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Prohibition Laws

Federal and State

In Force in the
STATE OF ARIZONA

Compliments of
WILEY E. JONES
ATTORNEY GENERAL
OF ARIZONA



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Compiled and Issued by
WILEY E. JONES
Attorney General of Arizona
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NOTE—This compilation of State and Federal Prohibition Laws is prepared for the especial use of all court officers of the State, with the hope that it will be an important aid in the effective enforcement of prohibition throughout the State of Arizona.

CONSTITUTIONAL AMENDMENT

Adopted in Arizona at the Election November 3, 1914

BE IT ENACTED BY THE PEOPLE OF THE STATE OF ARIZONA:

That the Constitution of the State of Arizona be and is hereby amended by adding thereto another Article, the same to be numbered XXIII, and to read as follows, to-wit:

Section 1. Ardent spirits, ale, beer, wine or intoxicating liquor or liquors of whatever kind shall not be manufactured in or introduced into the State of Arizona under any pretense. Every person who sells, exchanges, gives, barterers or disposes of any ardent spirits, ale, beer, wine or intoxicating liquor of any kind to any person in the State of Arizona, or who manufactures or introduces into, or attempts to introduce into the State of Arizona any ardent spirits, ale, beer, wine or intoxicating liquor of any kind, shall be guilty of a misdemeanor and upon conviction shall be imprisoned for not less than ten days nor more than two years, and fined not less than twenty-five dollars and costs nor more than three hundred dollars and costs for each offense; provided, that nothing in this amendment contained shall apply to the manufacture or sale of denatured alcohol.

Section 2. The legislature shall by appropriate legislation provide for the carrying into effect of this amendment.

Section 3. This amendment shall take effect on, and be in force on and after the first day of January, 1915.

CONSTITUTIONAL AMENDMENT

Adopted in Arizona at the Election November 7, 1916

BE IT ENACTED BY THE PEOPLE OF THE STATE OF ARIZONA:

That the Constitution of the State of Arizona be and is hereby amended by adding thereto another article, the same to be numbered XXIV, and to read as follows, to-wit:

Section 1. It shall be unlawful for any person in the

State of Arizona to receive, or cause to be received, from without the State of Arizona, for any purpose, any ardent spirits, ale, beer, wine or intoxicating liquors of any kind, and it shall be unlawful for any person in the State of Arizona to have in his possession, for any purpose, any ardent spirits, ale, beer, wine or intoxicating liquors of any kind, which he has introduced or caused to be introduced into the State of Arizona, and it shall be unlawful for any person to transport or cause to be transported, within the State of Arizona, any ardent spirits, ale, beer, wine or intoxicating liquors of any kind, provided, that it shall be lawful for any regularly ordained priest or clergyman of an established church to receive, transport and possess wine to be used only for sacramental purposes, and provided further, that the University of Arizona, through its Board of Regents, may introduce, receive, transport and possess grain alcohol for scientific uses, and may use and may distribute such alcohol under such restrictions and regulations as said Board of Regents may from time to time adopt, to other institutions of research and learning, for scientific uses. And provided further, that nothing herein shall prevent the introduction, transportation and possession of denatured alcohol.

Sec. 2. Every person who shall violate any provision of section one of this article or any rule or regulation made thereunder, shall be guilty of a misdemeanor and shall be imprisoned for not less than ten days, nor more than two years, and fined not less than twenty-five dollars and costs, and not more than three hundred dollars and costs for each offense; and the liquors received, transported or possessed in violation of section one of this article or manufactured, introduced or disposed of in violation of Article XXIII of this Constitution, shall be by the court ordered publicly destroyed.

PROHIBITION STATUTE OF ARIZONA

(Chapter 63, Session Laws 1917)

A N A C T

To Prohibit the Introduction into, the Manufacture, Sale, Receipt, Possession, Transportation or Disposal of any Ale, Beer, Wine or any Malt, Vinous, Spirituous Liquors or any Mixture or Preparation of Like Nature, or any Intoxicating Liquors of any Kind, and Defining Advertising, Bootlegging, Clubs, Common Carriers, Ouster Proceedings, Status of Liquor, and Providing a Penalty for the Violation thereof.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE
OF ARIZONA :

Section 1. Ale, beer, wine or any malt, vinous or spirituous liquors or any mixture or preparation of like nature, or any intoxicating liquors of any kind shall not be manufactured in or introduced into the State of Arizona under any pretense. Every person who sells, gives, barter or disposes of any ale, beer, wine or any malt, vinous or spirituous liquors or any mixture or preparation of like nature, or any intoxicating liquors of any kind to any person in the State of Arizona, or who manufactures or introduces into or attempts to introduce into the State of Arizona any ale, beer, wine or any malt, vinous or spirituous liquors or any mixture or preparation of like nature, or any intoxicating liquors of any kind shall be guilty of a misdemeanor.

Section 2. It shall be unlawful for any person in the State of Arizona to receive, or cause to be received, from without the State of Arizona, for any purpose, any ale, wine, beer or any malt, vinous or spirituous liquors or any mixture or preparation of like nature, or any intoxicating liquors of any kind, and it shall be unlawful for any person in the State of Arizona to have in his possession, for any purpose any ale, wine, or beer or any malt, vinous or spirituous liquors or any mixture or preparation of like nature, or any intoxicating liquors of any kind, which he has introduced or caused to be introduced into the State of Arizona, and it shall be unlawful for any person to transport or cause to be transported, within the State of Arizona any ale, wine, beer or any malt, vinous or spirituous liquors or any mixture or preparation of a like nature, or any intoxicating liquors of any kind, provided that it shall be lawful for any regularly ordained priest or clergyman of an established church to receive, transport and possess wine to be used for sacramental purposes, and provided further, that the University of Arizona, through its Board of Regents, may introduce, receive, transport and possess grain alcohol for scientific uses, and may use and may distribute such alcohol under such restrictions and regulations as said Board of Regents may from time to time adopt, to other institutions of research and learning for scientific uses. Provided also that nothing herein shall prevent the manufacture and sale of such preparations as flavoring extracts, essences, tinctures, perfumes or remedies containing drugs or medicines which do not contain more alcohol than is necessary for legitimate purposes for extraction, solution or preservation, and which contain drugs in sufficient quantity to medicate

such compounds, and which are sold for legitimate and lawful purposes, and not as beverages. And provided further, that nothing herein shall prevent the introduction, transportation and possession of denatured alcohol.

Sec. 3. ADVERTISING—It shall be unlawful for any person, association or corporation, either directly or indirectly, to advertise intoxicating liquors in this State for sale or gift in any newspaper, periodical, circular, handbill, or pricelist, or on any sign, sign-board, bill-board, bulletin-board, or in any manner whatsoever; or for any owner, officer or any person in charge of any newspaper, periodical, sign, sign-board, bill-board, bulletin-board, printing office, advertising agency or publicity bureau, or any other person, to publish or distribute any matter in this State which either directly or indirectly advertises intoxicating liquors for sale or gift.

BOOTLEGGER—Any person who shall, by himself, or his employee, servant or agent, for himself or any person, company or corporation, keep or carry on his person, or in a vehicle, or leave in a place for another to secure, any intoxicating liquor is herein defined, with intent to sell or dispose of the same by gift, or otherwise, or who shall within the state in any manner, directly or indirectly, solicit, take or accept any order for the sale, shipment or delivery of intoxicating liquor in violation of the law, shall be termed a bootlegger, and shall be guilty of a misdemeanor.

CLUBS—It shall be unlawful for any officer, employe or member of any club, society or association, or for any proprietor, manager or employe of any hotel, restaurant, rooming house, boarding house or any place of public entertainment, to keep or to aid or to abet in keeping, any intoxicating liquors for the purpose of sale or gift as a beverage or for the division or distribution of the same about any such place in any manner whatsoever. In all cases arising under this section, any person above specified shall be a competent witness to prove a violation of any of the provisions hereof, and no such person shall be excused from testifying by reason of such testimony tending to incriminate himself, but the testimony so given shall in no case be used against himself.

COMMON CARRIERS—It shall be unlawful for any common or special carrier or for any person, association or corporation, to carry any intoxicating liquors into this State, or from one point to another within the State for the purpose of delivery, or to deliver the same to any person, com-

pany or corporation within this State except for such purposes as are heretofore stated.

There shall be no property rights of any kind in liquors or vessels used for the purpose of violating the law. Unauthorized possession of liquor prima facie evidence of violation of law.

OUSTER PROCEEDINGS—If any justice of the peace, district attorney or sheriff shall neglect or refuse to do his duty in the enforcement of the provisions of this act, any freeholder or Governor or his agent, or Attorney General of the State may file a complaint in any Superior Court of competent jurisdiction of this State, setting forth the specific charges of such neglect and refusal against any of said officials. Such action shall be brought in the name of the people of the State of Arizona on the relation of the complaint. Proceedings shall then be had in said court as are provided by law for civil action to the end that the defendant shall have a full and complete hearing and trial of the charges made. If the defendant shall be convicted he shall be deemed ousted from his office, and a decree be entered accordingly. The vacancy, if any such so created, shall be filled as provided by the constitution or law for the appointment in case of vacancy.

Sec. 4. Any person who shall violate any provisions of this act or any rule or regulation thereunder, shall be guilty of a misdemeanor and upon conviction thereof shall be imprisoned for not less than ten days or more than two years, and fined not less than twenty-five dollars and costs, nor more than three hundred dollars and costs for each offense, and the liquors received, transported, possessed, manufactured, introduced or disposed of in violation of this act shall be by the court publicly destroyed.

In Force June 7, 1917.

A N A C T

For the Forfeiture of Vehicles Unlawfully Carrying Intoxicating Liquors and for More Effective Enforcement of Prohibition Within the State of Arizona.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ARIZONA:

Section 1. That all wagons, buggies, automobiles or other vehicles of any kind, and all boats and aircrafts, and all animals used in knowingly hauling or transporting any

liquor the transportation of which is prohibited by the laws of this State, from one place to another in this State in violation of the laws thereof, shall be forfeited to the State by order of the court issuing the process by virtue of which such vehicles and animals are held, or before which the persons violating the law, or the vehicles or animals are taken by the officer or officers making the seizure.

Section 2. The court having jurisdiction of the property so seized shall order an early hearing as to whether the property so seized was being used for unlawful purposes, and take such legal evidences as are offered on each behalf and determine the same as in civil cases. Should the court find from a preponderance of the testimony that the property so seized was being used knowingly, by the custodian thereof, for the unlawful transportation of liquor under the laws of this State, it shall render judgment accordingly and declare said property forfeited to the State of Arizona. Thereupon, said property shall, under the order of said court, be sold by the officer having the same in charge after ten days' notice published in a daily newspaper of the county wherein said sale is to take place, or if no daily newspaper is published in said county, then by posting five notices for ten days in conspicuous places in the city or town wherein such sale is to be made. Such sale shall be for cash and the proceeds thereof turned into the general fund of the County.

Section 3. Appeals may be allowed as in civil cases, but the possession of property being so unlawfully used shall be prima facie evidence that it is the property of the person so using it.

Any person other than the one in custody of said property at the time of its use in such unlawful transportation, claiming the same as owner thereof, must prove by satisfactory evidence that said property was stolen from such claimant and used for said unlawful purpose without his knowledge, in which event the court shall make no order of forfeiture of said property.

Section 4. This act shall not apply to intoxicating liquors lawfully introduced or imported into the state to be used for scientific or sacramental purposes as permitted by Article 24 of the Constitution of Arizona.

FEDERAL (U. S.) LAWS

WEBB-KENYON ACT

(S. 4043)

A N A C T

Divesting Intoxicating Liquors of their Interstate Character
in Certain Cases.

BE IT ENACTED BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA IN CONGRESS ASSEMBLED.

That the shipment or transportation, in any manner or by any means whatsoever, of any spirituous, vinous, malted, fermented, or intoxicating liquor of any kind, from one state, territory, or district of the United States, or place noncontiguous to but subject to the jurisdiction thereof, into any other state, territory, or district of the United States, or place noncontiguous to but subject to the jurisdiction thereof, or from any foreign country into any state, territory or district of the United States, or place noncontiguous to but subject to the jurisdiction thereof, which said spirituous, vinous, malted, fermented, or other intoxicating liquor is intended, by any person interested therein, to be received, possessed, sold, or in any manner used, either in the original package or otherwise, in violation of any law of such state, territory or district of the United States, or place noncontiguous to but subject to the jurisdiction thereof, is hereby prohibited.

ADVERTISEMENTS OF LIQUORS PROHIBITED TO BE CARRIED BY MAIL OR BY COMMON CARRIERS
LIQUOR SHIPMENTS INTO ARIZONA PROHIBITED

(H. R. 19410—App. P. O. Dept.)

Sec. 5. That no letter, postal card, circular, newspaper, pamphlet, or publication of any kind containing any advertisement of spirituous, vinous, malted, fermented, or other intoxicating liquors of any kind, or containing a solicitation of an order or orders for said liquors, or any of them, shall be deposited in or carried by the mails of the United States, or be delivered by any postmaster or letter carrier, when addressed or directed to any person, firm, corporation, or association; or other addressee, at any place or point in any state or territory of the United States at which it is by the law in force in the state or territory at that time unlawful to advertise or solicit orders for such liquors, or any of them, respectively.

If the publisher of any newspaper or other publication or the agent of such publisher, or if any dealer in such liquors or his agent, shall knowingly deposit, or cause to be deposited, or shall knowingly send or cause to be sent, anything to be conveyed or delivered by mail in violation of the provisions of this section, or shall knowingly deliver or cause to be

delivered by mail anything herein forbidden to be carried by mail, shall be fined not more than \$1,000 or imprisoned not more than six months, or both; and for any subsequent offense shall be imprisoned not more than one year. Any person violating any provision of this section may be tried and punished, either in the district in which the unlawful matter or publication was mailed or to which it was carried by mail for delivery, according to direction thereon, or in which it was caused to be delivered by mail to the person to whom it was addressed. Whoever shall order, purchase or cause intoxicating liquors to be transported in interstate commerce, except for scientific, sacramental, medicinal and mechanical purposes, into any state or territory the laws of which state or territory prohibit the manufacture or sale therein of intoxicating liquors for beverage purposes shall be punished as aforesaid: Provided, That nothing herein shall authorize the shipment of liquor into any state contrary to the laws of such state: Provided further, That the Postmaster General is hereby authorized and directed to make public from time to time in suitable bulletins or public notices the names of states in which it is unlawful to advertise or solicit orders for such liquors.

Approved March 3, 1917.

SALE TO SOLDIERS IN UNIFORM PROHIBITED

U. S. Military Establishment Act, May 18, 1917

(H. R. 3545)

Sec. 12. That the President of the United States, as commander-in-chief of the army, is authorized to make such regulations governing the prohibition of alcoholic liquors in or near military camps and to the officers and enlisted men of the army as he may from time to time deem necessary or advisable: Provided, That no person, corporation, partnership, or association shall sell, supply, or have in his or its possession any intoxicating or spirituous liquors at any military station, cantonment, camp, fort, post, officers' or enlisted men's club, which is being used at the time for military purposes under this Act, but the Secretary of War may make regulations permitting the sale and use of intoxicating liquors for medicinal purposes. It shall be unlawful to sell any intoxicating liquor, including beer, ale or wine, to any officer or member of the military forces while in uniform, except as herein provided. Any person, corporation, partnership or association violating the provisions of this section or the regulations made thereunder shall, unless otherwise punishable under the articles of war, be

deemed guilty of a misdemeanor and be punished by a fine of not more than \$1,000 or imprisonment for not more than twelve months, or both.

SHIPMENTS TO FICTITIOUS NAME PROHIBITED

From the
CRIMINAL CODE OF THE UNITED STATES

Sec. 238. Any officer, agent or employee of any railroad company, express company, or other common carrier, who shall knowingly deliver or cause to be delivered to any person other than the person to whom it has been consigned, unless upon the written order in each instance of the bona fide consignee, or to any fictitious person, or to any person under a fictitious name, any spirituous, vinous, malted, fermented, or other intoxicating liquor of any kind which has been shipped from one state, territory or district of the United States or place noncontiguous to but subject to the jurisdiction thereof, into any other state, territory or district of the United States, or place noncontiguous to but subject to the jurisdiction thereof, or from any foreign country into any state, territory or district of the United States, or place noncontiguous to but subject to the jurisdiction thereof, shall be fined not more than five thousand dollars, or imprisoned not more than two years, or both.

SHIPMENTS C. O. D. PROHIBITED

Sec. 239. Any railroad company, express company, or other common carrier, or any other person who, in connection with the transportation of any spirituous, vinous, malted, fermented or other intoxicating liquor of any kind, from one state, territory, or district of the United States, or place noncontiguous to but subject to the jurisdiction thereof, into any other state, territory, or district of the United States, or place noncontiguous to but subject to the jurisdiction thereof, or from any foreign country into any state, territory or district of the United States, or place noncontiguous to but subject to the jurisdiction thereof, shall collect the purchase price or any part thereof, before, on or after delivery, from the consignee, or from any other person, or shall in any manner act as the agent of the buyer or seller of any such liquor, for the purpose of buying or selling or completing the sale thereof, saving only in the actual transportation and delivery of the same, shall be fined not more than five thousand dollars.

LIQUOR SHIPMENTS NOT LABELED PROHIBITED

Sec. 240. Whoever shall knowingly ship or cause to be shipped, from one state, territory or district of the United States, or place noncontiguous to but subject to the jurisdiction thereof, into any other state, territory or district of the United States, or place noncontiguous to but subject to the jurisdiction thereof, or from any foreign country into any state, territory or district of the United States, or place noncontiguous to but subject to the jurisdiction thereof, any package of or package containing any spirituous, vinous, malted, fermented or other intoxicating liquor of any kind, unless such package be so labeled on the outside cover as to plainly show the name of the consignee, the nature of its contents, and the quantity contained therein, shall be fined not more than five thousand dollars; and such liquor shall be forfeited to the United States, and may be seized and condemned by like proceedings as those provided by law for the seizure and forfeiture of property imported into the United States contrary to law.

PROHIBITION AMENDMENT TO THE UNITED STATES CONSTITUTION, ADOPTED BY FORTY-FIVE STATES AND EFFECTIVE JAN. 29, 1920

(Article 18)

“Section 1. After one year from the ratification of this article the manufacture, sale or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

Sec. 2 The Congress and the several states shall have concurrent power to enforce this article by appropriate legislation.

Sec. 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress.”