

state in pursuance of a resolution of the assembly of the year 1868, upon satisfactory proof that such pamphlets were fully delivered in pursuance of such resolution, and the price of said pamphlets shall not exceed fifteen cents per copy.

SECTION 2. There is hereby appropriated out of any money in the treasury, not otherwise appropriated, a sum sufficient to carry into effect the provisions of this act. Appropriated.

Approved March 25, 1872.

CHAPTER 127.

[Published March 28, 1872.]

AN ACT to provide against the evils resulting from the sale of intoxicating liquors.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows :

SECTION 1. It shall be unlawful for any person or persons, by agent or otherwise, without having first obtained license therefor, as now required by law, to sell, in any quantity, intoxicating liquors: *provided*, that no person shall be granted a license to sell or give away intoxicating liquors without first giving a bond, in addition to the bonds now required by law, to the municipality or authority authorized by law to grant such license, running to the state of Wisconsin, in the penal sum of two thousand dollars, with at least two good and sufficient sureties, to be approved by the authorities granting the license, who shall be freeholders and residents of the county in which said license is granted, who shall severally justify upon the bond, their responsibility for said sum over and above all liabilities and exemptions, conditioned for the payment of all damages to any person or persons which may be inflicted upon or suffered by them either in person or property or means of support, by reason of so obtaining a license, selling or giving away intoxicating liquors, or dealing therein; and such bond may be sued or recovered upon for the use of any person or persons, or

Unlawful to sell liquors without license

Shall first give bond.

their legal representatives, who may be injured by reason of the selling or giving away of intoxicating liquors by the person or his agent so obtaining the license.

Unlawful to sell to minors.

SECTION 2. It shall be unlawful for any person or persons, by agent or otherwise, to sell intoxicating liquors to minors, unless upon the written order of their parents or guardian, or to persons intoxicated or who are habitual drunkards.

Shall be declared common nuisances.

SECTION 3. All places where intoxicating liquors are sold in violation of law shall be taken, held and declared to be common nuisances, and all rooms, taverns, bazaars, saloons, restaurants, groceries, drug stores, coffee houses, cellars and other places of public resort where intoxicating liquors are sold in violation of law, shall be shut up and abated as public nuisances upon conviction of the keeper thereof, who shall be punished as hereinafter provided.

Unlawful to become intoxicated.

SECTION 4. It shall be unlawful within this state for any person to become intoxicated, and any person found in a state or condition of intoxication shall, on conviction thereof, be punished therefor by being held in custody by order of the court, before which such person may be so convicted, or by imprisonment in the county jail, not less than one day nor more than sixty days, and may, in addition thereto, in the discretion of the court, be required to pay the costs of prosecution, and may be retained in jail or in custody until such costs are fully paid.

Penalty.

Shall be liable for care of intoxicated person.

SECTION 5. Every person who shall, by the sale or giving away of intoxicating liquors with or without a license, cause the intoxication of any other person, shall be liable for and compelled to pay a reasonable compensation to any city, town or village, or to any person who may take charge of and provide for such intoxicated person, and two dollars per day in addition thereto for every day such intoxicated person shall be kept, in consequence of such intoxication, which sum may be recovered before any court having competent jurisdiction.

Shall have right of action against seller of liquors.

SECTION 6. Every husband, 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 the intoxication of any person, shall have a right of action in his

or her own name, severally or jointly, against any person or persons who shall, by selling or giving away intoxicating liquors, have caused the intoxication, in whole or in part, of such person or persons, and any person who shall have caused such intoxication, as aforesaid, shall be liable for all damages sustained, and for exemplary damages; and a married woman shall have the same right to bring suits and to control the same as a feme sole, and all damages recovered by a minor under this act, shall be paid either to such minor or to his or her parent, guardian or next friend, as the court shall direct, and the unlawful sale or giving away of intoxicating liquors shall work a forfeiture of all rights of the lessee or tenant under any lease or contract of rent upon premises when [where] such unlawful sale or giving away shall take place, and all suits for damages under this act may be by any appropriate action in any of the courts of this state having competent jurisdiction.

Liabie for damages, sustained and exemplary.

SECTION 7. For every violation of the provisions of the first and second sections of this act, every person so offending shall forfeit and pay a fine of not less than twenty nor more than one hundred dollars, and be imprisoned in the jail of the county not less than ten nor more than thirty days, and pay the costs of prosecution; and for every violation of the provisions of the third section of this act, every person convicted as the keeper of any of the places therein declared to be nuisances, shall forfeit and pay a fine of not less than fifty nor more than one hundred dollars, and be imprisoned in the jail of the county for not less than twenty nor more than fifty days, and pay the costs of the prosecution, and such place or places so kept by such person or persons so convicted, shall be shut up and abated upon the order of the court before whom such conviction may be had, until such time as such person or persons keeping such places shall give bonds and security, to be approved by said court, in the penal sum of one thousand dollars, payable to the state of Wisconsin, conditional that he or she or they will not sell intoxicating liquors contrary to the laws of this state, and will pay all fines, costs and damages assessed against such keeper or keepers for any violation thereof, and in case of a forfeiture of such bond, suit may be brought thereon for the use of any person interested,

Penalty for violation of provisions of sections one and two.

or for the use of the county, in case of a fine or costs due such county.

Giving away,
deemed unlaw-
ful.

SECTION 8. The giving away of intoxicating liquors, or other shift or device to evade the provisions of this act, shall be deemed and held to be an unlawful selling within the provisions of this act.

How penalties
enforced.

SECTION 9. All fines and penalties for the violation of any of the provisions of this act may be enforced and recovered before any court of competent jurisdiction, by civil action, by complaint, indictment or information, and for that purpose, and for the punishment of all offenses under the provisions of this act, justices of the peace in their respective counties shall have concurrent jurisdiction with the circuit court, and in all prosecutions under this act by complaint, indictment, information or otherwise, it shall not be necessary to state the kind of liquors sold or given away, nor shall it be necessary to state the name of the person to whom the same was sold or given, and in all cases the person or persons bringing the action, and all persons to whom intoxicating liquors shall be sold in violation of this act, whether it be the husband or wife of the plaintiff or party bringing the action, shall be competent witnesses to prove all or any of the issues in the action or proceeding, and no person shall be deemed disqualified as a witness under any proceeding under this act by reason of a marital relation to any party or person interested.

Construction of
act.

SECTION 10. Nothing in this act shall be construed as repealing any of the provisions of the excise law of this state, now in force, or of the law prohibiting the sale of intoxicating liquors to minors.

SECTION 11. This act shall take effect and be in force from and after its passage and publication.

Approved March 25, 1872.