1935 #796,89

4th PA 1937 #38, P 151

A 1935  
#195,52  
#196,87  
A 196,310

which vote "No" to the question—"Shall spirituous liquors be sold in this town?"

SEC. 26. *Revocation.* The control commissioners or the liquor control board shall have power to suspend or revoke any permit or license given pursuant to this act or any license granted under the provisions of No. 140 of the Acts of 1933 in the event the person holding such permit or license shall at any time during the term thereof so conduct his business as to be in violation of the conditions pursuant to which the said permit or license was granted or of any rule or regulation prescribed by the liquor control board. No revocation shall be made until the permittee or licensee shall be notified and be given a hearing before the liquor control board unless such permittee or licensee shall have been convicted by a court of competent jurisdiction of violating the provisions of this act.

SEC. 27. *Display of license; saloons.* A bottler or wholesale dealer shall not have any direct or indirect financial interest in the business of any person holding a first, second or third class license or druggists' permit. All licenses or permits granted hereunder shall be conspicuously displayed on the premises wherein such persons shall conduct the business in respect to which the license or permit is granted. Beverages defined in this act shall not be sold or offered for sale over a bar or in a place commonly called a saloon.

SEC. 28. *Penalty.* Any person who shall bottle or prepare for sale or sell within the state, malt and/or vinous beverages as defined by this act without obtaining a permit or license as herein provided, or who shall sell any malt and/or vinous beverages as defined by this act without obtaining a permit or license as herein required, shall be fined not more than \$300.00 or imprisoned not more than one year, or both, for each offense and by the forfeiture of all permits and licenses herein referred to, held by such person. The control commissioners or the liquor administrator shall have power to seize all beverages, herein defined, bottled or prepared for sale, or transported or sold in violation of this act.

SEC. 29. *Tax on malt beverages.* Every bottler and wholesaler shall pay to the commissioner of taxes the sum of 3.25 cents per gallon for every gallon or its equivalent of malt beverage sold by them to retailers in the state and the sum of 3.25 cents per gallon for each gallon of vinous beverages sold by them to retailers in the state, and shall also pay to the liquor control board all fees for bottler's and wholesaler's licenses. For the purpose of ascertaining the amount of such tax each bottler and wholesaler shall transmit to the commissioner of taxes upon a form prepared and furnished by him a statement or return under oath or affirmation showing the quantity of malt and/or vinous beverages sold by said bottler or wholesaler during the preceding calendar month, and report such further information as the commissioner shall prescribe. Said wholesaler and bottler shall also

at the time of filing such report pay to the commissioner the tax provided by this section. For failure to pay the tax when due ten per cent shall be added and collected and become part of the tax. All holders of a license of the first and/or second class shall purchase all malt and/or vinous beverages from Vermont wholesalers or bottlers.

SEC. 30. *Fees.* The control commissioners shall collect all fees for retailers' licenses of the first and second class and shall pay such fees to the city and town treasurer of the respective cities and towns where such fees are collected to be used as such cities and towns may direct, less a fee of fifty cents to be retained by the city or town clerk as a fee for issuing such license and recording the same. Fees for licenses of the third class shall be paid to the liquor control board.

SEC. 31. *Rules and regulations.* The liquor control board shall administer and enforce the provisions of this act, and is authorized and empowered to prescribe such rules and regulations, including the issuing of the necessary blanks, forms and reports, except reports to the commissioner of taxes, as may be necessary to carry out the provisions of this act.

SEC. 32. *Bankruptcy, death and revocation.* If a licensee or druggist becomes bankrupt or dies, before the expiration of his license or permit, his trustee, executor or administrator may sell the intoxicating liquors which came into his possession to a holder of a license of the same class or to another druggist. If a license or permit is revoked under the provisions of this act, the licensee, after such revocation, may sell the intoxicating liquors in his possession at the time of such revocation, to a holder of a license of the same class or to another druggist. All sales under this section shall be accompanied by immediate and actual delivery and shall be made within thirty days after such bankruptcy, death or revocation.

SEC. 33. *Complaints.* The liquor administrator or the control commissioners shall make complaint to the state's attorney or town grand juror of any unlawful furnishing, selling or keeping for sale of alcohol, spirituous liquor, and/or malt or vinous beverages, and furnish the evidence thereof to such state's attorney or town grand juror, who shall prosecute for such violation.

SEC. 34. *Arrest without warrant, furnishing.* An officer empowered to serve criminal process shall, without warrant, arrest a person whom he finds in the act of unlawfully selling, furnishing or transporting alcohol, spirituous liquor, and/or malt and vinous beverages, and shall seize the liquors, vessels and implements of sale in the possession of such person. He shall detain such person and the property so seized until proper warrants can be procured, or complaint made.

SEC. 35. *Same; intoxication.* When a person is found in such a state of intoxication as to disturb the public or domestic

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A 1937  
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A 1941  
#18382

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A 1947  
#18584

A 1937  
#20284  
A 1939  
#217

peace and tranquility, a sheriff, deputy sheriff, high bailiff or justice of the county, or constable, police officer, grand juror, or selectman of the town in which such person is so found, shall apprehend such person, and may do so without a warrant, and detain him in custody at the expense of the state, in any place within the county, in the discretion of such officer, until, in his opinion, the person so detained is capable of testifying properly in court; and he shall then make complaint as provided by law, against such person for the offense so committed, before the court having jurisdiction thereof, if the person making the arrest is an informing officer; if he is not an informing officer, he shall notify the grand juror, city attorney or village attorney having jurisdiction to make complaint for such offense, who shall thereupon make such complaint as provided by law.

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SEC. 36. *Search warrants.* If a state's attorney, the liquor administrator or a control commissioner or a town grand juror or two reputable citizens of the county, make complaint under oath or affirmation, before a justice of such county, or a judge of a municipal court, that he or they have reason to believe that malt, or vinous, beverages or spirituous liquor or alcohol are kept or deposited in a dwelling house, store, shop, steamboat, or water craft of any kind, depot, railway car, motor vehicle or land or air carriage of any kind, warehouse or other building or place in such county for sale or distribution contrary to law, such justice or judge shall issue a warrant to search the premises described in such complaint; and if such liquor is found therein under circumstances warranting the belief that it is intended for sale or distribution contrary to law, the officer shall seize and convey the same to some place of security, and keep it until final action is had thereon.

SEC. 37. *Search without warrant.* A sheriff, deputy sheriff, constable, police officer, selectman or grand juror who has information that malt, vinous, and spirituous liquor or alcohol is kept with intent to sell, or is sold contrary to law in a tent, shanty, hut, or place of any kind for selling refreshments in a public place, except dwelling houses, on or near the ground of a cattle show, agricultural exhibition, military muster or public occasion of any kind, shall search such suspected place without warrant; and if such officer finds such liquor upon the premises, he shall seize the same and apprehend the keeper of such place and take him, with the liquor so seized, forthwith or as soon as conveniently may be, before a justice or a municipal judge in whose jurisdiction the same is found, and thereupon such officer shall make written complaint under oath, and subscribed by him, to such magistrate, setting forth the finding of such liquor; and, upon proof that the liquor is intoxicating and that the same was found in the possession of the accused in a tent, shanty or other place, with intent to sell, the liquor seized shall be adjudged forfeited and disposed of by order of said magistrate, as provided in this act;

§§ 36-52  
#1977 #38, Pt. II, §13

and said owner or keeper shall be proceeded against, as provided in this act, for keeping such malt, and vinous beverage, spirituous liquor and/or alcohol with intent to sell.

SEC. 38. *Hearings on seizures.* The officer who makes a seizure of malt, vinous or spirituous liquor or alcohol with or without a warrant, shall forthwith give notice thereof to a grand juror of the town in which such seizure is made, or to the state's attorney of the county; and such grand juror or state's attorney shall attend and act in behalf of the state at the hearing against the liquor so seized, and the officer making the seizure without a warrant shall be allowed the same fees as if he had acted under a warrant.

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SEC. 39. *Arrest of keeper.* The officer shall apprehend and bring forthwith before the magistrate the owner and keeper and all persons having the custody of, or exercising any control over, the liquor seized, either as principal, clerk, servant or agent.

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SEC. 40. *Occupant.* If the owner or keeper of such liquor is unknown to the officer, or if a person is not found in possession or custody of the same, the officer shall apprehend and bring before the magistrate the owner or occupant of the building or apartments in which such liquor was found, if known to him or can be by him ascertained.

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SEC. 41. *Forfeiture.* If, upon hearing, it appears that such liquor was intended for sale or distribution contrary to law it shall be adjudged forfeited and condemned. When liquor is adjudged forfeited and condemned under this section, it shall be turned over to the liquor administrator for the benefit of the state.

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#19

SEC. 42. *Costs.* Upon condemnation of such liquor, any and all persons apprehended and brought before said magistrate under the third and fourth preceding sections shall be liable to pay the costs of such proceedings, if, in the judgment of the magistrate, any of them by themselves, clerks, servants or agents, shall have been engaged in, aided in, assisted in or abetted the keeping of such liquor for unlawful sale or distribution, or have been privy thereto, or have knowingly permitted the use of any building or apartments by them owned or controlled, for the storing or keeping of such liquor for such unlawful sale or distribution.

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SEC. 43. *Execution.* Against any and all persons by said magistrate adjudged liable to pay such costs, in case such costs are not paid, the magistrate shall issue an execution in favor of the state and against the body or bodies of such persons, for such costs; upon which execution shall be certified as follows: "This execution is issued for the costs of the seizure and condemnation of intoxicating liquor kept in violation of law"; and persons committed upon such executions shall not be admitted to the liberties of the jail yard.

SEC. 44. *Search of vehicles.* If an officer has reason to believe and does believe that malt, vinous or spirituous

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liquor or alcohol is kept or concealed contrary to law in any conveyance or baggage being conveyed along any highway, he shall search the same without a warrant.

SEC. 45. *Proceedings.* If an officer seizes malt, vinous or spirituous liquor or alcohol without a warrant, he shall forthwith make complaint, under oath, subscribed by him, to a justice or a judge of a municipal court, in whose jurisdiction such liquor was seized; and thereupon the same proceedings shall be had as if such liquor had been seized upon a warrant.

SEC. 46. *Claimant; recognizance.* When the owner, keeper or possessor of malt, vinous or spirituous liquor or alcohol seized under the provisions of this act appears and makes claim to the same he shall file a written claim with the magistrate before whom the proceedings are pending, setting forth his interest in the liquor, and the reasons why it should not be adjudged forfeited; he shall also give security by way of recognizance to the state, with sufficient sureties, in such sum as the court directs, conditioned that he will prosecute his claim to effect and pay the costs awarded against him.

SEC. 47. *Appeal.* An appeal shall not be allowed to the claimant from the judgment of the court until he gives security by way of recognizance to the state, with sufficient sureties, in such sum as the court directs, conditioned that he will prosecute his appeal to effect and pay the costs awarded against him.

SEC. 48. *Forfeiture.* If the judgment is against the claimant, the liquor and the casks or vessels containing the same shall be adjudged forfeited and condemned, as provided in this act, and judgment shall be rendered against the claimant for all costs of prosecution incurred after the filing of his claim.

SEC. 49. *Same.* If the appellant fails to enter and prosecute his appeal, or if judgment is against him on appeal, the court in which such appeal is finally decided shall order the liquor to be disposed of as in case of liquor adjudged forfeited and condemned under an order of a justice or municipal judge.

SEC. 50. *Replevin.* If liquor seized by an officer under the provisions of this act, is taken from his possession by writ of replevin, it shall not be delivered to the claimant, but shall be held by the officer serving such writ, until the final determination of the action; whereupon the same shall be delivered to the party in whose favor judgment is rendered, or to such officer as has authority to hold or dispose of the same under the original seizure proceedings.

SEC. 51. *Same.* Proceedings on seizure of malt, vinous or spirituous liquor or alcohol, except final execution, shall not be delayed by a replevin thereof, but the cause shall proceed to final judgment as if replevin had not been commenced.

SEC. 52. *Costs.* If proceedings for the condemnation of malt, vinous, spirituous liquor or alcohol result in the prosecution and conviction of the owner or keeper thereof for keeping with in-

tent to sell contrary to law, the costs in such proceedings shall be taxed against such owner or keeper.

SEC. 53. *Liquor on intoxicated persons.* When a person is apprehended while in a state of intoxication, all intoxicating liquor found in the immediate possession of such person shall be seized by the officer making the arrest and, on conviction of such person of being found intoxicated, shall be disposed of by order of the court, made at the time of such conviction and without costs.

SEC. 54. *Attachment.* Malt, vinous or spirituous liquors lawfully taken by attachment or on execution issued by a court of this state may be sold by a duly authorized officer as other personal property taken on execution, but only to the persons and institutions to which liquor may be sold under the provisions of this act.

SEC. 55. *Solicitation of sales; penalty.* A person who for himself, or as agent, takes or solicits orders for the sale of malt or vinous beverages, except from licensees, or of spirituous liquors shall be imprisoned not more than six months nor less than three months or fined not more than five hundred dollars nor less than one hundred dollars.

SEC. 56. *Transportation; penalty.* A person who, by himself, clerk or agent, brings into the state, or conveys or transports over or along a railroad or public highway, or by land, air or water, malt or vinous beverages or spirituous liquor or alcohol which he knows or has reason to believe is to be unlawfully kept, sold or furnished, shall be imprisoned not more than six months nor less than three months or fined not more than five hundred dollars nor less than one hundred dollars.

SEC. 57. *Same; jails; penalty.* A person shall not carry alcohol, malt or vinous beverages or spirituous liquor into a lock-up, jail, prison or house of correction, or into any room or apartment used as a jail or lockup, except upon the prescription or direction of a physician. A person who violates a provision of this section shall be imprisoned not more than three months or fined not more than three hundred dollars, or both.

SEC. 58. *Tampering with samples.* A person who tampers with samples of alcohol, malt or vinous beverages or spirituous liquor taken for analysis under this act shall be imprisoned not more than twelve months nor less than six months or fined not more than five hundred dollars nor less than one hundred dollars.

SEC. 59. *Barter; penalty.* A licensee or permittee who purchases or receives wearing apparel, tools, implements of trade or husbandry, household goods, furniture or provisions, directly or indirectly, by way of sale or barter, the consideration of which in whole or in part is malt or vinous beverages or spirituous liquor or alcohol or the price thereof, or receives such article in pawn for such beverage or liquor or the price thereof, shall be imprisoned not more than twelve months nor less than six months or fined not more than one thousand dollars nor less than

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three hundred dollars, or both; and on conviction thereof, his license or permit shall be revoked.

SEC. 60. *Candy; penalty.* A person or corporation that sells, furnishes or gives away candy of any sort or kind containing spirituous liquors of any sort in any quantity whatsoever, shall be fined ten dollars for the first offense and, for each subsequent offense, twenty-five dollars.

SEC. 61. *Minors misrepresenting age.* A minor who falsely represents his age for the purpose of procuring malt or vinous beverages or spirituous liquor, shall be imprisoned not more than thirty days or fined twenty dollars, or both.

SEC. 62. *Neglect of duty.* A control commissioner, state's attorney or town grand juror who wilfully refuses or neglects to investigate a complaint for a violation of this act, when accompanied by evidence in support thereof, shall be fined three hundred dollars.

SEC. 63. *Intoxication; penalty.* A person who is found intoxicated shall, on the first conviction thereof, pay a fine of five dollars, with an alternative sentence of imprisonment in the county jail for not more than twenty nor less than ten days; and, for each subsequent conviction, he shall be fined fifteen dollars or be imprisoned in the county jail for a term of thirty days, or both; provided the prosecution is commenced within thirty days after the offense is committed.

SEC. 64. *Prescriptions.* A physician who gives a prescription for spirituous liquor, when he knows or has reason to believe it is not necessary for medicinal use, shall be fined not more than two hundred dollars for the first offense and five hundred dollars for each subsequent offense.

SEC. 65. *Alternative sentence.* In case the fine and costs imposed for a subsequent offense of being found intoxicated are not paid within twenty-four hours, an alternative sentence of imprisonment in the county jail for as many days as twice the number of dollars to be paid by the sentence including the costs of commitment, shall be imposed, and such costs of commitment shall be fixed by the court and included in the sentence. In case a fine and imprisonment are both imposed, the alternative sentence as to such fine shall be the same as where a fine only is imposed and shall take effect at the expiration of the term of imprisonment and but one mittimus shall be required therefor.

SEC. 66. *Probation.* When a person is convicted of being found intoxicated, the court may suspend the execution of the sentence, and, in lieu of the execution thereof, commit the respondent to the charge of the state probation officer, and direct that all earnings of the respondent during the term of his probation shall be paid to the state probation officer, who shall use such earnings for the support of the respondent, his wife, children or other dependents. If the respondent has neither family nor dependents, said probation officer shall use such part

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of the money so received as he deems necessary for the proper support of the respondent; and any sums in excess of the amount required for that purpose shall be deposited in a bank in this state and be paid to the respondent at the end of the term prescribed. If such a respondent refuses to work, if able, the original sentence shall be executed under the statutes relating to probation.

SEC. 67. *Sentence to State Hospital.* A person who, within a period of one year, has been three times convicted of being found intoxicated shall if the court in which such third conviction is had so orders, be taken by the sheriff of the county for treatment at the expense of the state to the state hospital for the insane until further order of the court.

SEC. 68. *Escape.* A person who has been committed to the Vermont state hospital for the insane for treatment at the expense of the state under the provisions of the preceding section, who absents himself from said institution without the consent of the superintendent thereof, shall be imprisoned not more than ten months, nor less than six months.

SEC. 69. *Suspension in case of pledge.* When a person is convicted of the crime of being found intoxicated, the court before whom conviction is had, may, in its discretion, upon payment of taxable costs by the respondent, suspend the collection of the fine or the execution of the sentence of imprisonment, or both, for a definite period to be fixed in the record of conviction; such suspension, if made, to be on condition that the respondent wishes to and does pledge himself wholly to abstain from the use of intoxicating liquors as a beverage for such period as the court may direct, not exceeding one year. And when it is made to appear to said court that such pledge has been kept, the sentence in the case shall thereby be fully satisfied and the prisoner discharged. The record of such conviction shall show the suspension of the sentence therein set forth and such pledge, and final action thereon. If, within such time of suspension, it appears to said court that the respondent has not kept such pledge, or that the public good or the interest of the respondent so requires, mittimus shall issue at once.

SEC. 70. *Form.* The form of such pledge shall be substantially as follows:

-----, Vermont  
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As evidence of my appreciation of the opportunity given me to become a sober and better citizen, in staying the fine imposed upon me this day, I hereby freely and voluntarily sign the following:

PLEDGE

I will abstain from the use of intoxicating liquors of every

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kind and character as a beverage for the period of.....  
 ----- from ----- day of  
 ----- 19-----

SEC. 71. *Penalty.* A person who wilfully violates a provision of this act for which other penalty is not prescribed or who wilfully violates a provision of the regulations of the liquor control board shall be imprisoned not more than three months nor less than one month or fined not more than two hundred dollars nor less than fifty dollars, or both.

SEC. 72. *Limit of sentence.* A sentence of imprisonment under this act, either cumulative or on failure to pay fine and costs, shall not exceed the term of three years.

SEC. 73. *Civil action for damages.* A husband, wife, child, guardian, employer or other person who is injured in person, property or means of support by an intoxicated person, or in consequence of the intoxication of any person, shall have a right of action in his or her own name, jointly or severally, against a person or persons, who, by selling or furnishing intoxicating liquor unlawfully, have caused in whole or in part such intoxication. If such intoxicating liquor was so sold or furnished to such person in a rented building, and the owner of such building, or his agent in charge thereof, knew or had reason to know that intoxicating liquor was sold or kept for sale by his tenant in such building contrary to law, said owner may be joined as defendant in such action, and judgment therein may be rendered against him. Upon the death of either party, the action and right of action shall survive to or against his executor or administrator. The party injured or his legal representatives may bring either a joint action against the person intoxicated and the person or persons who furnished the liquor and the owner of the building, or a separate action against either or any of them.

SEC. 74. *Minors.* All damages recovered by a minor in such action shall be paid over to such minor or to his guardian on such terms as the court may order.

SEC. 75. *Revocation of license.* If a judgment recovered against a licensee under the provisions of the second preceding section remains unsatisfied for thirty days after the entry thereof, the board of control commissioners or the liquor control board shall revoke his license; and a license shall not be granted to a person against whom such judgment has been recovered, until the same is satisfied.

SEC. 76. *Certified execution.* A judgment for the plaintiff under the third preceding section shall be treated as rendered in an action founded on tort; and the court, at the time of such judgment, shall adjudge that the cause of action arose from the wilful and malicious act of the defendant, and that he ought to be confined in close jail, and a certificate thereof shall be stated in or upon the execution.

SEC. 77. *Paupers.* The overseer of the poor of a town voting for the sale of spirituous liquors and/or malt and vinous beverages shall forthwith notify the liquor administrator in writing of the names of all persons who have been supported in whole or in part by the town during the year preceding; and, whenever any other person becomes a public charge in such town, said overseer shall forthwith give like notice thereof.

SEC. 78. *Intoxicated persons.* Each court in a county shall forthwith notify said liquor administrator in writing of the name and residence of each person in that county who has been found intoxicated within six months preceding and convicted thereof in such court; and, whenever a person residing in that county is thereafter convicted of being found intoxicated, the court in which such conviction is had, shall give like notice to said liquor administrator.

SEC. 79. *Sale prohibited to certain persons.* The father, mother, husband, wife, child, brother, sister, guardian or employer of a person may, in writing notify the liquor administrator who may on investigation forbid the sale or furnishing of malt and/or vinous beverages or spirituous liquors to such person.

SEC. 80. *Same; notice.* Said administrator shall place on file the notices received under the three preceding sections and they shall be open to public inspection at reasonable times, except that the notices of a wife, child or a sister provided for in the preceding section shall not be open to inspection nor be disclosed by said administrator. Upon receipt of a notice, said administrator may give written notice of the name of the person, his information concerning him, but not the name of the person notifying him, that a local agency or licensee is forbidden to sell or furnish spirituous liquor to such person, and to each licensee and the board of control commissioners in the town or city in which such person resides. Said administrator may, upon complaint of a board of control commissioners, by written notice to each licensee in the several towns, forbid such licensee to sell or furnish malt or vinous beverages to any person, and he shall keep a record of such notices. Said administrator may also by written notice to each licensee in the several towns withdraw and cancel any notice given by him under the provisions of this section at any time within six months after such notice is given.

SEC. 81. *State expense.* Fees payable and expenses incurred under the provisions of this act shall be paid by the state.

SEC. 82. *Notice to federal government.* When a person is convicted of or pleads guilty to the furnishing or selling intoxicating liquor contrary to law, the court shall forthwith give notice thereof to the United States collector of internal revenue for this district, if such court has reason to believe that such person has not paid any special tax imposed by the United States Government upon dealers in intoxicating liquors.

SEC. 83. *Justices of Peace.* Justices shall have concurrent

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jurisdiction with county, and municipal courts of prosecutions for intoxication, and of all offenses under this act to which the respondent pleads guilty; but in other prosecutions under this act, they may cause the respondent to be apprehended and committed to jail, or bound over with sufficient sureties, by way of recognizance, for his appearance.

SEC. 84. *Specifications.* In prosecutions for offenses under this act, if a specification is required, it shall be sufficient to specify the offenses with such certainty as to time and person as the prosecutor is able, and the same may be amended upon trial. When the specifications set forth the sale or furnishing to any person or persons unknown, the witnesses may be inquired of as to such transactions; and if the name of the person is disclosed, it may be added to the specifications, and upon such terms as to postponement of the trial as the court deems reasonable.

SEC. 85. *Tax receipt as evidence.* The receipt for or record of the payment of the United States special tax as liquor seller, shall be prima facie evidence that the person named therein keeps for sale and sells intoxicating liquors.

SEC. 86. Fines and costs collected under this act shall belong to the state.

SEC. 87. *Complaint.* Complaints for selling or furnishing intoxicating liquor shall be substantially in the following form:  
STATE OF VERMONT,

County, ss.  
To.....Municipal Court, or to A. B., justice of the peace within and for the county of....., comes C. D., grand juror of the town of.....in such county, and complains that E. F. of....., on the..... day of..... A. D. 19....., at..... did at divers times sell or furnish (as the case may be) intoxicating liquor, without authority, contrary to the form of the statute in such case made and provided, and against the peace and dignity of the state.

C. D., Grand Juror

And the justice to whom such complaint is made shall certify thereon, substantially as follows:

This complaint was exhibited to me this..... day of..... A. D. 19.....

A. B., Justice of the Peace  
SEC. 88. *Several offenses.* Under the foregoing complaint, each distinct act of selling or furnishing may be proved, and the court shall impose a fine for each offense, as provided in this act for that offense. In informations and indictments for offenses under this act, the descriptions of the offense may be substantially in the same form so far as the case will admit.

SEC. 89. *Search warrant.* The complaint and warrant for the search and seizure of liquor shall be substantially in the following form:

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STATE OF VERMONT,  
-----County, ss.

To.....Municipal Court or to A. B., justice of the peace within and for the county of..... comes C. D. of..... in such county, and complains that he has reason to believe and does believe that intoxicating liquor is by..... kept or deposited in, (here describe the place to be searched) and by....., then and there in the town of..... intended for sale or furnishing, contrary to the form of the statute in such case made and provided, and against the peace and dignity of the state; and I therefore pray that a warrant of search may issue in the premises.

Dated at..... in the county of....., the..... day of..... A. D. 19.....

The above named C. D. exhibited this complaint to me, and made oath to the truth thereof this..... day of..... A. D. 19.....

Before me,  
A. B.....  
Municipal Judge or Justice of the Peace  
STATE OF VERMONT, To any sheriff or constable in the  
-----County, ss. state,

GREETING:

Whereas, complaint has been made to me upon oath, as above written, therefore, by the authority of the state of Vermont, you are hereby commanded forthwith to enter and search the premises above described, to wit: (here follows the description of the premises as above) and if any such intoxicating liquor is found therein, under circumstances warranting the belief that it is intended for sale or furnishing contrary to the laws of this state relating to the traffic in intoxicating liquor, you are forthwith to seize it, and convey the same to some proper place of security, and the same keep until final action is had thereon, and you are further commanded to apprehend the owner or keeper of such liquor, if he is known to you, and have him forthwith appear before me at..... to show cause, if any he has, why such liquor should not be adjudged forfeited and condemned and..... be dealt with according to the statute in such case made and provided, and for so doing this shall be your sufficient warrant.

Fail not, but of this complaint and warrant, with your doings thereon, service and return make according to law.

Dated at..... in the county of..... the..... day of..... A. D. 19.....

A. B.....  
Municipal Judge or Justice of the Peace

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SEC. 90. *Disposal order.* The order for the disposal of liquor seized and declared forfeited and condemned shall be substantially in the following form:

STATE OF VERMONT, To any sheriff or constable in the  
County, ss. state,

GREETING:

Whereas, the following described intoxicating liquor, to wit: (here describe the liquor) has been seized on a warrant of search issued by the

Municipal Court or by A. B., a justice of the peace within and for the county of, upon complaint of C. D., a citizen of such county, by virtue of and in accordance with the provisions of law in such case made and provided;

And whereas, as the owner or keeper of such liquor as aforesaid, having been duly summoned to appear before me as the law directs, did (or did not) appear, and on the hearing of the cause, in the opinion of the

, such liquor was kept or deposited, and intended for sale or furnishing, contrary to law; such liquor has been by the adjudged forfeited and condemned and ordered to be delivered to the liquor administrator in pursuance of the provisions of the statute in such case made and provided.

You are, therefore by the authority of the state of Vermont, hereby ordered to deliver such liquor to the liquor administrator and for so doing this shall be your sufficient authority and warrant.

Fail not, but of this order and warrant, with your doings thereon, service and return make according to law.

Given under my hand at in the county of the day of A. D. 19

A. B. Municipal Judge or Justice of the Peace

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SEC. 91. *Complaint.* Where liquor is seized without warrant, the complaint shall follow the form in the second preceding section so far as "complains," and then proceed in substance as follows:

That E. F. of on the day of A. D. 19, kept with intent to sell (or sold, as the case may be) in (describe the place) near (describing the public occasion) in such county, the intoxicating liquor seized by me, and here produced, namely: (describing the same briefly) contrary to the form, etc., (following such form first mentioned.)

SEC. 92. *Mittimus.* The mittimus to the county jail for intoxication may be in the following form:

STATE OF VERMONT, To any sheriff or constable in the  
County, ss. state,

GREETING:

Whereas of

in the county of on the day of A. D. 19 by the consideration of was duly convicted of having been found intoxicated and was by said court sentenced to pay to the treasurer of the state of Vermont a fine of dollars and cents, and to stand committed until sentence is complied with, as appears of record.

And it was then and there ordered by said court that in case such fine and costs, aggregating the sum of dollars and cents should not be paid forthwith the said, should be imprisoned in the county jail at in the county of for the term of days.

Therefore, by the authority of the state of Vermont, you are hereby commanded to commit the body of the said to the keeper of the county jail at in the county of within such county jail, who is hereby commanded to receive the said and him imprison in such county jail for the full term of days, or until he is sooner discharged in accordance with law.

Fail not, but service and return make according to law. Dated at in the county of this day of A. D. 19

A. B. Municipal Judge or Justice of the Peace

SEC. 93. *Notice to federal government.* The notice to the United States collector of internal revenue, shall be in substance as follows:

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I hereby notify you that of in the county of and state of Vermont, has this day been convicted of or has pleaded guilty to the crime of furnishing or selling intoxicating liquor, contrary to law.

I give you this information so that you may, if you desire, investigate as to whether or not said has paid the special internal revenue tax to the United States Government.

SEC. 94. *Fees.* In addition to other fees allowed by law, thirty-four cents shall be allowed to a justice for an order for the forfeiture or delivery of liquor to the liquor administrator; for each notice under section eighty-three, and to an officer serving process for seizing intoxicating liquor, or seizing the same without process and apprehending the keeper, one dollar; for removing liquor seized with or without a warrant and keeping the same and delivering it to the liquor administrator, his actual expenses; for posting the notices required if the owner or keeper is unknown, one dollar; and such fees shall be taxed and allowed in the bill of costs against the respondent.

Sec. 95. *Same.* When a sheriff, constable or police officer

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makes a search for intoxicating liquor by direction of a lawful warrant, he shall receive as fees for such services one dollar for the search, and ten cents a mile for necessary travel one way, and such sum as he shall actually pay out for necessary assistance, if deemed reasonable by the auditor of accounts, and if the officer makes oath that the money was so expended, stating the name of his assistant and the amount paid.

SEC. 96. *Appropriation.* The sum of \$100,000 is hereby appropriated for the purpose of enabling the liquor control board to secure a stock of spirituous liquors and to carry out the provisions of this act, and in addition the receipts from sales of beverages by said control board shall be available for the use of said board for the purpose of carrying on the business in their charge. Any unexpended balances on June 30, 1934 shall be available for the succeeding fiscal year. If this appropriation shall become inadequate for the purposes for which it is provided, the Emergency Board is hereby authorized and empowered to appropriate such additional sum or sums as may be necessary, but not to exceed a total of fifty thousand dollars, and such appropriation shall be in addition to appropriations by said emergency board otherwise authorized by law.

SEC. 97. *Audit.* All accounts of the liquor control board shall be audited annually by the auditor of accounts and the annual report of such audit shall accompany the annual reports of said liquor control board.

SEC. 98. *Special brands.* If any person shall desire to purchase any class, variety, or brand of spirituous liquor which any local agency does not have in stock, the liquor administrator shall order the same through the state purchasing agent upon the payment of a reasonable deposit by the purchaser in such proportion of the approximate cost of the order as shall be prescribed by the regulations of the liquor control board.

SEC. 99. *Extension of licenses.* Licenses heretofore granted under the provisions of No. 140 of the Acts of 1933 are hereby extended and continued operative until June 1, 1934.

SEC. 100. *Billboard advertising; penalty.* No person shall display on outside billboards or signs erected on the highway or elsewhere, any advertisement of any kind of malt and/or vinous beverage or spirituous liquor or indicate where the same may be procured. A person who violates any provision of this section shall be fined not more than one hundred dollars nor less than ten dollars, for each offense, and be cause for revoking the license after conviction.

SEC. 101. *Construction.* If any portion of this act, or the application thereof to any person or circumstance is held void, such holding shall not affect the remainder of this act, but such remaining portions shall be held valid for the intent and purposes herein set forth.

SEC. 102. *Repeal.* Sections 1196 to section 1221 inclusive of the Public Laws of Vermont are hereby repealed.

SEC. 103. *Same.* Sections 8078 to section 8143 inclusive of the Public Laws of Vermont and all other acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 104. Section 102 shall take effect June 1, 1934. All other sections of this act shall take effect from their passage.  
Approved April 18, 1934.

NO. 2.—AN ACT TO AMEND SECTION 688 OF THE PUBLIC LAWS RELATING TO THE ADDITION OF TAXABLE POLLS OMITTED FROM THE GRAND LIST.

[H. 3]

*It is hereby enacted by the General Assembly of the State of Vermont:*

SECTION 1. Section 688 of the Public Laws is hereby amended so as to read as follows:

SEC. 688. *Omissions supplied.* When real or personal estate is omitted from the grand list by mistake, the listers, with the approval of the selectmen, before July 1, may supply such omissions, correct the same and make a certificate thereon of the fact. If for any cause taxable polls are omitted from the grand list when filed in the office of the town clerk, the listers, on or before February 15, shall certify such omission to the town clerk, who shall record such certificate in the grand list book, and thereupon such proceedings shall be had in relation thereto and the tax thereon as is provided in case property is so omitted. For the sole purpose of enabling a resident to make application for an automobile operator's license in conformity with the provisions of Section 5090 of the Public Laws and without conferring upon such resident further rights or privileges under any other provisions of law, the listers are authorized to certify as to taxable polls omitted from the grand list for any cause during the previous year at any time during the year ensuing such omission and their certificate shall be recorded by the town clerk in the grand list book.

SEC. 2. This act shall take effect from its passage.  
Approved April 18, 1934.

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