

SECTION 1. There is appropriated out of any moneys in the general fund not otherwise appropriated to the Executive Department one thousand four hundred fifty-two dollars fifty cents for operation as an emergency appropriation in addition to all moneys heretofore appropriated for the fiscal year ending June 30, 1921.

SECTION 2. This act shall take effect upon passage and publication.

Approved June 30, 1921.

No. 547, S.]

[Published June 30, 1921.

CHAPTER 441.

AN ACT creating chapter 76hh of the statutes, repealing chapter 66 of the statutes, excepting sections 1565—1, 1565—2, 1565—3 and 1565—4, which are renumbered to be respectively subsections (36), (37), (38) and (39) of new section 1543, chapters 556 and 685 of the laws of 1919, creating new section 1543 and a new subsection (6) of section 4840 of the statutes, relating to the manufacture and sale of intoxicating liquors and nonintoxicating beverages, providing penalties and making an appropriation.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

CHAPTER 76hh.

EXCISE, MANUFACTURE, AND SALE OF INTOXICATING LIQUORS AND NONINTOXICATING BEVERAGES.

- (1) Definitions.
- (2) Prohibition commissioner, powers and duties.
- (3) Dealing in intoxicating liquor prohibited.
- (4) Exception.
- (5) What not subject to act.
- (6) Permit to manufacture nonintoxicating liquor.
- (7) Permits to manufacture and sell liquors.
- (8) Fees for permit.
- (9) Physicians' prescriptions.
- (10) Revocation of permits.
- (11) Record of manufacture, etc.
- (12) Permits, how transferred.

- (13) Liquor to be labeled.
- (14) Carrier to be notified of liquor shipments.
- (15) Unlawful to accept package falsely labeled.
- (16) Unlawful to give carrier false orders.
- (17) Unlawful to advertise liquor.
- (18) Not to solicit or receive liquor, etc.
- (19) Not to destroy liquors to prevent seizure.
- (20) Drunkenness, penalty.
- (21) Liquors lawfully acquired.
- (22) Public nuisance.
- (23) Seizure and sale of vehicles.
- (24) Disposal of contraband liquor.
- (25) Immunity to testify.
- (26) Venue—sale and delivery.
- (27) Pleading, practice.
- (28) Unlawful possession—evidence.
- (29) License fees, nonintoxicating liquors.
- (30) Not to have bar, curtains, etc.
- (31) Qualification of licensee, or permittee.
- (32) Penalties—appearance bonds—seizures.
- (33) How construed.
- (34) Action when barred.
- (35) Records, documents, evidence.
- (36) Prohibition on trains.
- (37) Police power of conductor.
- (38) Confiscation of liquor.
- (39) Penalty for permitting violation.
- (40) Review of action of commissioner.
- (41) Revoking license or permit.

SECTION 1. A new section is added to the statutes to read: Section 1543. (1) *Definitions.* (a) The term “physician” includes only physicians engaged in the actual practice of medicine.

(b) The word “permit” means a formal written authorization by the commissioner setting forth therein the things that are authorized.

(c) The word “druggist” means a proprietor of a retail drug store, and also the registered pharmacist in personal charge of the pharmacy in any bona fide hospital.

(d) The word "commissioner" means the state prohibition commissioner, and unless the contrary intent is apparent includes his deputies.

(e) The term "peace officer" includes sheriffs, undersheriffs, deputy sheriffs, police officers, marshals, deputy marshals, and constables.

(f) The term "sell" or "sold" or "sale" includes the transfer, gift, barter, trade or exchange, or any shift, device, scheme or transaction whatever whereby intoxicating liquors may be obtained.

(g) The term "magistrate" includes the judges of the several courts of record, and judges of any municipal court in vacation as well as term time, court commissioners, police justices, and all justices of the peace.

(h) The term "application" means a formal written request, supported by a verified statement of facts showing that the commissioner may grant the request.

(i) "Fermented malt liquor" means a beverage made by the alcoholic fermentation of an infusion in potable water, of barley, malt and hops, with or without unmalted grains or decorticated and degerminated grains.

(j) "Vinous liquor" as herein used, means a fermented liquor containing alcohol and where such alcohol is produced by fermentation but not preceded by any malting process.

(k) The term "regulation" means any reasonable rule prescribed by the commissioner for carrying out the provisions of this chapter.

(l) The word "liquor" or the phrase "intoxicating liquor" and the word "alcohol" means the same as in the "National Prohibition Act."

(m) The words "non-intoxicating liquor" includes all liquors, liquids or compounds, whether medicated, proprietary, patented, or not and by whatever name called, fit for use for beverage purposes, containing alcohol in any degree, not defined to be "intoxicating liquors."

(n) The "National Prohibition Act" is Title II of the act of congress enacted October 28, 1919, commonly known as the "Volstead Act" and includes any amendment to the same and lawful regulations thereunder.

(2) *Prohibition commissioner, powers and duties.* (a) The office of state prohibition commissioner, created by chapter 556 of the laws of 1919, is continued.

(b) Such commissioner shall keep his office at the capitol and shall be provided by the superintendent of public property with suitable rooms, furniture, supplies, and other necessary equipment. He shall be appointed by the governor by and with the advice and consent of the senate and hold his office for the term of four years from the date of his appointment and until his successor shall be appointed and qualified. He shall receive a salary of four thousand dollars per year and his actual and necessary expenses incurred in the discharge of his duties. He shall take and file the official oath and execute and file an official bond in the sum of twenty-five thousand dollars, to be approved by the governor.

(c) The commissioner may appoint necessary deputy prohibition commissioners, employ necessary clerks, fix their compensation and file such appointments with the secretary of state with a statement showing the compensation so fixed, prior to the employe or appointee entering upon his duties. Such compensation shall be audited, and paid on the certificate of the commissioner in the same manner as compensations are audited and paid other state officials and employes. The provisions of chapter 16 of the statutes shall not apply to appointments under this section.

(d) Said deputies shall perform the duties herein specified and such other duties as the commissioner may direct. Each deputy shall file such bond as the commissioner may require.

(e) The commissioner shall have a suitable seal, and permits issued by him shall have a clear impression of said seal. Other documents may be authenticated by a printed copy of the impression of said seal.

(f) It shall be the duty of district attorneys and peace officers to co-operate with the commissioner in the enforcement of this chapter.

(g) Any district attorney, peace officer, or the commissioner who shall know or be credibly informed that any offense has been committed against any of the provisions of this chapter shall make complaint against the person so offending within his respective jurisdiction to a proper magistrate and for every wilful neglect or refusal so to do every such officer shall be subject to

removal from office. No such officer shall be required to give any security for costs.

(h) The commissioner and his deputies shall have the same power to make arrests and serve process under the provisions of this chapter as sheriffs and shall receive the same fees. Such fees shall be paid into the state treasury and be credited to the general fund.

(i) The commissioner is authorized and empowered to make reasonable regulations for the enforcement of this chapter, and such regulations shall have the force of law when published in the official paper.

(j) The commissioner or any peace officer may examine any vehicle he has good reason to believe is being used in unlawfully transporting liquors and may open and examine any package contained therein or any package in the possession of a carrier which he has good reason to believe contains contraband liquors, but if no such liquors are found the package shall be restored to its original condition.

(3) *Dealing in intoxicating liquor prohibited.* After this act becomes operative, the manufacture, sale or transportation of intoxicating liquors, as herein defined, within, the importation thereof into, or the exportation thereof from the state of Wisconsin, except as may be herein or hereafter provided, is hereby prohibited.

(4) *Exception.* Liquor for nonbeverage purposes and wine for sacramental purposes may be manufactured, purchased, sold, transported, imported, exported, delivered, and possessed by complying with the "National Prohibition Act" and by obtaining a permit from the commissioner. Nothing in this chapter shall prohibit the sale of warehouse receipts covering distilled spirits on deposit in government bonded warehouses.

(5) *What not subject to act.* (a) The articles enumerated in this subsection shall not, after having been manufactured and prepared for the market, be subject to the provisions of this chapter if they correspond with the following description and limitations, namely:

1. Denatured alcohol or denatured rum produced and used as provided by the "National Prohibition Act."

2. Medicinal preparations manufactured in accordance with formulas prescribed by the United States pharmacopœia, national

formulary or the American institute of homeopathy, that are unfit for use for beverage purposes.

3. Patented, patent, and proprietary medicines that are unfit for use for beverage purposes.

4. Toilet, medicinal, and antiseptic preparations and solutions that are unfit for use for beverage purposes.

5. Flavoring extracts and syrups that are unfit for use as a beverage.

6. Vinegar and preserved sweet cider.

(b) A person who manufactures any of the articles mentioned in this subsection may purchase and possess liquor for that purpose, but he shall secure permits to manufacture such articles and to purchase such liquor, give the bonds, keep the records and make the reports specified in this chapter, and as directed by the commissioner. No such manufacturer shall sell, use, or dispose of any liquor otherwise than as an ingredient of the articles authorized to be manufactured therefrom. No more alcohol shall be used in the manufacture of any of the articles named in subdivisions 2, 3, 4 and 5 of this subsection than the quantity necessary for extraction or solution of the elements contained therein and for the preservation of the article.

(c) No person shall knowingly sell any of the articles mentioned in subdivisions 1, 2, 3, 4 and 5 of this subsection for beverage purposes, nor sell any of the same under circumstances from which the seller might reasonably deduce the intention of the purchaser to use them for such purposes.

(6) *Permit to manufacture nonintoxicating liquor.* (a) A manufacturer of any beverage containing less than one-half of one percentum of alcohol by volume may, on making application and giving such bond as the commissioner shall prescribe, be given a permit to develop in the manufacture thereof by the usual methods a liquid such as beer, ale, porter, or wine, containing more than one-half of one percentum of alcohol by volume, but before any such liquid is withdrawn from the factory or otherwise disposed of the alcoholic contents thereof shall, under such regulations as the commissioner may prescribe, be reduced below one-half of one percentum of alcohol. Such liquid may be removed and transported, under bond and under such regulations as the commissioner may prescribe, from one bonded plant or warehouse to another for the purpose of having alcohol extracted therefrom. Any such liquids may be developed, under permit

by persons other than the manufacturers of beverages containing less than one-half of one percentum of alcohol by volume, and sold to such manufacturers for conversion into such beverages.

(b) In any case where the manufacturer is charged with violating paragraph (a) of this subsection the burden of proof shall be on such manufacturer to show that such liquids so manufactured, sold, or withdrawn contained less than one-half of one percentum of alcohol by volume.

(7) *Permits to manufacture and sell liquors.* (a) No one shall manufacture for sale, sell, purchase, transport or prescribe any liquor without first obtaining a permit from the commissioner so to do, except that a person may, without a permit, purchase or use liquor for medicinal purposes when prescribed by a physician as herein provided, and except that any person who in the opinion of the commissioner is conducting a bona fide hospital or sanitarium engaged in the treatment of persons suffering from alcoholism, may, under such regulations and conditions as the commissioners shall prescribe, purchase and use, in accordance with the methods in use in such institution, liquor to be administered to the patients of such institutions under the direction of a physician employed by such institution.

(b) Permits to manufacture, prescribe, sell, or transport liquor, may be issued for one year, and shall expire on the thirty-first day of December next succeeding the issuance thereof. No permit shall be issued to any person who within one year prior to the application therefor shall have violated the terms of any permit issued under this chapter or any law of the United States or of this state regulating traffic in liquor. No permit shall be issued to any one to sell liquor at retail, unless the sale is to be made through a pharmacist upon a physician's prescription. No one shall be given a permit to prescribe liquor unless he is a physician. No permit shall be issued until an application shall have been made therefor.

(c) The commissioner may prescribe the form of all permits and applications and the facts to be set forth therein. Before any permit is granted the commissioner may require a bond in such form and amount as he may prescribe to insure compliance with the terms of the permit and the provisions of this chapter.

(d) In the event of breach of any of the conditions contained in said bond, the same shall be forfeited to the state and the per-

son so offending shall be liable to all other penalties herein prescribed. Action for forfeiture of such bond shall be instituted in the name of the state by the attorney-general.

(e) No person to whom a permit may be issued to manufacture, transport, import, or sell wines for sacramental purposes or like religious rites shall sell or furnish any such to any person not a rabbi, minister of the gospel, priest, or an officer duly authorized for the purpose by a church or congregation, nor to any such except upon an application duly subscribed by him, which application, authenticated as regulations may prescribe, shall be filed and preserved by the seller. The head of any conference or diocese or other ecclesiastical jurisdiction may designate any rabbi, minister, or priest to supervise the manufacture of wine to be used for the purposes and rites in this subsection mentioned, and the person so designated may, in the discretion of the commissioner, be granted a permit to supervise such manufacture.

(f) All permits in force at the time of the passage and publication of this chapter shall remain effective until December 31, 1921, upon the payment of the fee herein provided.

(g) Nothing herein contained shall prohibit the commissioner or any peace officer, or special agent, employed by the state, or any subdivision thereof, from purchasing or transporting liquor to be used as evidence.

(8) *Fees for permit.* (a) Every application for a permit shall be accompanied by a fee of ten dollars and the written approval or disapproval of the district attorney of the county in which the permit is to be used. A separate permit and bond shall be required for each place of business. No fee shall be required for a permit to obtain wine for sacramental or religious rites.

(b) The commissioner shall be satisfied that necessity exists for the granting of such permit, and in addition to the application and the recommendation of the district attorney may require additional proof of such applicant.

(c) All moneys derived from the issuance of permits shall be paid to the state treasurer and shall go into the general fund.

(9) *Physicians' prescriptions.* Prescriptions for intoxicating liquors may be issued only as provided in the "National Prohibition Act," by physicians holding a permit under this chapter.

(10) *Revocation of permits.* Permits granted hereunder may be revoked by the commissioner upon notice and hearing pursuant to regulations therefor provided by the commissioner.

(11) *Record of manufacture, etc.* No person shall manufacture for sale, purchase for sale, sell, or transport any liquor without making at the time a permanent record as required by the "National Prohibition Act."

(12) *Permits, how transferred.* Permits and licenses mentioned in this chapter may be transferable on proper application as to the locations, but shall not be transferable as to the persons. Permits issued to individuals shall not pass to personal representatives.

(13) *Liquor to be labeled.* All persons manufacturing liquor for sale under the provision of this chapter shall label the same as provided in the "National Prohibition Act."

(14) *Carrier to be notified of liquor shipments.* It shall be unlawful for a person to use or induce any carrier, or any agent or employe thereof, to carry any package or receptacle containing liquor without notifying the carrier of the true nature and character of the shipment. No carrier shall transport, nor shall any person receive, liquor from a carrier unless there appears on the outside of the package containing such liquor, the following information: Name and address of the consignor or seller, name and address of the consignee, kind and quantity of liquor contained therein, and number of the permit to purchase and ship the same, together with the name and address of the person using the permit.

(15) *Unlawful to accept package falsely labeled.* It shall be unlawful for any consignee to accept or receive any package containing any liquor upon which appears a statement known to him to be false, or for any carrier or other person to consign, ship, transport or deliver any such package, knowing such statement to be false.

(16) *Unlawful to give carrier false order.* It shall be unlawful to give any carrier or any officer, agent, or person acting or assuming to act for such carrier, an order requiring the delivery to any person of any liquor or package containing liquor consigned to, or purporting or claimed to be consigned to, a person when the purpose of the order is to enable any person not an actual bona fide consignee to obtain such liquor.

(17) *Unlawful to advertise liquor.* (a) No person shall advertise, manufacture, sell or possess for sale, any still, utensil, contrivance, machine preparation, compound, tablet, substance, formula, direction or receipt advertised, designed or intended for use in the unlawful manufacture of intoxicating liquor.

(b) No person shall advertise liquor by any means or methods, or the manufacture, sale, keeping for sale or furnishing of the same, or where, how, from whom, or at what price the same may be obtained. No person shall permit any sign or billboard containing such advertisement to remain upon his premises. But nothing herein shall prohibit manufacturers and wholesale druggists holding permits to sell liquor, from furnishing price lists with description of liquor for sale, to persons permitted to purchase liquor, or from advertising alcohol in business publications or trade journals circulating generally among manufacturers of lawful alcoholic perfumes, toilet preparations, flavoring extracts, medical preparations and like articles. Nothing in this chapter shall apply to newspapers published in foreign countries when mailed to this country.

(18) *Not to solicit or receive liquor, etc.* No person shall solicit, receive, or knowingly permit his employe to solicit or receive, from any person, any order for liquor, or give any information of how liquor may be obtained in violation of this chapter.

(19) *Not to destroy liquids to prevent seizure.* It shall be unlawful for any person to secrete or destroy any fluids on premises being searched for the purpose of preventing the seizure of such fluids by the commissioner, or any peace officer.

(20) *Drunkenness, penalty.* Any person found in any public place in such a state of intoxication as to disturb others, or unable, by reason of his condition, to care for his own safety, or the safety of others, shall, upon conviction thereof, be punished by a fine not exceeding one hundred dollars, or by imprisonment in the county jail for not more than sixty days, or by both such fine and imprisonment; but this section shall not abridge the powers of towns, cities or villages to enact ordinances for punishment of such offenses, nor be applicable to any city or village which has, pursuant to its charter, enacted an ordinance for the punishment of such offense.

(21) *Liquors lawfully acquired.* Liquors lawfully acquired for private use and not for unlawful sale, kept in the owner's private dwelling occupied by him as such, may be used by him, his

family and bona fide guests in such dwelling. Provided however that no intoxicating liquors be given away or dispensed in such a manner as to constitute such private dwelling a public nuisance. Liquor acquired for medicinal purposes on prescription may be used only by the person for whom and as prescribed.

(22) *Public nuisance.* Any room, house, building, boat, vehicle, air craft, or place where intoxicating liquor is manufactured, sold or kept in violation of any of the provisions of this chapter, and all intoxicating liquor and property kept and used in maintaining the same, is hereby declared a public nuisance, and any person who maintains such nuisance, upon conviction thereof, shall be fined not more than one thousand dollars or be imprisoned for not more than one year or both. If a person has reason to believe that his room, house, building, boat, vehicle, air craft, or place, is occupied or used for the manufacture or sale of liquor, contrary to the provisions of this chapter, and suffers the same to be so occupied, or used, such room, house, building, boat, vehicle, air craft, or place shall be subject to a lien for and may be sold to pay all fines and costs assessed against the person guilty of such nuisance and any such lien may be enforced by action in any court having jurisdiction.

(23) *Seizure and sale of vehicles.* When the commissioner, his deputies or any peace officer shall discover any person in the act of unlawfully transporting intoxicating liquors in any wagon, automobile, water or air craft, or other vehicle, it shall be his duty to seize the same together with any team used in connection therewith, and arrest any person in charge thereof. Such officer shall at once proceed against the person arrested under the provisions of this chapter in any court having jurisdiction; but the said vehicle or team shall be returned to the owner upon execution by him of a bond with sufficient sureties in a sum double the value of the property, which bond shall be approved by said officer and shall be conditioned to return said property to the custody of said officer on the day of trial to abide the judgment of the court. The court upon conviction of the person so arrested shall order the liquor disposed of in accordance with the provisions of this act, and unless good cause to the contrary is shown by the owner, may order a sale by public auction of the property seized, and the officer making the sale, after deducting the expense of keeping the property, the fee for the seizure, and the cost of the sale, shall pay all liens according to their priorities.

which are established, by intervention or otherwise at said hearing or in other proceeding brought for said purpose, as being bona fide and as having been created without the lienor having any notice that the carrying vehicle was being used or was to be used for illegal transportation of liquor, and shall pay the balance of the proceeds into the treasury of the state for credit to the general fund. All liens against property sold under the provisions of this section shall be transferred from the property to the proceeds of the sale of the property. If, however, no one shall be found claiming such vehicle, or team, the taking of the same, with a description thereof, shall be advertised in some newspaper published in the county where taken, once a week for two successive weeks, and by handbills posted in three public places near the seizure, and if no claimant shall appear within ten days after the last publication of the advertisement, the property shall be sold and the proceeds after deducting the expenses and costs shall be paid into the treasury of the state and credited to the general fund.

(24) *Disposal of contraband liquor.* In all cases in which intoxicating liquors may be subject to be destroyed under the provisions of this chapter the court may order them delivered to any public state institution for medicinal, mechanical, or scientific uses, or order the same sold at private sale for a lawful purpose, to any person having a permit to purchase liquor, the proceeds to be turned into the treasury of the state and credited to the general fund.

(25) *Immunity to testify.* No person shall be excused, on the ground that it may tend to incriminate him or subject him to a penalty or forfeiture, from attending and testifying, or producing books, papers, documents, and other evidence in obedience to a subpoena of any court in any proceeding growing out of any alleged violation of this chapter; but no natural person shall be prosecuted or subjected to any penalty or forfeiture on account of any transaction, matter, or thing as to which, in obedience to a subpoena and under oath, he may so testify or produce evidence. No person shall be exempt from prosecution and punishment for perjury committed in so testifying.

(26) *Venue—sale and delivery.* In case of a sale of liquor where the delivery thereof was made by a common or other carrier, the sale and delivery shall be deemed to be made in the county wherein the delivery was made by such carrier to the

consignee, or in the county wherein the sale was made, or from which the shipment was made, and prosecution for such sale or delivery may be had in any such county. Prosecution in one county may be pleaded in bar to prosecution in another county for the same offense. The court in the county first securing jurisdiction shall proceed to final disposition of the action.

(27) *Pleading, practice.* (a) In any affidavit, complaint, information, or indictment for the violation of this chapter, separate offenses may be united in separate counts and the defendant may be tried on all at one trial and the penalty for all offenses may be imposed. It shall not be necessary in any affidavit, information, or indictment to give the name of the purchaser or to include any defensive negative averments, but it shall be sufficient to state that the act complained of was prohibited and unlawful. The trial court may direct a bill of particulars, to be furnished the defendant.

(b) The prosecuting attorney shall plead and prove previous convictions of the accused for any violation of this act.

(28) *Unlawful possession—evidence.* The possession of liquor by any person without a permit, other than in his private dwelling used exclusively as such, shall be prima facie evidence of unlawful possession.

(29) *License fees, nonintoxicating liquors.* (a) Each town board, village board and common council may grant licenses to such persons as they deem proper for the sale of nonintoxicating beverages for which a license fee of not less than fifty dollars nor more than one hundred dollars to be fixed by the board or council shall be paid. Such license shall be issued by the town, village or city clerk, designate the premises for which granted and shall expire the thirtieth day of June thereafter. The full license fee shall be charged for the whole or a fraction of the year. No such liquor shall be sold or kept for sale for consumption on the premises where sold without such license.

(b) It shall be the duty of the treasurer of each town, village or city in the state, wherein a fee is collected for license as herein provided, to remit to the state treasurer within sixty days after such fee is collected, ten per cent of the total amount collected.

(c) It shall be the duty of the state treasurer to require all town, village and city treasurers to file as of July first in each year, detailed statement of all license fees received by him dur-

ing the preceding year, and he shall collect the proportionate percentage due to the state.

(30) *Not to have bar, curtains, etc.* No person having a license for the sale of nonintoxicating beverages to be sold for consumption upon the premises where sold, shall maintain a standing bar or counter of any description at which any such drinks or beverages are consumed, in the place or room covered by such license, and no stall, booth, or other enclosure of any kind in or connected with such place or room shall be maintained, and the windows and doors of any such place or room shall be unobstructed by screens, blinds, paint or other articles so that a clear and unobstructed view of the interior of said place or room from the outside may at all times be had. No such person shall have in his possession on or about said premises any intoxicating liquor. The commissioner, his deputies or any peace officer may inspect such premises at any reasonable time without warrant.

(31) *Qualifications of licensee, or permittee.* No license or permit shall be granted to any person, unless to a domestic corporation, not a citizen of the United States and of this state and a resident of the town, village or city in which such license is applied for, nor to any person who has been convicted of a felony, unless such person has been pardoned. No license shall be granted to any person who has been convicted of a violation of any of the provisions of this chapter, or of any of the provisions of the "National Prohibition Act," within the period of one year from the date of conviction.

(32) *Penalties—appearance bonds—seizures.* (a) Any person violating any of the provisions of this chapter for which a specific penalty is not prescribed, shall for the first offense be fined in addition to the costs of the action not less than one hundred nor more than one thousand dollars, or by imprisonment in the county jail not less than one month, nor more than six months, and for a second or subsequent offense shall be fined in addition to the costs of the action not less than two hundred dollars nor more than two thousand dollars, and be imprisoned in the county jail not less than one month, nor more than one year.

(b) In addition to the penalties provided by paragraph (a) the court in rendering judgment for the violation of any of the provisions of this chapter by a pharmacist or physician:

1. May for the first offense suspend the permit of such defendant for a period not exceeding six months, and

2. Shall for the second offense suspend the permit of such defendant for a period of six months, and

3. May for a third or subsequent offense revoke, or for such period as the court may see fit, suspend defendant's certificate as a pharmacist, or his license to practice medicine, as the case may be, and the court rendering such judgment shall forthwith cause a certified copy of the same to be filed with the state board of pharmacy or the state board of medical examiners, as the case may require.

(c) At the time of the return of the warrant issued for the violation of any of the provisions of this chapter, the defendant shall give a bond in such sum as shall be fixed by the court, but not less than in the penal sum of five hundred dollars, with sufficient sureties, payable to the state for his appearance, as shall be required by the court from time to time until said proceedings shall finally be determined. Said bond shall further be conditioned that he will not sell, vend, deal, barter or traffic in, any intoxicating liquors or nonintoxicating liquors in violation of any law of this state or of the United States.

(d) There shall be no property rights in any liquor unlawfully possessed, or in any device for the unlawful manufacture of liquor, or in any vehicle or conveyance used to unlawfully transport liquor, and all such liquors, devices, vehicles and conveyances are contraband subject to seizure, sale, or other disposition by the commissioner, his deputies or any peace officer for the benefit of the state. The possession of any still or other contrivance used or capable of being used for the distillation of alcoholic liquors without a permit, as provided in the national prohibition act, or the possession of any mash from which distilled liquor is customarily made, or the possession of any privately manufactured distilled liquors without such permit is hereby prohibited, and the possession of any such still, mash, or liquor shall be prima facie evidence of unlawful manufacture of liquor.

(33) *How construed.* (a) This chapter shall be deemed an exercise of the power reserved by and granted to the state by the eighteenth amendment to the constitution of the United States and also an exercise of the police power of the state for the protection of the public health, peace, safety and morals of its people. It shall be liberally construed to the end that the use of intoxicating liquors as a beverage be prevented. In the event of any conflict between the provisions of this chapter and the

“National Prohibition Act” or the lawful regulations thereunder, the national act and regulations shall prevail.

(b) It is the intent of this act that its provisions are separable and the holding of any provision thereof unconstitutional shall not affect the remainder thereof.

(34) *Action when barred.* Conviction of a person under the “National Prohibition Act” shall bar a prosecution under this chapter on the same state of facts.

(35) *Records, documents, evidence.* All records and documents required to be kept under this chapter shall be open at all reasonable hours for inspection and may be copied by the commissioner, his deputies or any peace officer. A verified copy of any such record or document shall be evidence in any proceeding under this chapter.

SECTION 2. Sections 1565—1, 1565—2, 1565—3 and 1565—4 of the statutes are renumbered respectively to be subsections (36) *Prohibition on trains*, (37) *Police power of conductor*, (38) *Confiscation of liquor* and (39) *Penalty for permitting violation* of new section 1543 of the statutes.

SECTION 3. Three new subsections of section 1543 of the statutes are created: (Section 1543) (40) *Review of action of commissioner.* Any action of the commissioner may be reviewed in action in equity, in the circuit court for Dane county.

(41) *Revoking license or permit.* The license or permit of any person hereunder shall stand revoked without further proceeding upon the conviction of such person for maintaining a disorderly or riotous, indecent or improper house, for permitting gambling in any form upon or within his premises or any appendage thereto, or for violating any of the provisions of this chapter of the “National Prohibition Act.”

SECTION 4. A new section is added to the statutes to be numbered and to read: 20.126 PROHIBITION COMMISSIONER. There is hereby appropriated a sufficient sum to provide for the payment of salaries of the prohibition commissioner, his deputies and employes, and all other necessary expense, to carry into effect the provisions of chapter 76hh of the statutes, not exceeding sixty thousand dollars in any one year.

SECTION 5. A new subsection is added to section 4840 of the statutes to read: (Section 4840) (6) To search for and seize any liquor unlawfully possessed or property designed for the unlawful manufacture of liquor, but no search warrant shall is-

sue to search any private dwelling, occupied as such, unless it is being used for the unlawful manufacture for sale, unlawful sale, or possession for sale, of liquor or unless it is in part used for some business purpose such as a store, shop, saloon, restaurant, hotel, or boarding house. The term "private dwelling" shall be construed to include the room or rooms used and occupied not transiently, but solely as a residence, in an apartment house, hotel or boarding house. The property seized on any such warrant shall not be taken from the officer seizing the same on any writ of replevin or other like process.

SECTION 6. Chapter 66 of the statutes, including sections 1548 to 1569—23, except sections 1565—1 to 1565—4, inclusive, chapter 556 of the laws of 1919 and chapter 685 of the laws of 1919, are hereby repealed.

SECTION 7. This act shall take effect July 1, 1921.

Approved June 30, 1921.

No. 514, S.]

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CHAPTER 442.

AN ACT to amend subsections (b), (c) and (e) of section 1753—48, section 1753—49, section 1753—50, subsections 1, 3 and 4 of section 1753—51, section 1753—53, subsections 1 and 2 of section 1753—55, section 1753—57, subsection 2 of section 1753—58, subsection 2 of section 1753—61, section 1753—63, and section 1753—64 of the statutes, regulating the sale of securities in this state.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsections (b), (c) and (e) of sections 1753—48, section 1753—49, section 1753—50, subsections 1, 3 and 4 of section 1753—51, section 1753—53, subsections 1 and 2 of section 1753—55, section 1753—57, subsection 2 of section 1753—58, subsection 2 of section 1753—61, section 1753—63, and section 1753—64 are amended to read: (Section 1753—48).

(b) "Company" means and includes all domestic and foreign private corporations, associations, joint stock companies, partnerships, trusts, common law companies, *syndicates*, *pools*, or any other form * * * of organization or association organized or proposed to be organized. * * *