

has attended, and the distance by him or her actually traveled; and the account so audited shall be paid by the state treasurer out of any moneys in his hands not otherwise appropriated.

SECTION 3. This act shall take effect and be in force from and after its passage and publication, and shall be published immediately after its passage.

Approved March 27, 1862.

CHAPTER 147.

[Published March 29, 1862.]

AN ACT to amend section 5 of chapter 35 of the revised statutes, entitled "of excise."

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

SECTION 1. Section 5 of chapter 35 of the revised statutes, entitled "of excise," is hereby amended so as to read as follows: "If any person shall vend, sell, deal or traffic in, or for the purpose of evading this chapter, give away any spirituous, ardent or intoxicating liquors, or drinks, in any quantity whatever, without having first obtained license therefor, according to the provisions of this chapter, he shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished therefor by a fine 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 and not 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 all 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 both by fine and imprisonment, in the discretion of the court."

Persons selling without licenses, guilty of misdemeanor—punishment therefor.

Approved March 27, 1862.