

by imprisonment in the county jail of the county where such offense shall have been committed, for a period not exceeding six months, or by both fine and imprisonment, in the discretion of the court, for each offense.

This act to apply to any incorporated village.

SECTION 6. This act shall, on notice being given as provided in section 3 of this act, apply to any village incorporated under the provisions of chapter 40, revised statutes, and laws amendatory thereof, and to any town, village or city in this state, notwithstanding the provisions of any law authorizing the formation of such town, village or city, or any charter, ordinance, resolution or by-law thereof.

Expenses to be paid.

SECTION 7. All expenses incurred in carrying out the provisions of this act, excepting such as may be incurred with direct reference to the prevention and control of Asiatic cholera, which may be paid as herein above provided, shall be paid in the manner prescribed by section 1421, chapter 57, of the revised statutes.

SECTION 8. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

SECTION 9. This act shall take effect and be in force from and after its passage and publication.

Approved April 6, 1885.

[No. 104, A.]

[Published April 6, 1885.]

CHAPTER 296.

AN ACT to amend sections 1548 and 1550 of the revised statutes, as amended by chapter 322, of the laws of 1882, and to enact three new sections, to be known as sections 1548a, 1548b, and 1550a, of the revised statutes, 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:

Town boards, village boards and common councils may grant license.

SECTION 1. Section 1548, of the revised statutes, as amended by chapter 322, of the laws of 1882, is hereby amended, so that said section shall read as follows: Section 1548. The town boards, village boards and common councils of the respective

towns, villages and cities may grant license under the conditions and restrictions in this chapter contained, to such persons as they deem proper to keep groceries, saloons or other places within their respective towns, villages or cities, for the sale in quantities of less than one gallon of strong, spirituous, malt, ardent or intoxicating liquors, to be drank on the premises; and in like manner may grant licenses for the sale, in any quantity, of such liquors, not to be drank on the premises; and the sum to be paid for such license for the sale of such liquors to be drank on the premises, shall (subject to the right to increase the same, as in this chapter provided) be, in towns having within their boundaries, no city or village incorporated or unincorporated with a population of five hundred or more, one hundred dollars, and in all cities and villages, and in towns not herein otherwise provided for, the sum to be paid for such license shall be two hundred dollars; and the sum to be paid for such license, for the sale of such liquors not to be drank on the premises, except for registered pharmacists, as in this chapter provided, shall be two hundred dollars. The application of any such license shall be in writing, and shall state the kind of license applied for, and a designation of the premises where such liquors shall be sold. All such licenses shall remain in force until the first Tuesday in May next after the granting thereof, unless sooner revoked by the board or common council granting the same. Such license shall be attested by the town, city or village clerk, and shall not be delivered until the applicant shall produce and file with the clerk a receipt, showing the payment of the sum required therefor to the proper town, village or city treasurer, and until the filing with such clerk of the bond provided for in section 1549, of the revised statutes. It is hereby made the duty of all town boards, village boards and common councils to meet and be in session on the third Tuesday in April of each year, and from day to day thereafter; so long as it may be necessary, for the purpose of acting upon such applications as may be presented to them, conformable to the provisions of this chapter. The population of any city or village shall be as-

certained by the last preceding enumeration by the state or general government.

Permits shall be granted to registered pharmacists under certain conditions.

SECTION 2. There is hereby enacted a new section to be known as section 1548a, of the revised statutes, which shall read as follows: Section 1548a. The town boards, village boards and common councils of the respective towns, villages and cities in this state, upon the written application of any registered pharmacist, shall grant to such registered pharmacist, a permit to sell strong, spirituous and ardent liquors in quantities less than one gallon, for medicinal, mechanical or scientific purposes only, and not to be drunk on the premises. The sum to be paid for such permit shall be ten dollars; and such permit shall be granted and issued in the same manner and terminate at the same time as the license provided for in the preceding section, except that it shall not be necessary for any such registered pharmacist to furnish the bond required by section 1549, of the revised statutes. It shall be the duty of every pharmacist to whom a permit is issued, to keep a book in which he shall enter the date of every sale made by him of any such liquors, the name of the person to whom sold, and the kind and quantity of, and purpose for which such liquors are sold; and such book shall, at all times, be open to the inspection of the authorities granting such permit. It shall be the duty of every such pharmacist on the third Tuesday of April in each year to file with the clerk of the city, village or town in which his permit is granted, a verified copy of all the entries made by him in such book as he is required by this section to keep.

Special election shall be held to determine the amount of license to be paid.

SECTION 3. There is hereby enacted a new section to be known as section 1548b, of the revised statutes, which shall read as follows: Section 1548b. The electors of the several cities, villages and towns in this state, may hold special elections therein for the purpose of determining, as hereinafter provided, the amount to be paid in such city, village, or town for license to sell intoxicating liquors to be drunk on the premises. And for that purpose it is hereby made the duty of the clerk of every city, village, or town, on a request being made to him in writing, signed by at least twelve qualified voters of such city, village or town, and specifying the purpose for which such

special election is to be held, to forthwith give notice of a special election for that purpose in the manner provided for giving notice of general elections; provided, however, that such special election shall be held on the third Tuesday of September, and that no other question shall be submitted to the electors at the same time, and that no such special election shall be held oftener than once in three years. Such special election shall be held at the place and conducted by the officers and the result thereof, canvassed in the same manner, in all respects, as near as practicable, as provided for general elections. At such special election in towns where the sum to be paid for license is hereinbefore fixed at one hundred dollars, the electors may increase such sum to either the sum of two hundred and fifty dollars, or the sum of four hundred dollars as they may determine; and in all cities, villages and other towns wherein the sum to be paid for license is hereinbefore fixed at two hundred dollars, the electors may increase such sum to either the sum of three hundred and fifty dollars or five hundred dollars, as they may determine. The ballots to be voted at such special election shall be written or printed on plain white print paper and shall have written or printed thereon the words, "To be paid for license, \$—," and shall have written or printed thereon in words or figures the sum to be paid for such license, according to the will of the person voting, that is, either of the several sums of one hundred dollars, two hundred and fifty dollars or four hundred dollars, in the class of towns first hereinbefore named, and either of the several sums of two hundred dollars, three hundred and fifty dollars or five hundred dollars in all cities, villages and other towns. The sum receiving the highest number of votes at such election, shall be held and considered the sum to be paid for such license to sell liquors within such city, village or town for the three years succeeding the first Tuesday in May next thereafter; provided, that if the highest amount to be voted for does not receive a plurality of the votes cast, then the votes cast for such highest amount shall be considered as having been cast for the next lower amount, and shall be so counted; and in case of a tie vote upon the lower and highest sums, so to be voted for, if there

shall be no votes cast for the third or medium sum to be voted for, such third or medium sum shall be held and considered the sum to be paid for such license.

Penalty for selling without license.

SECTION 4. Section 1550, of the revised statutes, as amended by chapter 322, of the laws of 1882, is hereby amended so as to read as follows: Section 1550. If any person shall vend, sell, deal or traffic in, or for the purposes of evading any law of this state, give away any spirituous, malt, ardent or intoxicating liquors or drinks in any quantity whatever, without first having obtained a license or permit therefor, as required by 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 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 costs 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 any subsequent conviction of the same person during any year the punishment shall be by both such fine and imprisonment.

Penalty for making false statements to pharmacists or clerk.

SECTION 5. There is hereby enacted a new section to be known as section 1550a, of the revised statutes, which shall read as follows: Section 1550a. Any person who shall, for the purpose of inducing the sale of liquors by any registered pharmacist, holding a permit therefor, for any other use than medicinal, mechanical or scientific purposes, make any false statement or representation to such pharmacist, or any clerk or employe of such pharmacist, regarding the use for which such liquor is bought, and thereby induce such sale to be made in violation of law, or any registered pharmacist, holding a permit under this chapter, who shall neglect or refuse to comply with any of the requirements of this chapter, shall be guilty of a misdemeanor, and on conviction thereof, shall be punished therefor by a fine of not less than ten dollars or more than forty dollars, besides the costs of suit; and in case of a

second or any subsequent conviction of the same person, the punishment shall be by a fine of not less than forty dollars or more than one hundred dollars, besides the costs of suit, or by imprisonment, in the county jail of the proper county, not less than thirty days or more than three months; and in case of punishment by fine, 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 costs are paid, or until discharged by due course of law.

SECTION 6. All acts or parts of acts in conflict with the provisions of this act are hereby repealed, except that nothing herein contained shall be construed to diminish the sum to be paid for license in any city or village in this state, as provided by the charter or ordinances thereof; provided, that the several town boards, village boards and common councils of the respective towns, villages and cities may fix a license to be paid for the year ending the first Tuesday of May, 1886, at any sum not exceeding the maximum, nor less than the minimum hereinbefore provided to be voted for in such towns, villages and cities, respectively.

Repealing section.

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved April 6, 1885.

[No. 71, S.]

[Published April 20, 1885.]

CHAPTER 297.

AN ACT to amend the charter of the city of Green Bay.

(See Vol. 2.)