express company, where the dog was approaching death when it arrived at its owner's home on delivery by the carrier, and died when the owner still had nearly 3 weeks within which he was required to obtain the license. Laridaen v. Railway Express Agency, Inc. 259 W 178, 47 NW (2d) 727.

The purpose of the provision in 174.10 (1), Stats. 1951, that "no action" shall be maintained for injury to or destruction of a dog without a tag unless it appears affirmatively that the dog was duly licensed and that a tag had been properly attached to its collar, etc., was to penalize the dog owner who fails to purchase a license, and not to relieve from criminal liability the person who cruelly maims or tortures a dog, and the words "no action" as used therein refer to civil actions only, so that such provision does not preclude a criminal prosecution under 343.47 for maliciously maiming and killing a dog although the dog did not have a license tag affixed to its collar at the time of the commission of the offense. (State v. Garbe, 256 W 86, overruled so far as construing 174.10 (1) as applying to criminal as well as to civil actions.) State v. Surma, 263 W 388, 57 NW (2d) 370.

A private person may not kill a dog, not his own, though the dog be trespassing at night, but not in act of worrying or killing domestic animals. 9 Atty. Gen. 378.

Penalties collected must be paid to the state treasurer, and to the school fund under sec. 2, art. X. 10 Atty. Gen. 13.

174.11 History: 1919 c. 527; Stats. 1919 s. 1629; 1921 c. 438 s. 2; 1923 c. 291 s. 3; Stats. 1923 s. 174.11; 1929 c. 119; 1935 c. 550 s. 413; 1937 c. 92; 1939 c. 79; 1943 c. 229; 1949 c. 108; 1951 c. 491; 1957 c. 244; 1965 c. 146, 235; 1969 c. 276 s. 583 (1).

Proof of claim filed must trace claimed damage to injury by dogs. After claim filed reaches the county board for its consideration further evidence may be taken before the board relative to such claim. 18 Atty. Gen. 164.

Distribution of dog license fund among claimants for loss of animals by dogs within the license year is not made until close of license year. 20 Atty. Gen. 16.

A claimant for damage done by dogs who has received his just proportionate share of any moneys in the dog license fund for the year in which the loss was sustained, although such amount was less than the full amount of his claim as allowed, cannot collect his unpaid balance from license moneys collected in the ensuing year. 26 Atty. Gen. 191.

Since passage of ch. 79, Laws 1939, counties are not liable under 174.11 for loss of game birds kept in captivity which have been killed or injured by dogs. But they continue to be liable for such damage to pheasants raised as poultry on farms licensed under 29.574, although not liable for loss of pheasants raised for hunting on farms licensed under 29.573. 29 Atty. Gen. 357.

A rabbit of a variety not found in wild state and developed and used by man for purposes of food is a domestic animal within the meaning of 174.11. This section does not impose absolute liability upon owners of dogs injuring such animal, but makes provision for payment of claims by counties for injuries to animals in cases where owners of dogs causing such injuries are otherwise liable therefor. 32 Atty. Gen. 61.

A county board may allow a claim for damages filed under 174.11 even though the assessor's record does not contain the assessed valuation of the injured animals, or any similar animals. 35 Atty. Gen. 416.

A person making a claim for damage done by dogs must comply strictly with the statute. The county board has no authority to waive defects in a claim. 44 Atty. Gen. 14.

Dogs "worry" domestic animals when they run after, chase, or bark at them, and need not attack or tear them with their teeth. 45 Atty. Gen. 39.

The owner of a dog attacked by other dogs may not properly file a claim for damages. 45 Atty. Gen. 113.

174.12 History: 1919 c. 527; Stats. 1919 s. 1630; 1921 c. 438 s. 2; 1923 c. 291 s. 3; Stats. 1923 s. 174.12.

The fact that domestic animals died from hydrophobia, standing alone, does not sufficiently establish that the death has been occasioned by dogs. 9 Atty. Gen. 516.

174.13 History: 1949 c. 577; Stats. 1949 s. 174.13; 1951 c. 310; 1969 c. 366 s. 117 (1) (j), (2) (a).

See note to sec. 1, art. I, on exercises of police power, citing Regents v. Dane County Humane Society, 260 W 486, 51 NW (2d) 56.

174.13 (2), providing that any humane officer having custody of an unclaimed or unredeemed live dog, as defined in 174.10, shall dispose of the same to certain educational institutions on requisition made therefor, is applicable by its terms to a humane officer, and is also applicable, by virtue of 174.13 (5) enacted in 1951, to a humane society. Regents v. Dane County Humane Society, 260 W 486, 51 NW (2d) 56.

See note to sec. 1, art. I, on exercises of police power, citing 56 Atty. Gen. 160.

CHAPTER 175.

Miscellaneous Police Provisions.

175.05 History: 1941 c. 106; Stats. 1941 s. 343.74; 1951 c. 261 s. 10; 1955 c. 696 s. 146 to 148; Stats. 1955 s. 175.05; 1965 c. 252; 1969 c. 500 s. 30 (2) (e).

175.09 History: 1923 c. 244; Stats. 1923 s. 175.08; Stats. 1927 s. 175.09; 1931 c. 328.

175.09 (1), enacted in 1923, was intended to establish for this state, not sun time, but U. S. central standard time, which now is one hour earlier than it was prior to an act of congress enacted in 1942, advancing the standard time of each time zone one hour for the duration of the war, and which therefore applies as to the closing hours prescribed by 176.06 for premises for which a liquor license has been issued. State v. Badolati, 241 W 496, 6 NW (2d) 220.

Under 175.09 (1), Stats. 1941, it was the legislative intention to establish U. S. standard central time as standard time in the state. 31 Atty. Gen. 15.

175.095 History: 1957 c. 6; approved by ref-

erendum April, 1957; 1957 c. 610; Stats. 1957 s. 175.095; 1965 c. 6.

175.10 History: 1939 c. 357, 487, 500; Stats. 1939 s. 348.56; 1955 c. 696 s. 288; Stats. 1955 s. 175.10.

Ch. 357, Laws 1939, as amended, does not prohibit counties from disposing of salvage materials to employes, nor does it prohibit the use of county road equipment for private individuals or other municipalities, nor the performance for others of work in the county machine shop. A county may not sell gas, oil or gravel to its employes. 28 Atty. Gen. 615.

Various questions arising under this section are dealt with in 28 Atty. Gen. 713.

175.15 History: 1935 c. 257; Stats. 1935 s. 352.48; 1955 c. 696 s. 303; Stats. 1955 s. 175.15.

See note to 62.11 (5), citing Fox v. Racine, 225 W 542, 275 NW 513.

175.20 History: 1923 c. 222 s. 1; Stats. 1923 s. 4599m; 1925 c. 4; Stats. 1925 s. 351.57; Spl. S. 1933 c. 4; 1939 c. 107; 1955 c. 696 s. 300; Stats. 1955 s. 175.20; 1969 c. 271.

On exercises of police power see notes to sec. 1, art. I.

One who rents a licensed dance hall for use in conducting a public dance must obtain a permit to hold such dance and pay an inspection fee. Certain violations of the dance hall ordinance may be prosecuted in the name of the state; others should be prosecuted in the name of the county. 13 Atty. Gen. 49.

A hotel furnishing music and permitting its guests to dance after dinner comes within the statute requiring a license for a public dance. 14 Atty. Gen. 500.

A public dance within the meaning of this section is one to which the public generally is admitted without discrimination and admission to which is not based upon personal selection or invitation. A rural tavern having a small room where music is played for entertainment of tavern patrons and where some dancing is occasionally permitted does not come under this section so long as dancing is a mere incident of a general tavern business. 23 Atty. Gen. 478.

State law does not prohibit the issuance of a fermented malt beverage or intoxicating liquor license for dance hall premises. 23 Atty. Gen. 536.

A lake resort hotel consisting of tavern, rooms, cabins, boats, etc., that permits dancing, furnishes an orchestra to play for entertainment of guests and all others who wish to appear, and makes no charges for attending such dances, is not required to have a license under a county ordinance which defines "public dance" as one where dancing is "principal entertainment" and some charge is made or ticket received for attendance or in payment for food or other service. 27 Atty. Gen. 434.

A tavern furnishing orchestra music and permitting 30 to 40 couples to dance therein in space provided for that purpose is conducting a public dance within 351.57 and 59.08 (9), Stats. 1937. 27 Atty. Gen. 439.

The phrase "17 years of age or less" as used in 175.20 (2), Stats. 1951, excludes children who have passed the 17th anniversary of the date of their birth. 41 Atty. Gen. 390.

175.25 History: 1939 c. 354; Stats. 1939 s. 348.427; 1955 c. 696 s. 271; Stats. 1955 s. 175.25.

CHAPTER 176.

Intoxicating Liquors.

On inherent rights, equality and exercises of police power see notes to sec. 1, art. I.

Liability-without-fault criminal statutes—their relation to major developments in contemporary economic and social policy. Remington, Robinson and Zick, 1956 WLR 625.

176.01 History: Spl. S. 1933 c. 13; 1935 c. 187 s. 1, 2; Stats. 1935 s. 176.01; 1937 c. 346; 1945 c. 392; 1947 c. 362 s. 2; 1949 c. 17 s. 20; 1951 c. 400; 1965 c. 465, 617, 625; 1967 c. 276 s. 39; 1969 c. 87, 255; 1969 c. 276 s. 585 (7).

Intoxicating liquor laws of 1933, enacted in the regular and special sessions, are interpreted in 23 Atty. Gen. 130 and 191.

Warehouse receipts covering intoxicating liquor can be sold by Wisconsin manufacturers, rectifiers and wholesalers to other Wisconsin manufacturers, rectifiers, wholesalers and retailers but not to the general public. 23 Atty. Gen. 637.

Fermented malt beverages containing 7½% of alcohol by volume or 6.01% by weight are not taxable as intoxicating liquors under ch. 139, but sale of such beverages is subject to provisions of ch. 176, regulating sale of intoxicating liquors. 32 Atty. Gen. 48.

176.03 History: Spl. S. 1933 c. 14 s. 2; 1935 c. 187 s. 2; 1935 c. 217; Stats. 1935 s. 139.30; 1937 c. 346, 418; 1949 c. 17 s. 23; 1963 c. 141, 207; 1963 c. 459 s. 41; Stats. 1963 s. 176.03; 1969 c. 276 s. 590 (2), (3).

Warehouse receipts covering intoxicating liquor can be sold by an out-of-state manufacturer or rectifier only to Wisconsin manufacturers, rectifiers and wholesalers but not to Wisconsin retailers or the general public. 23 Atty. Gen. 637.

176.04 History: Spl. S. 1933 c. 13; 1935 c. 187; Stats. 1935 s. 176.04; 1947 c. 123; 1949 c. 17 s. 23; 1969 c. 276 s. 590 (2).

Where an accused is charged with having unlawfully sold intoxicating liquor at a particular place, the state must show the presence of the accused where the alleged offense was committed; and testimony that he was elsewhere is rebuttal. On the whole case, including the question of alibi, the burden is on the state to prove the guilt of the accused beyond a reasonable doubt, the accused not being required to establish his alibi beyond a reasonable doubt. Roen v. State, 182 W 515, 196 NW 825.

176.041 History: 1935 c. 187; Stats. 1935 s. 176.041; 1949 c. 17 s. 23; 1969 c. 276 s. 590 (2).

176.05 History: Spl. S. 1933 c. 13; 1935 c. 46, 187, 217, 241, 249, 276, 292, 411, 473, 486, 503; Stats. 1935 s. 176.05; 1937 c. 292, 390; 1939 c. 101, 376, 397, 460; 1939 c. 515 s. 9; 1941 c. 42; 1943 c. 184, 331, 421, 455; 1945 c. 392; 1947 c. 161, 348; 1947 c. 362 s. 2; 1947 c. 483, 564; Stats. 1947 s. 176.05, 176.121 (4); 1949 c. 17 s. 23; 1949 c. 115; 1951 c. 104, 210, 227, 589, 734; 1953 c. 6, 156, 358, 373, 540, 622, 631,