

[No. 410, S.]

[Published April 26, 1839.]

CHAPTER 520.

AN ACT in relation to the department of insurance.

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

Expenses of commissioner of insurance in prosecuting violations.

SECTION 1. All necessary expenses incurred by the commissioner of insurance in prosecuting violations of the insurance laws of this state, and representing the state at the annual meeting of the national convention of the insurance commissioners of the United States, shall be paid out of the general fund. The said commissioner of insurance shall certify to the secretary of state that the expenses incurred were actually necessary in the discharge of his duty. Whereupon it shall be the duty of the secretary of state to draw his warrant upon the state treasurer for the same.

Secretary of state to draw warrant, when.

SECTION 2. This act shall take effect and be in force from and after its passage and publication. Approved April 18, 1839.

[No. 214, S.]

[Published April 24, 1889.]

CHAPTER 521.

AN ACT to enable the qualified voters of any town, village or city within this state to determine by ballot whether any spirituous, malt or intoxicating liquors or drink shall be sold therein as a beverage.

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

Local option, when question may be submitted to vote.

SECTION 1. Whenever any number of the qualified electors of any town, village or city within this state, equal to or more than ten per cent. of the number of votes cast at the last general

election in said town, village or city, for governor, shall present to the clerk of said town, village, or city, a petition in writing, by them signed, praying that the electors of said town, village or city may have submitted to them the question whether or not any person shall be licensed to deal or traffic in any spirituous, malt or intoxicating liquors or drinks as a beverage, it shall be the duty of such clerk forthwith to make an order providing that such questions shall be submitted to the voters of such town, village or city, as the case may be, on the first Tuesday of April next succeeding the date of said order. Notice of which election shall be given in the manner and as provided for holding judicial elections; provided, that the result as determined by such election shall remain in force until another election is held, according to the provisions of this act.

Notice of.

SECTION 2. The ballots which shall be polled upon the questions submitted according to the first section of this act, shall be deposited in a separate ballot box provided for that purpose in each election precinct or voting district in said town, village or city, and shall contain the words, "for license," or "against license." If a majority of the votes cast at such election upon the question submitted be against license, then it shall be unlawful for any person to vend, sell, deal or traffic in any spirituous, malt or intoxicating liquors or drinks in any quantity whatever, in said town, village or city so voting "against license," and no license for such sale shall be granted or issued therein. And any license granted or issued contrary to the provisions of this section or of this act, shall be void and of no effect.

Ballots, form of.

SECTION 3. If a majority of the votes cast at such election upon the question submitted in any town, village or city be "for license," then it shall be lawful for the board of supervisors of such town, the village trustees or board of such village and the mayor of such city (subject to confirmation by the common council or board of aldermen thereof), to grant license as provided in chapter 66, of the revised statutes, and chapter 296, laws of 1885; and provided, that no license shall be granted by any excise board of this state to any person who is the owner or keeper, directly or

When license granted.

indirectly, of a house of ill-fame or house of prostitution.

Election and
canvass of
votes.

SECTION 4. The election on the questions submitted under section 1, of this act, shall be held, the votes canvassed by the proper canvassing board of said town, village or city, in accordance with the law governing general elections in this state; the results of such election shall be duly certified by the canvassers immediately upon the determination thereof, and entered upon the books of such town, village or city as required by law.

Penalty for
selling liquor
without license
etc.

SECTION 5. If any person shall, on or after the first Tuesday in May following the holding of an election under the provisions of this act, 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 drink in any quantity whatever, in any town, village or city of this state, wherein a majority of the votes cast at such election shall have been against license, he shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished therefor by a fine of not less than fifty dollars, nor more than one hundred 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 six months, nor less than three months, and in case of punishment by fine as above provided, such person shall, unless the fine and cost 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 subsequent conviction of the same person during any year, the punishment shall be by both fine and imprisonment.

Not to effect
sales by
registered
pharmacist.

SECTION 6. Nothing in this act shall be construed as affecting the sale of strong, spirituous and ardent liquors for medicinal, mechanical or scientific purposes only, by registered pharmacists, as provided under section 2, of chapter 296, of the laws of Wisconsin of 1885, as amended by chapter 404, of the laws of 1887.

SECTION 7. All acts and parts of acts controverting the provisions of this act are hereby repealed.

SECTION 8. This act shall take effect and be in force from and after its passage and publication.

Approved April 18, 1889.