

1918

LIQUOR REGULATION

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LIQUOR REGULATION Initiative Act. After July 1, 1919, prohibits keeping drinking saloons or other places, regulates the traffic in and various acts relating to alcoholic liquors, prohibiting sales and various other dispositions thereof (except in specified cases or under specified conditions, some applying to vinous or malt liquors containing distilled spirits or more than certain percentages of alcohol, and others to alcoholic liquors generally, or to other particular kinds thereof), limits number of municipal licenses for sale of vinous or malt liquors for consumption elsewhere than on premises where sold, permits further municipal regulations, and prescribes penalties.

YES
NO

The electors of the State of California present to the secretary of state this petition, and request that a proposed law, as hereinafter set forth, be submitted to the people of the State of California for their approval or rejection, at the next ensuing general election, or as provided by law. The proposed law is as follows:

PROPOSED LAW.

An act regulating the traffic in alcohol and alcoholic liquors, and prohibiting after July 1, 1919, except in certain places and in certain cases and under certain conditions, the keeping, selling, serving, bartering, giving away, shipment, transporting, delivery or receiving of alcohol or alcoholic liquors, or of vinous or malt liquors which contain certain percentages or more of alcohol or which contain distilled spirits; prohibiting after July 1, 1919, except under certain conditions and in certain cases and in respect of certain vinous or malt liquors, the sale, serving or bartering of alcoholic liquors for beverage purposes for consumption on the premises where sold, served, or bartered, or the keeping, maintaining or conducting of any drinking saloon, bar, barroom or other place where, except under certain conditions and in certain cases and in respect of certain vinous or malt liquors, any alcoholic liquors are sold, served or bartered for beverage purposes for consumption on the premises where sold, served or bartered; prescribing the maximum number of licenses or permits which may be issued after July 1, 1919, by any town, city, or city and county for the sale of liquor in sealed packages for consumption elsewhere than on the premises where sold; making unlawful and declaring to be penal offenses various acts in respect of, and various dealings in, alcohol, alcoholic liquors or particular kinds of such liquors, and prescribing penalties for and providing for the punishment of such offenses.

The people of the State of California do enact as follows:

Section 1. After the first day of July, 1919, except as in this act otherwise provided, it shall be unlawful to sell, serve, barter or give away

(a) Any alcoholic liquors other than vinous or malt liquors;

(b) Any vinous or malt liquors which contain more than twenty-one per cent by volume of alcohol;

(c) Any vinous or malt liquors, except fruit cordials and fortified sweet wines, which contain any distilled spirits;

(d) Any vinous or malt liquors except in lots or quantities of not less than twenty fluid ounces each, and except in sealed packages containing each not less than ten fluid ounces;

(e) Any vinous or malt liquors outside the limits of an incorporated town, city or consolidated city and county.

Section 2. The provisions of section one of this act shall not apply to, and nothing therein contained shall be construed as rendering unlawful

(a) The sale of alcoholic liquors by a manufacturer thereof to a wholesale druggist or to a

registered pharmacist, conducting a pharmacy, or by a wholesale druggist to a registered pharmacist conducting a pharmacy, provided same are by the seller delivered either directly to the purchaser at his place of business or (2) to a common carrier to be by such carrier delivered to the purchaser at his place of business;

(b) The sale of wine by a manufacturer thereof or by a wholesale druggist or a registered pharmacist conducting a pharmacy for sacramental purposes only; provided wine is sold only to a regularly ordained minister of some religious denomination or upon written order of some local official board or governing body of some religious organization, provided a record is kept of such sale by the seller in a permanent book of records of sales which is always open to public inspection and in which is recorded at the time of such sale the date thereof, the quantity sold, and signature of the person purchasing the same;

(c) The distribution and use of wine as part of the sacramental service of any religious observance;

(d) The sale, by a manufacturer thereof, by a wholesale druggist, or by a registered pharmacist conducting a pharmacy, of alcohol for other than beverage purposes, provided record thereof is made at the time of such sale in a permanent book of records of such sale which is kept at the place of business of the seller, and is always open to public inspection, showing the date of sale, the quantity sold, the purpose for which the alcohol is purchased, and the signature of the purchaser;

(e) The dispensing of alcoholic liquors by a registered pharmacist conducting a pharmacy for bona fide medicinal purposes only, upon written prescription issued, signed and countersigned by a duly licensed physician, which prescription contains in the handwriting of such physician the name of the person applying for such prescription and the name of the person for whose use it is given, provided that not more than one dispensing is made upon such prescription, and that not more than eight ounces of alcohol are dispensed on any one prescription; and provided such prescription is kept on file at the place of business of such pharmacist in a book or file of prescriptions which is always open to public inspection, and provided that none of the liquor so dispensed is drunk upon the premises where the same is dispensed.

(f) The sale of wine by a manufacturer thereof to a wine blender or to another manufacturer of wines for blending purposes, or by a manufacturer of pure grape brandy or fruit cordials to be used in making such brandy or fruit cordials, or the sale of pure grape brandy or fruit cordials to a manufacturer of fruit cordials or to a manufacturer of wines to be used by the latter in the fortification of wines, in conformity with the acts of congress relating thereto;

(g) The sale of alcohol or of pure grape fruit brandy or of fruit cordials the base of which is either California brandy or California wines by a manufacturer thereof for exportation for shipment to points outside this state, provided the seller delivers the alcohol or brandy or fruit cordials, so sold to a common carrier for shipment and delivery to a point outside this state.

If, in case of any sale of the character mentioned and provided for in subdivision (d) of this section, the purchaser shall

place of sale, any such sale shall be unlawful unless made upon a written order signed by the purchaser, and unless in such case, instead of the signature of the purchaser being entered in the book or books of records mentioned in said subdivisions, such written order shall be by the seller kept on file at his or its place of business in a file of such orders which is always open to public inspection.

Section 3. The provisions of subdivisions (d) and (e) of section one of this act shall not apply to or be construed as rendering unlawful the sale by a manufacturer thereof, for delivery from the premises where the same are manufactured, of vinous or malt liquors of a character such that the sale thereof is not rendered unlawful by the provisions of subdivisions (b) and (c) of section one of this act, or the receiving and filling of orders for vinous or malt liquors of the same character by a manufacturer thereof or dealer therein to be delivered from a cellar, vault, warehouse or storehouse where the same are kept, provided each such sale or order is of a quantity of not less than two gallons, and provided no part of the liquor sold or ordered is consumed upon the premises where sold or where the same are kept for the filling of such orders, but all thereof is by the seller or by the party filling such order delivered from such premises, either (1) directly to a person by whom and to a place at which the same may be lawfully kept, sold, served or used; or (2) to a common carrier to be by such carrier delivered to such person and place, or for shipment by such carrier and delivery to a point outside this state.

Section 4. Nothing in this act contained shall be construed as rendering unlawful the serving by a person at his own home, to members of his family or to his guests, of vinous or malt liquors of such character that the serving thereof is not rendered unlawful by subdivisions (b) and (c) of section one of this act, provided no money or other representative of value or any valuable consideration is or is to be given or received in return therefor, and provided such home is not a place of public resort.

Section 5. After the first day of July, 1919, except as otherwise provided in this section or in section four of this act, it shall be unlawful:

(a) To sell, serve or barter for beverage purposes any alcoholic liquors to be consumed on the premises where sold, served or bartered; or

(b) To keep, maintain or conduct any drinking saloon, bar, barroom or other place where alcoholic liquor is sold, served or bartered for beverage purposes to be consumed on the premises where sold, served or bartered.

Nothing in this section or in subdivisions (d) or (e) of section one of this act shall be construed as rendering unlawful the sale and serving in a hotel, restaurant or club or on a train or vessel used for the common carriage of passengers of vinous or malt liquors which do not contain more than fourteen per cent by volume of alcohol, and which do not contain any distilled spirits, provided the same are sold and served only between the hours of twelve o'clock noon and twelve o'clock midnight of a day, with and as part of and to be consumed with a bona fide meal, and provided the same, if served in a hotel, restaurant or club, are served only in a public or general dining room or dining place of such hotel, restaurant or club in which there are no booths or boxes, to which dining room or dining place free access is allowed to all peace officers for purposes of inspection at all times when the same is being used.

Section 6. After the first day of July, 1919, it shall be unlawful

(a) To keep or possess any alcoholic liquor in any place of public amusement or in any place of public resort, or for purposes of sale in any other place except (1) where either the sale or serving for valuable consideration on such premises, or the receiving and filling of orders for delivery therefrom of alcoholic liquor of the character of that kept or possessed thereon, is not rendered unlawful by this act, and is authorized by all such permits and licenses, municipal and other, as are required by law or

ordinance to render a receiving and filling of orders, sale or serving lawful; and (2) where the same is kept or possessed to be used solely for scientific, industrial or sacramental purposes;

(b) To keep or possess on any premises where alcoholic liquor is sold for beverage purposes, any alcoholic liquors other than vinous or malt liquors, or any vinous or malt liquors which contain more than twenty-one per cent by volume of alcohol, or any vinous or malt liquors, other than fruit cordials or fortified sweet wines, which contain any brandy or distilled spirits.

After the first day of July, 1919, the possession or keeping in any place of public amusement or in any place of public resort of any alcoholic liquor of a character such that under the provisions of this act the same may not either be lawfully sold or served on such premises, or orders therefor filled on such premises, or, if any permit or license for the sale or serving of or the filling of orders for such liquor on or from such premises shall be required by law or ordinance, the possession of any alcoholic liquor on such premises if all permits and licenses necessary to authorize the sale or serving of such liquor on such premises, or the receiving and filling of orders for such liquor on or from such premises, have not been issued, shall be prima facie evidence of a violation of this section. Nothing in this act contained shall be deemed to render unlawful the storage of alcoholic liquors in United States bonded warehouses, or the keeping or possession of fortification brandy or fortified sweet wines or fruit cordials by wine manufacturers, wine blenders or wholesale dealers in wines on their premises.

Section 7. It shall be unlawful for any person, firm, association or corporation to sell, barter or serve any alcoholic liquor within the limits of any town, city, county, or city and county without first having obtained from such town, city, county, or city and county all such licenses and permits as shall be required therefor by general law or by the charter or any valid ordinance of such town, city, county, or city and county.

Section 8. Nothing herein contained shall be deemed to limit the power of any town, city, or consolidated city and county to fix the terms and conditions upon which permits or licenses to sell alcoholic liquors therein (in so far as such sales are not rendered unlawful by this act) shall be granted, or the terms of any such permits or licenses, or the number, if any, of such permits or licenses which shall be issued, or to issue permits or licenses authorizing the sale, for consumption elsewhere than on the premises where the same are sold, of fruit cordials or fortified sweet wines containing not more than twenty-one per cent by volume of alcohol, and of other vinous and malt liquors containing not more than twenty-one per cent by volume of alcohol, and not containing any distilled spirits; provided that

(a) No permit or license issued by any town, city, or consolidated city and county shall authorize or render lawful anything prohibited or rendered unlawful by this act or by any other law of this state;

(b) In any city, town, or consolidated city and county having a population of more than two thousand, the total number of permits in force at any one time after the first day of July, 1919, authorizing the sale of vinous or malt liquors in sealed packages, not for consumption on the premises where the same are sold, shall not exceed one to each two thousand or major fraction thereof of the population, and in any town, city, or city and county having a population of less than two thousand not more than one permit to sell alcoholic liquor in sealed packages, not for consumption on the premises, shall be in force at any time after the first day of July, 1919.

For the purposes of this act the population of any time of any town, city, or city and county shall be deemed to be its population as shown by the last preceding decennial census taken by the United States government.

Section 9. After the first day of July, 1919, it shall be unlawful for any person, firm, association or corporation who or which shall bottle or otherwise pack any alcoholic liquors, to sell, deliver, ship or cause to be delivered or shipped any such liquor in bottles or other packages, unless and until each such bottle or package, and any outside cover of any such bottles or packages, shall be labeled so as to plainly show the name of the person, firm, association or corporation by whom or by which such liquor was bottled or packed, the nature of the contents of each bottle or package so labeled, the quantity contained therein, the percentage by volume of alcohol in the contents thereof, and, if the same contain any distilled spirits, the percentage by volume of the distilled spirits therein contained; provided, however, that the label for a bottle or package containing only fruit cordials or fortified sweet wine may, instead of stating the percentage by volume of distilled spirits contained therein, use the words "including distilled spirits" in stating the volume by percentage of alcohol contained therein, as, for instance, "containing twenty per cent by volume of alcohol including distilled spirits."

Section 10. After the first day of July, 1919, it shall be unlawful for any person, firm, association or corporation to receive from a common carrier or otherwise, either in the original package or otherwise, or to possess, any alcoholic liquors, with intent to keep, sell, serve, barter or give away the same in violation of any of the provisions of this act, or to order, direct or cause the shipment or transportation of any alcoholic liquors, either in the original package or otherwise, from a point without the state into this state, or from one point to another in this state, with intent that the same shall be received, kept, served, sold, bartered or given away, either in the original package or otherwise, in violation of any of the provisions of this act, either by such person, firm, association or corporation ordering, directing or causing such shipment or transportation, or by any other person. After the first day of July, 1919, it shall be unlawful for any person, firm, association or corporation to ship, carry or transport in any manner or by any means whatsoever, either in the original package or otherwise, from a point without the state into this state, or from one point to another in this state, any alcoholic liquors which are intended by any person interested therein to be received, sold or in any manner used, either in the original package or otherwise, in violation of any of the provisions of this act.

Section 11. After the first day of July, 1919, it shall be unlawful for any physician to sign, issue or give for the use of any well person or of any person not in actual need thereof as a medicine, any prescription for alcoholic liquors either separately or to be mixed or compounded with other ingredients.

Section 12. Any person violating any of the provisions of this act shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine not exceeding six hundred dollars, or by imprisonment in the county jail for not exceeding seven months, or by both such fine and imprisonment; but any person found guilty of violating any of the provisions of this act, by conviction for an offense committed after a previous conviction under this act, shall, upon such second conviction, be punished by a fine not exceeding six hundred dollars, nor less than one hundred dollars, and by imprisonment in the county jail for not exceeding seven months, and for not less than one month.

Section 13. The payment after the first day of July, 1919, of the internal revenue special tax required of liquor dealers by the United States, by any person or persons other than wholesale druggists, registered pharmacists, wholesale liquor dealers, manufacturers of alcoholic liquors, or persons holding valid permits for the sale of such liquors, shall be prima facie evidence that such person or persons are keeping and selling alcoholic liquors in violation of the act, and in any prosecution under this act a certificate from a collector of internal revenue or from any of his deputies or agents, showing that such tax

has been paid by the dealer, either alone or in association with others, shall be sufficient evidence of the payment of such tax.

Section 14. The words "alcoholic liquor" or "alcoholic liquors" as used in this act shall include alcohol and all spirituous, vinous, malt and other liquors or mixtures of liquors containing one per cent or more by volume of alcohol, and not so mixed with drugs or other substances as to prevent their use as a beverage. The words "vinous liquors" as used in this act shall include fruit cordials, fortified sweet wines and any other alcoholic liquors made from the fermented juice of the grape or of berries or any other fruits. The word "alcohol" as used in this act means common or ethyl alcohol. The words "fruit brandy" as used in this act shall include brandy made by distilling the fermented juice of berries or of any other fruits.

Section 15. Nothing in this act contained shall be construed as authorizing the sale of alcohol or alcoholic liquors in territory that is or shall hereafter become no-license territory under an act entitled "An act to provide for the regulation of the traffic in alcoholic liquors by establishing local option; authorizing the filing of petitions praying for elections to vote upon the question whether the sale of alcoholic liquors shall be licensed within the territory described in such petitions; providing for the calling and holding of such elections; making it the duty of the proper governing body to declare such territory to be no-license territory unless a majority of votes is cast in favor of license; providing that no license, permits or other authority to sell or distribute alcoholic liquors in no-license territory shall be granted; forbidding and declaring void all such licenses or permits theretofore issued and in force; making it a penal offense to sell, give away or distribute alcoholic liquors within such territory, with certain exceptions; and providing penalties for such offenses" approved April 4, 1911, in violation of the terms thereof, or as authorizing the sale of alcoholic liquors in any place where such sale is or shall hereafter be made unlawful by any law or ordinance.

Section 16. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act.

ARGUMENT IN FAVOR OF LIQUOR REGULATION INITIATIVE ACT.

This proposed law, initiated by the grape growers of California, is practically the same as the Rominger bill that was considered at the state legislature in 1917.

On July 1, 1919, it will close all saloons and disreputable roadhouses in California, and will outlaw whiskey, gin, rum, brandy and all ardent distilled liquors.

It will not interfere with the manufacture, importation or exportation of wine or beer.

California is cosmopolitan. Among our citizens are hundreds of thousands who, in their native countries, have been accustomed for generations to the temperate use of light wine or beer with their meals. This law does not deprive them of that privilege.

It will permit a person to serve wine or beer to members of his family or to his guests.

Hotels, restaurants and clubs will be able to serve light wines and beer (up to 14 per cent alcohol) with bona fide meals, in the public general dining room, in which there are no booths or boxes, between the hours of 12 o'clock noon and 12 o'clock midnight.

The householder may purchase beer and wine up to 21 per cent of alcohol, not to be consumed on the premises, from a manufacturer (the minimum quantity to be two gallons) or from a bottle house (the minimum quantity to be a quart or two pint bottles).

The number of bottle houses in each incorporated city will be one to each two thousand major fraction thereof of population. If an incorporated town has less than two thousand inhabitants it will be entitled to have one such

each house. Wine and beer sold in bottle
houses can not be consumed on the premises.

Each "wet" city or supervisorial district will
have the right to decide how many table licenses
shall be issued.

Nothing in the law will interfere with the
Wylie Local Option Law. Consequently cities,
towns, and supervisorial districts may exercise
local option as at present. The measure pro-
vides the widest limits under which wine and
beer may be sold anywhere in California.

The changes which have been made in this
measure since it was considered by the legis-
lature provide: *First*, that fruit cordials may
be made, the base of which must be California
wine; *second*, the quantity of liquor that may
be sold on a doctor's prescription is limited to
eight fluid ounces; *third*, it is made an offense
for a physician to prescribe alcoholic beverages
for any person not in actual need thereof as a
medicine.

While this proposed legislation was initiated
by the grape growers of California, who have
an industry representing an actual investment
of \$150,000,000 which they naturally desire to
protect, and which they feel should not unneces-
sarily be destroyed, they are not its sole sponsors.

The Rominger bill was not designed primarily
to protect the grape industry, important as that
industry is to the state. It was framed chiefly
to correct conditions which the conservative
opinion of the state had come to regard as most
injurious to the welfare of the state's citizenship.

Vote "Yes."
J. A. ROMINGER,
State Senator Thirty-third District.
FRANK T. SWETT,
Member State Board of Viticultural
Commissioners.

**ARGUMENT AGAINST LIQUOR REGULATION
INITIATIVE ACT.**

This measure (the so-called Rominger bill) is
unwise and unnecessary, inasmuch as our general
economic and social affairs are tending towards
more temperate and wholesome conditions of life,

and in consequence the habits of our people are
becoming more temperate.

This proposed law would interfere seriously
with personal liberty by providing that liquors
can only be consumed in public places with a
meal, and then only between the hours of twelve
o'clock noon and twelve o'clock midnight. This
provision is decidedly unjust, particularly to
workmen, who would be compelled to pay for
a meal in order to drink a glass of beer or wine.

Such measures are not new, but wherever they
have been tried they have always resulted in a
waste of food; for while the law may compel one
to buy a meal, there is no way to force the pur-
chaser to eat it. Laws that interfere so inti-
mately with personal rights always lead to
violation and finally to disrespect of the law.

Temperance and character must be developed
in the individual by the proper conditions of life
and opportunity; they can never be developed by
restrictive and oppressive laws. The hope of
humanity rests upon construction, not restriction.

It would be just as reasonable to require the
purchase of a meal with a glass of lemonade, as
with a glass of wine. It does not follow that
one is always hungry when one is thirsty, or
thirsty when one is hungry. Yet this bill seems
to imply it.

Intemperance is not a cause within itself, but
is the outgrowth of some intemperate condition
of life. Restrictive and prohibitory laws will not
cure intemperance. To the degree that men and
women are assuming larger personal responsi-
bility and taking their place in a broader demo-
cratic state, will such a law become obnoxious
and useless.

The people of California have the true spirit
of the West with a broad understanding of in-
dividual rights. They cannot tolerate such inti-
mate interference with personal rights as the
proposed law provides.

Vote "No."
HARRY RYAN,
State Organizer California Trades Union-
Liberty League.

2	DEPOSIT OF PUBLIC MONEYS. Senate Constitutional Amendment 31. Amends Section 16 1/2 Article XI of Constitution. Authorizes state, county or municipality to deposit moneys in national banks within state, or banks organized under laws thereof, as permitted by any law adopted by initiative or by two-thirds vote of each house of legislature approved by governor and subject to referendum, and, when issuing bonds, in banks outside state to pay principal or interest thereof where payable; eliminates provisions requiring security for deposits, interest thereon and limiting amounts thereof, continuing present laws governing deposits until amended or repealed.	YES	
		NO	

Senate Constitutional Amendment No. 34—A
resolution to propose to the people of the
State of California an amendment to the
constitution of the state, by amending sec-
tion sixteen and one-half of article eleven
thereof, relating to the deposit of moneys
belonging to the state or to any county or
municipality within the state in any bank
or banks.

Resolved by the senate, the assembly con-
curred, That the legislature of the State of
California, at its regular session commencing on
the eighth day of January, nineteen hundred
and seventeen, two-thirds of the members elected
to each of the two houses voting in favor
thereof, hereby propose to the qualified electors
of the State of California that section sixteen
and one-half of article eleven of the constitution
of said state be amended to read as follows:

PROPOSED AMENDMENT.
(Proposed changes in provisions are printed in
black-faced type.)

Sec. 16 1/2. All moneys belonging to the state
or to any county or municipality within this
state may be deposited in any national bank or
banks within this state, or in any bank or banks
organized under the laws of this state, in such
manner and under such conditions as may be
provided by any law adopted by the people

under the initiative or by a two-thirds vote of
each house of the legislature and approved by
the governor and subject to the referendum,
provided, that the laws now governing the
deposit of such moneys shall continue in force
until such laws shall be amended, changed or
repealed as in this section authorized; and
provided, further, that the state or any county,
city and county, city, town or municipality,
issuing bonds under the laws of this state,
may deposit moneys in any bank or banks out-
side this state for the payment of the principal
or interest of such bonds at the place or places
at which the same are payable.

Section sixteen and one-half, article eleven
proposed to be amended, now reads as follows:

EXISTING PROVISIONS.
(Provisions proposed to be repealed are printed
in italics.)

Sec. 16 1/2. All moneys belonging to the state
or to any county or municipality within this
state, may be deposited in any national bank or
banks within this state, or in any bank or banks
organized under the laws of this state, in such
manner and under such conditions as may be
provided by law; provided, that such bank or
banks in which such moneys are deposited shall
furnish as security for such deposits, bonds of
the United States, or of this state or of any
county, municipality or school district within