

419 of the laws of 1903 from any moneys in the general fund received from the sales of swamp and overflowed lands granted and awarded to the state by the United States by and under act of congress of September 28, 1850, the sum of five thousand dollars, and the state treasurer is hereby directed to transfer said amount from such moneys to the special fund created under said chapter for the use of said commissioners; and the provisions of said chapter shall in all respects govern the expenditure of said sum.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved June 10, 1905.

No. 348, A.]

[Published June 13, 1905.

CHAPTER 341.

AN ACT to amend section 1565 of the statutes of 1898, relating to excise and the sale of intoxicating liquors.

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

What is a sale; complaint. SECTION 1. Section 1565 of the statutes of 1898 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 otherwise specially provided for any person convicted of any misdemeanor 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 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 statutes shall be held to include and apply to all excise

laws heretofore enacted which shall remain in force as well as to all the provisions of this chapter and to all excise laws which may be hereafter enacted so long as the same shall remain 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 quantity 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 fact showing such sale to be unlawful. In all cases proofs 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. *And any person soliciting, procuring, or receiving from or forwarding for, any person, firm or corporation, except a licensed liquor dealer, an order for the purchase of any such liquors, to be filled by any other person, firm or corporation outside of the municipality in which the order is taken, shall in case such liquors are delivered to the person so ordering them, be deemed and held to be liable as and for a sale of such liquors at the place where such order is solicited, procured, received or so forwarded, and the person, firm or corporation so receiving and filling such order, except for a licensed dealer, or for the individual purchaser upon his direct written order shipped direct to him, whether such liquors are shipped or delivered by common carrier or otherwise, or directed or delivered to the purchaser or his agent or to the agent of the shipper or to the agent of any carrier, to be delivered to such purchaser, shall be deemed and held to be liable as and for a sale of such liquors at the place where such liquors are so actually delivered, and received by such purchaser and not at the place of such shipment, in all respects as any local dealer in such liquors at such place of actual delivery, under chapter sixty-six (66) of the statutes of 1898, and all acts amendatory thereof.*

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved June 12, 1905.