

visors to award damages and settle with parties who may feel aggrieved or sustain damages by the laying out of said highway, subject to the right of appeal by the party aggrieved as in other cases of the laying out of public highways.

Drainage moneys to go in road.

SECTION 5. During the next ten years, all drainage moneys realized and paid into the treasuries of said counties from state swamp lands lying in said counties, between the south line of township thirty-four, and the north line of township forty-two, and west of the west line of range two west, are hereby appropriated for the purpose of draining and reclaiming swamps lying contiguous to said highway, and building necessary corduroy and bridges over said swamps on the line of said highway. The county clerks of said counties shall respectively apportion said drainage moneys in accordance with the terms of this act, and the treasurers of said counties shall respectively retain said moneys and pay them out only on the warrant of four of the said commissioners or their lawful successors; provided, the moneys received for said lands shall be expended in the respective counties where said lands lie.

Term of commissioners.

SECTION 6. Said commissioners shall hold until the duties prescribed by this act shall be completed, and they shall have full charge and control of the expenditure of all moneys placed under their control by this act; provided, that all work performed under their supervision, except surveying and platting, shall be done under contract, let to the lowest responsible bidder, and not otherwise. Any vacancy occurring in the board of commissioners shall be filled by a majority of the remaining commissioners; provided, that the person chosen to fill such vacancy shall be a resident and freeholder of the county in which his predecessor resided when appointed or chosen.

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved March 31, 1882.

[No. 202, A.]

[Published April 11, 1882.]

#### CHAPTER 322.

AN ACT to amend chapter 66 of the revised statutes, entitled of excise and the sale of intoxicating liquors.

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

SECTION 1. Section 1550 of the revised statutes is hereby amended by striking out the words "this chap-

ter," where they occur in the second line of said section, and inserting in lieu thereof the words "any law of this state," and by striking out the words "according to the provisions of this chapter," where they occur in the fourth and fifth lines of said section, and inserting in lieu thereof the words "according to the laws of this state," so that said section when so amended, shall read as follows: Section 1550. If any person shall vend, sell, deal or traffic in, or for the purpose of evading any law of this state, give away any spirituous, malt, ardent or intoxicating liquors or drinks in any quantity whatever, without first having obtained license therefor according to the laws of this state, he shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished therefor by a fine thereof of not less than ten nor more than forty dollars, besides the costs of suit; or in lieu of such fine, by imprisonment in the county jail of the proper county not to exceed sixty days nor less than twenty days; and in case of punishment by fine as above provided such person shall, unless the fine and costs be paid forthwith, be committed to the county jail of the proper county until such fine and costs are paid, or until discharged by due course of law; and in case of a second or any subsequent conviction of the same person during any one year, the punishment may be by both fine and imprisonment in the discretion of the court.

In relation to  
intoxicating  
liquors.

SECTION 2. Section 1551 of the revised statutes is hereby amended by striking out the words "this chapter," where they occur in the third line of said section, and inserting in lieu thereof the words "any law of this state relating to excise or the sale of intoxicating liquors," so that said section when so amended shall read as follows: Section 1551. Upon complaint made to any justice of the peace by any person that he knows or has good reason to believe that an offense against any law of this state relating to excise or the sale of intoxicating liquors or any violation thereof has been committed, he shall examine the complainant on oath, and he shall reduce such complaint to writing, and cause the same to be subscribed by the person complaining. If it shall appear to such justice that there is reasonable cause to believe that such offense has been committed, he shall immediately issue his warrant reciting thereon the substance of such complaint, and requiring the officer to whom such warrant shall be directed forthwith to arrest the accused and bring him

Action of Justice when complaint is made.

before such justice, to be dealt with according to law; and in the same warrant may require the officer to summon such persons as shall be therein named to appear at the trial to give evidence.

Duties of officers when offense has been committed.

SECTION 3. Section 1553 of the revised statutes is hereby amended by striking out the words "this chapter," where they occur in the fourth line of said section, and inserting in lieu thereof the words "any law of this state relating to excise or the sale of intoxicating liquors," so that said section when so amended shall read as follows: Section 1553. Every supervisor, trustee, alderman, justice of the peace, police officer, marshal, deputy marshal or constable of any town village or city, who shall know or be credibly informed that any offence has been committed against the provisions of any law of this state relating to excise or the sale of intoxicating liquors, shall make complaint against the person so offending within their respective towns, villages or cities to a proper justice of the peace therein, and for every neglect or refusal so to do every such officer shall forfeit twenty-five dollars, and the treasurer of such town, village or city, shall prosecute therefor.

May recover for wasting estate and exposing family.

SECTION 4. Section 1554 of the revised statutes, as amended by chapter 174 of the laws of 1881, is hereby amended so as to read as follows: Section 1554. When any person shall by excessive drinking of intoxicating liquors, mispend, waste or lessen his estate, so as to expose himself or family to want, or the town, city or village to which he belongs to liability for the support of himself or family, or so as thereby to injure his health, endanger the loss thereof, or to endanger the personal safety and comfort of his family, or any member thereof, the wife of such person, the supervisors of such town, the aldermen of such city or trustees of such village, or any of them, may, in writing, signed by her, him or them, forbid all persons licensed in accordance with the laws of this state, to sell or give away to such person any ardent, spirituous or intoxicating liquors or drinks for the space of one year, and in like manner may forbid the selling, furnishing or giving away of any such liquors or drinks to such person by any licensed person in any other town, city or village to which such person may resort for the same.

Penalty for selling to forbidden persons.

SECTION 5. Section 1555 of the revised statutes is hereby amended so as to read as follows: Section 1555. Such supervisors, aldermen, trustees or any one of them may in the same manner renew such prohibition from year to year as to all such persons as have not in their

or his opinion reformed within the year; and if any person so prohibited shall during such prohibition, sell or give away to any person to whom such sale shall have been so forbidden any intoxicating liquors or drinks of any kind whatsoever, he shall forfeit for each offense the sum of fifty dollars, to be recovered upon his bond in an action to be prosecuted by the town, village or city treasurer.

SECTION 6. Section 1556 of the revised statutes, as amended by chapter 312 of the laws of 1880, is hereby amended so as to read as follows: Section 1556. When the sale or giving away of any ardent, spirituous or intoxicating liquors or drinks to any person shall have been forbidden in the manner provided by law, every person who shall, with knowledge thereof, sell, or give to, or for, or purchase or procure for or in behalf of such prohibited person any such liquors or drinks, shall be deemed guilty of a misdemeanor, and shall be punished by a fine not exceeding fifty dollars and the costs of prosecution; and in default of immediate payment thereof he shall be committed to the county jail for not less than thirty days unless sooner discharged by the payment of such fine and costs. The person to whom the selling to or purchasing or procuring for any such ardent, spirituous or intoxicating drinks has been prohibited, may be arrested on complaint of any supervisor, trustee or alderman and brought before any justice of the peace of the county to testify as to where he obtained or procured intoxicating drinks, and if he shall refuse to testify he shall be committed to the county jail to be detained therein until he shall so testify or be discharged by order of the court. In any such prosecution it shall not be necessary to allege in the complaint or information any facts tending to show that the person to whom such liquors or drinks were sold or given was a person to whom the sale of such liquors or drinks might lawfully or properly be forbidden; but it shall be sufficient to allege, generally, that such liquors or drinks were given or sold by the accused to such person with knowledge that the sale or giving of such liquors or drinks to him had been forbidden in the manner provided by law.

SECTION 7. Section 1557 of the revised statutes, as amended by chapter 174 of the laws of 1881, is hereby amended so as to read as follows: Section 1557. Any keeper of any saloon, shop or place of any name whatsoever for the sale of any strong, spirituous or malt

Shall be guilty of misdemeanor.

Penalty for giving or selling liquor to a minor or intoxicated person.

liquors to be drank on the premises, in any quantity less than one gallon who shall sell, vend or in any way deal or traffic in, or for the purpose of evading any law of this state relating to excise or the sale of intoxicating liquors give away any spirituous, ardent or intoxicating or malt liquors or drinks in any quantity whatsoever, to or with a minor or to any person intoxicated or bordering on a state of intoxication, and any person whatever who shall procure for, or sell or give away to any minor or intoxicated person any such liquors or drinks, shall be deemed guilty of a misdemeanor. No person shall sell or in any way deal or traffic in, or for the purpose of evading the law, give away, any spirituous, ardent or intoxicating or malt liquors or drinks in any quantity whatsoever, within one mile of either of the hospitals for the insane; and any person who shall so sell or give away any such liquors or drinks shall be deemed guilty of a misdemeanor.

Any persons injured may request officers to prohibit any liquor to be sold to habitual drunkards.

SECTION 8 Section 1560 of the revised statutes is hereby amended so as to read as follows: Section 1560. Any person or persons who shall be injured in person, property or means of support by, or in consequence of the intoxication of any minor or habitual drunkard, shall have a right of action jointly or severally in his, her or their name against any person or persons who have been notified or requested in writing by the officers authorized by law to forbid the sale or giving away of intoxicating liquors or drinks to such minor or habitual drunkard, or by the husband, wife, parents, relatives, guardian or persons having the care or custody of such minor or habitual drunkard, not to sell or give intoxicating liquors or drinks to him, and who, notwithstanding such notice or request, shall knowingly sell or give away intoxicating liquors, thereby causing the intoxication of such minor or drunkard; and the person so selling or giving away such liquors or drinks shall be liable for all damages resulting therefrom. A married woman shall have the same right to bring such suit and to control the same as a feme sole, and all damages so recovered shall belong to her and her separate property.

Giving away liquor to evade law, punishable by fine or imprisonment.

SECTION 9. Section 1565 of the revised statutes is hereby amended so as to read as follows: Section 1565. The giving away of intoxicating liquors or other shift or device to evade the provisions of any law of this state relating to excise or the sale of intoxicating liquors shall be deemed and held to be an unlawful selling within its provisions, and in all cases not other-

wise specially provided for any person convicted of any misdemeanor or under the provisions of any such law shall be punished by a fine not exceeding fifty dollars, and shall pay the costs of prosecution, and in default of immediate payment of such fine and costs he shall be committed to the county jail for not less than thirty days nor more than ninety days, unless sooner discharged by the payment of such fine and costs. The words, "any law of this state relating to excise or the sale of intoxicating liquors," or any words of similar import when used in any statute, shall be held to include and apply to all excise laws heretofore enacted, which shall remain in force, as well as all such laws which may be hereafter enacted, and to include the provisions of chapter 66 of the revised statutes and all acts amendatory thereof so far as the same may be in force. In any prosecution for an offense against, or violation of any law of this state relating to excise or the sale of intoxicating liquors, it shall not be necessary to allege or state in the complaint, information or indictment, the kind or quality of liquor sold or the person to whom the same was sold; but it shall be sufficient to allege, generally, that the accused sold intoxicating liquor at a time and place mentioned, together with a brief statement of the facts showing such sale to be unlawful. In all cases of proof of the sale or giving away of any malt, spirituous, vinous or distilled liquor of any name or nature whatsoever shall be deemed proof of the sale or giving away of intoxicating liquors, without proof that the liquor so sold or given away was in fact intoxicating.

SECTION 10. Section 1548 of chapter 66 of the revised statutes, entitled of excise and the sale of intoxicating liquors, is hereby amended by striking out the words twenty-five nor more than one hundred and fifty dollars, where they occur in the tenth line of said section, and inserting in lieu thereof the words seventy-five nor more than two hundred dollars, and by striking out the words ten nor more than forty dollars, where they occur in the twelfth line of said section, and inserting in lieu thereof the words twenty-five nor more than fifty dollars, so that said section, when so amended, shall read as follows: Section 1548. The town boards, village boards and common councils of the respective towns, villages and cities may grant license to such persons as they may deem proper to keep groceries, saloons or places within their respective towns, villages or cities for the sale in quantities

Amount of  
license.

less than one gallon of strong, spirituous, malt, ardent or intoxicating liquors, to be drank on the premises, and in like manner may grant licenses for the sale in any quantity of such liquors, not to be drank on the premises; and the sum to be paid for such license for the sale of such liquors to be drank on the premises shall not be less than seventy-five dollars, and for the sale of such liquors not to be drank on the premises shall not be less than twenty-five dollars. All such licenses shall remain in force for the residue of the term of office of the board which shall grant such licenses, unless sooner revoked by the board granting the same; but this section shall not interfere with or change the provisions of any village or city charter in respect to the term of license. Such license shall be attested by the town, city or village clerks, and shall not be delivered until the applicant shall produce to the clerk a receipt showing the payment of the sum required therefor to the proper town, village or city treasurer, and the filing with such clerk of the bond provided for in the next section.

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

Approved March 31, 1882.

[No. 399, A.]

[Published April 17, 1882.]

### CHAPTER 323.

AN ACT to establish a Board of Public Works and provide for a system of sewerage in the city of Appleton and to repeal so much of the charter of said city as is inconsistent with the provisions of this act.

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

Board of public works.

Term of office.

SECTION 1. There shall be in the city of Appleton an executive department to be known as the board of public works to consist of three members who shall be resident freeholders in said city. The members of said board shall be appointed by the mayor of said city subject to the approval of the common council, but no two members shall be residents of the same ward. Their term of office shall be three years, and shall commence on the third Tuesday of April. At the first regular meeting of the common council on or after the second Tuesday of April, A. D., 1882, the mayor shall appoint subject to the approval of the common council, three members of the board of public works, one of them to hold for the term of one year, one for the term