

# LOCAL OPTION LAW

Full and Corrected Text of the New Act Signed by Gov. Ansel at An Early Hour Sunday Morning.

The Chronicle today prints several hundred extra copies in order that all who are interested may secure the local option law as it passed the general assembly.

Be it enacted by the general assembly of the State of South Carolina:

"Section 1. That all alcoholic liquor and beverages, whether manufactured within this State or elsewhere, not having been tested and found to be pure and free from poisonous and deleterious matters as hereinafter provided, are hereby declared to be against the morals, good health and safety of the State, and contraband.

"On and after the approval of this act, the manufacture, sale, barter, exchange, receipt or acceptance for unlawful use, delivery, storing and keeping in possession in this State of any spirituous, mal, vinous, fermented, brewed (whether lager or rice-beer) or other liquors and beverages, or any compound or mixture thereof which contains alcohol and is used as a beverage, is hereby prohibited, except in incorporated cities or towns of this State, in counties wherein the same may be permitted as hereinafter provided. Any person convicted of violating this section shall be punished by imprisonment at hard labor for a period not less than three months nor more than six months, or by a fine of not less than \$100 nor more than \$500.

"Sec. 2. The question whether the liquor shall be sold in any county in this State shall be determined at a special election to be held in such county on the first Tuesday following the first Monday in November of any year in which a general election for State and county officers is appointed by law to be held, and at such election there shall also be submitted the question whether one-third of the license fees and dispensary profits, as hereinafter provided for, shall be paid to the county treasurer, to be applied to the county school fund or to roads and bridges. Such election shall be ordered by the county supervisor of such county upon there being filed with him before the 1st day of May of such year, a petition in writing praying for such election signed by one-fourth of the qualified electors of such county. Excepting in the county of Colleton, where the petition shall be signed by one-sixth. He shall give 30 days' notice by advertisement of such election, and the same shall be held and conducted by the same officers and under the rules and under the rules and regulations provided by law for general State elections. Successive elections under this section are permitted, but they shall not be held in any county upon the same question oftener than once in four years. Provided, That during the year 1907 such election may be held upon such a day as may be appointed by the county supervisor, upon similar petition and notice, in the same manner and by the same officers. Provided, further, That in counties which have heretofore voted upon the question of dispensary or no dispensary under existing laws, such election shall not be held prior to the first general election held after four years from the date said counties voted upon said question except that in the counties of Union, Horry, Darlington, Marion and Newberry such election may be had during the year 1907, upon such day as may be appointed by the county supervisor upon similar petition and notice in the same manner and by the same officers as above provided: Provided, That any county in which a dispensary is now located may have the right to vote on the question of the removal of a dispensary in the

manner provided in this act: Provided, further, That any county voting in a dispensary shall have the right to vote on said dispensary, at any general election occurring four years or more after its establishment, in the same manner in which it was voted in: Provided, That the counties of Laurens and Edgefield may vote upon the question of dispensary or no dispensary at the general election, in the year 1908, in the mode herein prescribed."

"Sec. 3. At such election the election commissioners for such county shall at each voting precinct therein provide two ballot boxes in which the ballots must be cast. Any person who is a qualified elector of such county may vote in said election. Every voter who may be in favor of the sale of liquors and beverages in such county shall cast a ballot in a box provided therefor, on which shall be printed the word, 'For Sale,' and every voter opposed shall cast a ballot upon which shall be printed the words, 'Against Sale.' Every voter who may be in favor of the application of one-third of the dispensary profits to the county school fund, shall cast a ballot in a box provided therefor upon which shall be printed the words, 'For School Fund,' and every vote opposed thereto, but in favor of its application to roads and bridges, shall cast a ballot upon which shall be printed the words, 'For Roads and Bridges.'

"Sec. 4. If a majority of the ballots cast in such election be 'For Sale,' it shall be lawful for such liquors and beverages to be sold in said county as herein provided, and if a majority be 'Against Sale,' such election be reversed by a subsequent election.

"Sec. 5. If the sale of alcoholic liquors and beverages be authorized by such election, the governor, upon recommendation of the county board of education of such county, if the result of the election as to application of profits be in favor of county school fund, or the county board of commissioners, if such results be in favor of roads and bridges, the mayor or intendant of the city or town within which a dispensary may be located and the senator and members of the house of representatives of such county shall appoint three qualified electors of the county who shall be known as 'county dispensary board,' and whose term of office shall be two years, subject to removal by the governor for cause. One member of the board shall be recommended by each of the bodies above named, which shall also have the power to fill any vacancy, a majority thereof in each instance controlling. If there be more than one city or town in such county within which a dispensary may be located, then, and in such case, a majority of the mayors or intendants of such cities and towns shall control in their recommendation; and if there shall be a failure on their part for any reason to agree, then the appointment of the member to be recommended by them shall be made by the delegation: Provided, That in the counties of Dorchester, Berkeley, Fairfield, Orangeburg, Union, Newberry, Kershaw, Lee, Lexington, Barnwell, Marion, Marlboro, Sumter and Oconee, said board shall be appointed upon the recommendation of the members of the general assembly from said counties, or a majority of the respective delegations; except in the county of Abbeville, where one member shall be recommended by the city council of Abbeville, and two by the delegation in the general assembly; in the county of Chesterfield, where one member shall be recommended by the county

superintendent of education and the county supervisor, one member by the town council of the town of Cheraw and one member by the delegation in the general assembly; in the county of Georgetown, where, one member shall be recommended by the city council of Georgetown, one member by the county board of education and one member by the delegation in the general assembly; in the county of Lancaster, where one member shall be recommended by the town council of Lancaster and two members by the delegation in the general assembly. Each member of the board shall before entering upon his duties enter into a good and sufficient bond in the sum of \$5,000 with a surety company, the fee therefor to be paid out of the profits of the dispensary, in the form prescribed by section 584, volume 1, code of laws, 1902. The board shall organize by the election of a chairman and a secretary from among their number. Each member of the board for his services shall receive \$3 per day for not exceeding 10 days in each month, and mileage, five cents per mile each way, traveling in the most direct route. Said board shall have the power and is hereby required to make from time to time, rules and regulations for the government of any dispensary under its control. The said board is hereby authorized and required to establish a dispensary or dispensaries, as said board may deem proper, for the sale of alcoholic liquors and beverages as herein provided, and may close any dispensary so established except the dispensary located at the county seat when in their judgment the public good requires it: Provided, That in the county of Abbeville no dispensary shall ever be located outside the city of Abbeville. The said board shall elect a dispenser for each dispensary, who shall have charge of the same, under the supervision of the said board; for 12 months, unless removed by the board in the exercise of its discretion; the said board may employ such clerks and assistants as may in their judgment be necessary and pay them, including the dispenser, such salary as the said board may fix: Provided, no salary or compensation shall be regulated or be made dependent upon the amount of sales. Said dispenser shall give bond in the sum of \$5,000 in the form prescribed by section 584, volume 1, code of laws, 1902: Provided, said bond shall be given in a surety company, or such personal bond as the law now allows.

"Sec. 6. The members of the said county dispensary board are hereby declared to be county officers, and are hereby authorized and empowered under the authority and in the name of this State to buy in any market and retail within the State liquors and beverages as provided herein: Provided, That the State shall not be liable upon any contract for the purchase thereof beyond the actual assets of the dispensary for which the purchase is made. The members of the county dispensary board and all dispensers shall be persons of known moral character and not directly or indirectly applicants for appointment.

"Sec. 7. The said board shall advertise in two or more daily papers in this State, and one weekly paper of the county, for bids to supply the kinds and quantities of liquor and beer to be bought. Such bids shall be only for the liquor and beer to be furnished during the three months following, and he kinds and quantities shall be designated. The bids shall be sealed and there shall be no sign or mark upon the envelope indicating the name of the bidder. All bids must be sent by express or by registered mail to the county treasurer within 30 days after the first advertisement therefor. The county treasurer shall keep such bids without inspection or permitting inspection of the same until the expiration of said 30 days; when they shall be opened in public by said board and the contract awarded to the low-

[Continued on page 8]



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