

22.04 DIRECTOR OF CIVILIAN DEFENSE. The adjutant general shall be *ex officio* director of civilian defense. Until such time as the governor may, by written order filed with the secretary of state, order the state council of defense to administer the civilian defense program, it shall be administered by the director, and all powers and duties imposed or conferred on the state council of defense under chapter 22 or any other law are imposed or conferred on the director. The governor shall file such written order when the interests of the state require that civilian defense be administered by the council instead of by the director, and thereafter the director shall have no power, duty or function other than that of executing the program and orders of the council. In the execution thereof the director shall exercise such powers, functions and duties as the council may prescribe.

SECTION 6. 22:11 of the statutes is repealed.

Approved May 9, 1945.

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No. 64, S.]

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### CHAPTER 124.

AN ACT to amend 176.26, 176.27, 176.28 and 176.29 (section title) of the statutes, relating to the sale of intoxicating liquors and fermented malt beverages to posted persons and providing a penalty.

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

SECTION 1. 176.26 of the statutes is amended to read:

176.26 LIQUOR; BEER AND ALE; SALE FORBIDDEN; TO WHOM,  
(1) When any person shall, by excessive drinking of intoxicating liquors, or fermented malt beverages misspend, waste, or lessen his estate so as to expose himself or family to want, or the town, city, village or county 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, or the safety of any other person, or the security of the property of any other person, or when any person shall, on account of the use of intoxicating liquors or fermented malt beverages, become dangerous to the peace of any community, the wife of such per-

son, the supervisors of such town, the mayor, chief of police, or aldermen of such city, the trustees of such village, the county superintendent of the poor of such county, the chairman of the county board of supervisors of such county, the district attorney of such county or any of them, may, in writing signed by her, him, or them, forbid all persons knowingly to sell or give away to such person any intoxicating liquors *or fermented malt beverages*, for the space of one year and in like manner may forbid the selling, furnishing, or giving away of any such liquors *or fermented malt beverages*, knowingly to such person by any person in any town, city, or village to which such person may resort for the same. A copy of said writing so signed shall be personally served upon the person so intended to be prohibited from obtaining any such liquor *or beverage*.

(2) And the wife of such person, the supervisors of any town, the aldermen of any city, the trustees of any village, the county superintendent of the poor of such county, the mayor of any city, the chairman of the county board of supervisors of such county or the district attorney of such county, may, by a notice made and signed as aforesaid, in like manner forbid all persons in such town, city or village, to sell or give away intoxicating liquors or drinks *or fermented malt beverages* to any person given to the excessive use of such liquors \* \* \*, drinks *or beverages*, specifying such person, and such notice shall have the same force and effect when such specified person is a nonresident as is herein provided when such specified person is a resident of said town, city, or village.

SECTION 2. 176.27 of the statutes is amended to read:

176.27 Such supervisors, aldermen, trustees, county superintendent of the poor, mayor, chairman of the county board or district attorney 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 such liquors *or beverages*, of any kind whatsoever he shall forfeit for each offense the sum of \$250, to be recovered upon his bond in an action to be prosecuted by the town, county, village or city treasurer.

SECTION 3. 176.28 of the statutes is amended to read:

176.28 (1) When the sale or giving away of any intoxicating liquors or fermented malt beverages to any person shall have been forbidden in the manner provided by law, every person who shall sell or give to, or for, or purchase or procure for, or in behalf of, such prohibited person any such *intoxicating liquors or fermented malt beverages*, shall be deemed guilty of a misdemeanor and shall be punished by a fine not exceeding \$250 and the costs of prosecution; and in default of immediate payment thereof he shall be committed to the county jail or house of correction not less than 60 days unless sooner discharged by the payment of such fine and costs.

(2) The person to whom the selling to, or purchasing or procuring for, any such *intoxicating liquors or fermented malt beverages* has been prohibited may be arrested on complaint of the wife of such person or of any supervisor, trustee, alderman, county superintendent of the poor, mayor, chairman of the county board or district attorney and brought before any justice of the peace of the county to testify as to where and from, through or by whom or by whose agency, he obtained or procured intoxicating liquor or fermented malt beverages, and if he shall refuse to testify he shall be committed to the county jail or house of correction to be detained therein until he shall so testify or be discharged by order of the court.

(3) 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 *intoxicating liquors or fermented malt beverages* were sold or given was a person to whom the sale of such *intoxicating liquors or fermented malt beverages* might lawfully or properly be forbidden, but it shall be sufficient to allege generally that such *intoxicating liquors or fermented malt beverages* were given or sold by the accused to such person.

(4) "*Fermented malt beverages*" as used in sections 176.26 to 176.29 shall be construed to have the same meaning as defined in section 66.05 (10) as amended from time to time.

SECTION 4. 176.29 (Section heading) is amended to read:

176.29 (Section heading) \* \* \* SALES TO FORBIDDEN PERSONS BY UNLICENSED DEALERS.

Approved May 9, 1945.