

**REGULATION OF LIQUOR TRAFFIC
DISTRICT OF COLUMBIA: HEARING
BEFORE THE COMMITTEE ON THE
DISTRICT OF COLUMBIA OF THE UNITED
STATES SENATE ON THE BILL S. 5473**

Published @ 2017 Trieste Publishing Pty Ltd

ISBN 9780649433360

Regulation of Liquor Traffic District of Columbia: Hearing Before the Committee on the District of Columbia of the United States Senate on the Bill S. 5473 by Various

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DISTRICT OF COLUMBIA

HEARING

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BEFORE THE

COMMITTEE ON THE DISTRICT OF COLUMBIA
OF THE UNITED STATES SENATE

ON THE BILL

S. 5473

TO BETTER REGULATE THE TRAFFIC IN
INTOXICATING LIQUORS IN THE
DISTRICT OF COLUMBIA

WASHINGTON
GOVERNMENT PRINTING OFFICE

1910

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REGULATION OF LIQUOR TRAFFIC IN DISTRICT OF COLUMBIA.

THURSDAY, April 13, 1910.

Hearing before the Senate Committee on the District of Columbia of the United States on the bill S. 5473 to better regulate the traffic in intoxicating liquors in the District of Columbia.

Present: Senators Gallinger (chairman), Burkett, Carter, Bulkeley, Bradley, Paynter, Smith of Maryland, and Fletcher.

The CHAIRMAN. The hearing this morning is on Senate bill 5473, entitled "A bill to better regulate the traffic in intoxicating liquors in the District of Columbia," introduced into the Senate on the 18th day of January and now before the Committee on the District of Columbia. We have about two hours this morning to devote to the consideration of this bill, and I will take the liberty of suggesting to those present that if there be no objection Mr. E. C. Dinwiddie will control the time in favor of the bill, and Mr. Hugh F. Harvey the time in opposition, they selecting such persons as they may think proper to present the case for and against the measure. If it is agreeable to the committee, as I have no doubt it will be, I will suggest that the friends of the bill occupy three-quarters of an hour and the opponents a full hour, and that then the friends of the bill will have fifteen minutes in which to close the discussion. That is the usual way of conducting a hearing of this kind. Mr. Dinwiddie, is that agreeable to you?

Mr. DINWIDDIE. That is agreeable, Mr. Chairman.

The CHAIRMAN. Is that agreeable to you, Mr. Harvey?

Mr. HARVEY. Yes, sir.

Mr. EMMETT L. ADAMS. Mr. Chairman, I represent an interest here that I think has no claim on either of the gentlemen referred to. I represent the Central Labor Union of Washington, and we should like to be guaranteed at least a few minutes' time for the presentation of our views. If Mr. Dinwiddie or Mr. Harvey will give us those few minutes, that will be perfectly satisfactory to me.

Mr. DINWIDDIE. If Mr. Adams desires to speak for the bill, I will be glad to give him the time.

Mr. ADAMS. I am sorry to say that the Central Labor Union is in opposition to the bill.

Mr. HARVEY. Mr. Chairman, we will try and arrange to give Mr. Adams all of the time possible.

The CHAIRMAN. I will state that during the pendency of this bill a great many hundreds of letters and petitions have come to the chairman that it is not necessary to introduce into the proceedings. It has taken one clerk a good part of his time to open those letters and arrange them. I do not know how they stand numerically, but there is probably not much difference in the number for and

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against the measure. I think it is well at this time to insert a copy of the bill and also two communications from the Commissioners of the District of Columbia, one from the present board and one from the board that recently retired, both of which communications are in opposition to many of the features of the bill.

(The bill is as follows:)

[S. 5473, Sixty-first Congress, second session.]

A BILL To better regulate the traffic in intoxicating liquors in the District of Columbia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no person, company, copartnership, association, club, or corporation shall manufacture, sell, offer for sale, keep for sale, traffic in, barter, exchange for goods, give away, or otherwise furnish, in the District of Columbia, any intoxicating liquors, except as hereinafter provided. Wherever the term "intoxicating liquors" is used in this act it shall be deemed to include whiskey, brandy, gin, wine, cordials, rum, ale, porter, beer, hard or fermented cider, and all other fermented, distilled, spirituous, vinous, and malt liquors, and every mixture of liquors which shall contain more than two per centum, by weight, of alcohol, and any mixture of liquor which shall contain less than two per centum of alcohol, if the same shall be intoxicating.

SEC. 2. That there shall be, and is hereby, constituted an excise board for the District of Columbia, which shall be composed of the judge of the juvenile court, the health officer, and one of the inspectors of police who shall be designated by the Commissioners of the District of Columbia, which board shall consider and act upon all applications for license to sell intoxicating liquors, and the action of said board shall be final and conclusive; but it shall not be mandatory upon said board to grant a license for any of the purposes specified in this act. On the granting by said board of a license to sell intoxicating liquors the assessor shall issue a license to the applicant. Said board shall make such rules and regulations for carrying into effect this act as it may deem requisite and proper. It shall make an annual report to Congress, setting forth the number of applications for license, whether favorably or unfavorably acted on, the number of persons convicted for violation of this statute, and the number and amount of fines collected and uncollected; and it shall have power to issue subpoenas to compel the attendance of witnesses before it, and such subpoenas shall be served by any member of the Metropolitan police force; and said board, or any member of it, shall also have power to administer oaths or affirmations in any matter affected by the operations of this act. Any person having taken such oath or affirmation who shall knowingly give false testimony before said board or any member thereof, as to a material fact, shall be deemed guilty of perjury, and on conviction thereof shall be subject to the penalty now provided by law for that offense.

SEC. 3. That the said board shall appoint a clerk at a salary of two thousand four hundred dollars per annum, and an inspector at a salary of one thousand two hundred dollars per annum. Said inspector shall make inspections as may be required by this act, under the orders of the board, and make full report of such inspections to the board. Said inspector shall wear a badge indicating that he is such inspector of the excise board. The board shall keep a full record of all applications for license, of all recommendations for and remonstrances against the granting of licenses, and the actions taken thereon.

SEC. 4. That every person applying for a license to sell intoxicating liquors in said District shall file with the said board a petition for such license, and such petition shall be considered and acted upon by the board in the order in which such petition is filed and numbered. Said petition shall contain—

First. A statement giving the name and residence of the applicant and the time he has resided in the District of Columbia.

Second. A statement describing the particular place for which a license is desired, designating the same by street and number, if practicable, and if not, by such other apt description as will definitely locate it, and how long said applicant has been engaged in business at said place.

Third. The full name and residence of the owner of the premises upon which the business is to be carried on.

Fourth. A statement that the applicant is a citizen of the United States and a bona fide resident of the District of Columbia, and not less than twenty-one years of age, and whether such applicant has, since March third, eighteen hundred and ninety-three, been adjudged guilty of violating the laws governing the sale of intoxicating liquors or for the prevention of gambling in the District of Columbia.

Fifth. A statement that he intends to, and if licensed will, carry on such business for himself and not as the agent of any other person, company, copartnership, or corporation.

Sixth. A statement that he intends to superintend in person the management of the business for which he asks a license, and that if licensed he will so superintend the management of the business so licensed.

Said petition must be sworn to by the petitioner before a notary public or other person duly authorized to administer oaths and affirmations. If any false material statement is made in any part of said petition, the petitioner making said affidavit shall be deemed guilty of perjury, and on conviction thereof shall be subject to the penalty now provided by law for that offense; and in case a license has been issued to said petitioner the same shall be immediately revoked by said board.

SEC. 5. That the licenses authorized and provided for by this act shall be of two classes, wholesale liquor licenses and barroom licenses. The fee for a wholesale liquor license shall be ----- hundred dollars per annum, and for a barroom license ----- hundred dollars per annum. Every applicant for a liquor license shall deposit the amount of the license fee with the collector of taxes of the District of Columbia at the time of filing the application with the excise board. If, upon consideration of the application for license by the board as provided for in this act, the board shall decide to grant the license prayed for, it shall notify the assessor, and the applicant shall thereupon receive his license; and only on the granting by said board of a license to an applicant to sell intoxicating liquor shall the assessor issue a license to such applicant. A barroom license shall be required for every hotel, tavern, barroom, club, or other place in which intoxicating liquors are sold or dispensed at retail. A wholesale liquor license shall authorize the licensee to sell intoxicating liquors to the holders of barroom licenses only under the provisions of this act and in quantities not less than five gallons, and not to be drunk on the premises where sold; and no wholesale license shall be granted until it is satisfactorily shown that the place where it is intended to carry on such business is properly arranged for selling such liquors as merchandise. Every place where intoxicating liquors are sold to be drunk on the premises or in quantities less than one gallon, whether drunk on the premises or not, shall be regarded as a barroom; and the possession of intoxicating liquors, with the means and appliances for carrying on the business of dispensing the same to be drunk where sold, shall be prima facie evidence of a barroom within the meaning of this act, and the license therefor shall be known as a barroom license. All makers, brewers, and distillers of intoxicating liquors in the District of Columbia, and all agents of makers, brewers, and distillers established outside of the District of Columbia and selling their product in said District, shall be required to take out the wholesale license provided for in this act: *Provided*, That when such business is carried on at more than one place a license shall be required for each place. Before the excise board may grant a license to a club it must be satisfactorily shown that such club is duly incorporated, that its membership is bona fide, all being on an equal status with equal privileges and responsibilities; that its purposes are legitimate and that the sale of liquor intended is no more than an incident, and is not a prime source of revenue. A license to a club shall be issued in the name of the president, and in case of violation of the provisions of this act in such club, he and the other officers of the club shall be proceeded against in their individual capacities, and if convicted, be subject to the penalties prescribed in section fifteen of this act, and the license of said club shall be immediately revoked by the excise board.

SEC. 6. That in the city of Washington every applicant for a wholesale or barroom license shall present to the excise board with his application the written permission of a majority of persons owning real estate and a majority of residents keeping house, including bona fide tenants in flats or apartment houses who lease by the year, within the square in which it is desired to locate or maintain such business and within the five other squares located nearest to said place of business; and in that portion of the District of Columbia lying outside of the city of Washington such applicant shall present such permission from a majority of the persons owning real estate and a majority of residents keeping house within the space of 1,000 feet of the street or road on each side of the building where it is desired to locate or continue such business, and within a similar space on the side of the street or road fronting opposite such building. The fact of ownership of real estate shall be certified by the assessor of the District of Columbia, and the fact of the required residence and the genuineness of the signatures of both the owners and residents aforesaid shall be certified by the captain or acting captain of the police precinct which embraces such location: *Provided*, That no person having a liquor license at the date of the passage of the current license year, at the time for making application for a renewal of his license, and then each year thereafter.

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Sec. 7. That under the license issued in accordance with this act no intoxicating liquors shall be sold, given, or in any way disposed of to any minor or intoxicated person, or to any habitual drunkard, or to any person who is in the habit of becoming intoxicated, if such last-named person's wife, son, daughter, mother, father, or other person legitimately dependent upon such person shall, in writing, request that the licensee shall not sell or furnish intoxicating liquors to such person, nor between the hours of ten o'clock in the evening and seven o'clock in the morning, during which last-named hours, and on Sundays and legal holidays, every barroom and other place where intoxicating liquors are sold shall be kept closed for all purposes, and during which hours and on Sundays and legal holidays no intoxicating liquors shall be sold or otherwise dispensed; that no minor under the age of eighteen years shall be allowed to enter or be permitted to remain in any place where intoxicating liquors are sold, other than a hotel; that the interior of every barroom shall at all times be exposed to full view from the street without obstruction by screens, blinds, curtains, stained glass, bottles, boxes, signs, or other material, except clubs licensed under this act and hotels having only an interior barroom, which shall be exposed to full view from the corridors or passageways along the entrance to such barroom: *Provided further*, That the excise board shall fix the hours, except on Sundays and legal holidays and between the hours of twelve o'clock midnight and seven o'clock in the morning, during which such a club as provided in section five of this act may sell liquors to its members.

Sec. 8. Every wife, child, parent, guardian, employer, or other person who shall be injured in person or property or means of support by any intoxicated person, or in consequence of intoxication of any person, shall have a right of action for all damages actually sustained, in his or her own name against any person, individual, or corporation who shall, by selling, bartering, giving away, or otherwise furnishing intoxicating liquors, have caused intoxication of such person. On the trial of any such suit proof that the defendant or defendants sold, bartered, gave away, or furnished such liquors to such intoxicated person on the day, or about the time (and prior thereto) of such injury, shall be prima facie evidence that the liquor so sold, bartered, given away, or otherwise furnished caused such intoxication. In any action by a married woman or other person legally entitled to recover damages for loss of support caused by such intoxication, it shall only be necessary to prove that the defendant or defendants has or have given, bartered, sold, or otherwise furnished intoxicating liquor of any kind to such person during the period when such cause of action shall have accrued.

Sec. 9. That any minor, for the purpose of evading the provisions of the preceding section, who falsely represents his age shall be deemed guilty of a misdemeanor, and be fined for each offense not more than fifty dollars, and in default in the payment of such fine shall be imprisoned in the workhouse of said District not exceeding thirty days.

Sec. 10. That no license under this act shall be issued for a longer period than one year, and the year shall begin on the first day of November and end on the last day of October following; and no license shall be transferred by the licensee to any other person or to any other place, except with the written consent of the excise board upon a regular application therefor in writing, and then only on the transferee obtaining the consent of a majority of the real-estate owners and resident housekeepers, as provided in section six of this act; and the fee to be paid by the party applying for such transfer shall be two dollars, which shall be paid to the collector of taxes of the District before such transfer is made: *Provided*, That the excise board shall not allow the transfer of the license of any person against whom there are pending in the courts or before the excise board charges of keeping a disorderly house or violating the excise laws or the laws against gambling in the District of Columbia.

Sec. 11. That every person receiving a license to sell liquor under this act shall frame the same under glass and place it in a conspicuous place in his place of business, so that anyone entering such place may easily read such license.

Sec. 12. That all applicants for license and persons holding licenses under this act shall allow the duly authorized inspector of the excise board full opportunity and every facility to examine, at any time during business hours, the premises where intoxicating liquor is sold, or for which a license is asked or has been granted; and the same opportunity and facility shall be afforded, by the licensee or some person acting in his stead, any member of the Metropolitan police force who has reasonable belief that the law is being violated to enter and examine at all times such licensed places, and no person or persons shall obstruct, hinder, or in any manner molest such inspector or officer, provided such inspector or officer exhibits a badge showing he is such inspector or officer.

Sec. 13. That regularly licensed druggists or pharmacists shall not be required to obtain license under the provisions of this act, but they shall not sell intoxicating liquors, nor compound, nor mix and composition thereof, nor sell pure grain alcohol

or any malt extract, or other proprietary medicines containing more than two per centum of alcohol, except upon a written and bona fide prescription of a duly licensed and regularly practicing physician in the District of Columbia, whose name shall be signed thereto; such prescription shall be numbered in the order of receiving, and shall be canceled by writing on it the word "canceled" and the date on which it was presented and filled, and kept on file in consecutive order subject to public inspection at all times during business hours. No such prescription shall be filled more than once: *Provided*, That every druggist or pharmacist selling intoxicating liquors as herein provided shall keep a book provided for the purpose and shall enter therein at the time of every sale a true record of the date of the sale, the name of the purchaser, who shall sign his name in said book as a part of the entry, his residence (giving the street and house number if there be such), the kind and quantity and price of such liquor, the purpose for which it was sold, and the name of the physician giving the prescription therefor. Such book shall be open to public inspection during business hours, and shall be in form substantially as follows:

Date.	Name of purchaser.	Residence.	Kind and quantity.	Purpose of use.	Price.	Name of physician.	Signature of purchaser.

Said book shall be produced before the excise board or the courts when required.

Any druggist or pharmacist who shall sell or dispense any intoxicating liquors except in such manner as provided in this section, or who shall fail or refuse to keep the record herein required, or who shall refill any prescription, or who shall violate any other provision of this section shall be guilty of illegal selling, and upon conviction thereof shall be subject to the penalties prescribed in section fifteen of this act. Upon a second conviction for said offense, in addition to the penalties prescribed in said section fifteen, it shall be a part of the judgment of conviction that the license to practice pharmacy of such druggist or pharmacist be revoked, and the court before whom such person shall be tried and convicted shall cause a certified copy of such judgment of conviction to be certified to the board having authority to issue such license.

Any physician who shall prescribe any such intoxicating liquors except for treatment of disease which, after his own personal diagnosis, he shall deem to require such treatment shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than fifty dollars nor more than two hundred dollars, and in default of payment of said fine shall be imprisoned in the District jail or workhouse for not less than thirty nor more than ninety days; and upon a second conviction for said offense, in addition to the penalty above provided, it shall be a part of the judgment of conviction that the license to practice medicine of such physician be revoked, and the court before whom such person shall be tried and convicted shall cause a certified copy of such judgment of conviction to be certified to the board having authority to issue such license.

SEC. 14. That any person, company, copartnership, corporation, club, or association manufacturing, selling, offering for sale, keeping for sale, trafficking in, bartering, exchanging for goods, or otherwise furnishing any intoxicating liquors in the District of Columbia without first having obtained a license as herein provided, or shall manufacture, sell, offer for sale, keep for sale, traffic in, barter, exchange for goods, give away, or otherwise furnish, solicit, or receive orders for intoxicating liquors in any part, section, or district of the District of Columbia wherein the same is prohibited by law, upon conviction thereof shall be fined not less than two hundred and fifty dollars nor more than eight hundred dollars, and in default in the payment of such fine be imprisoned in the District jail or workhouse for not less than two months nor more than six months; and upon every subsequent conviction for such offense shall, in addition to the penalty named, to wit, a fine of not less than two hundred and fifty dollars nor more than eight hundred dollars, be imprisoned in the workhouse of the District of Columbia not less than three months nor more than one year.

SEC. 15. That any person, company, copartnership, corporation, or club, having obtained a license under this act, who shall violate any of its provisions shall, upon conviction of such violation, be fined not less than one hundred dollars nor more than five hundred dollars, and the excise board may, in its discretion, revoke the license; and upon a second conviction of such violation such licensee shall be fined not less than