

No. 349, A.]

[Published May 24, 1905.]

## CHAPTER 230.

AN ACT to amend section 1551 of the statutes of 1898, 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:*

**Complaint; warrant; duty of justice; destruction of liquors; storage of pending appeal.** SECTION 1. Section 1551 of the statutes of 1898, as amended by chapter 194 of the laws of 1899, and by chapter 113 of the laws of 1901 and by chapter 440 laws of 1903 is hereby amended so as to read as follows: "Section 1551. Upon complaint made to any justice of the peace, by any person that he knows or has good reason to believe, that an offense against any law of this state, relating to excise or the sale of intoxicating liquors, or any violation thereof has been committed, he shall examine the complainant on oath, and the witnesses produced by him and he shall reduce such complaint to writing, and cause the same to be subscribed by the person complaining. If it shall appear to such justice that there is reasonable cause to believe that such offense has been committed, he shall immediately issue his warrant, reciting therein the substance of such complaint and requiring the officer to whom such warrant shall be directed, forthwith to arrest the accused and bring him before such justice, to be dealt with according to law; and in the same warrant may require the officer to summon such persons as shall be named therein, to appear at the trial to give evidence. Or upon complaint made to any justice of the peace by any person that he knows or has good reason to believe that an offense under section 1550 or 1565c statutes of 1898, has been committed by any person on any particular premises or place, he shall examine such complainant on oath, reduce his complaint to writing, describing therein as particularly as may be, the premises on which the offense complained of was committed, and cause the same to be subscribed by the person complaining. If it appear to such justice that there is probable cause to believe that there has been such offense committed on said premises he shall immediately issue his warrant, reciting therein the substance of the complaint, and containing a description of the premises described therein, and requiring the officer to whom it

shall be directed forthwith to search such premises and seize any liquors on said premises which he believes are intoxicating, and to arrest the accused and bring him before such justice, to be dealt with according to law, and to produce, to be used in evidence on the examination and trial of the accused, the liquors so seized, or such portion thereof as the court or district attorney may direct. The officer executing such warrant shall state in his return, as particularly as may be, the kinds and quantities of liquors seized and keep the same in his custody, until said action is finally determined. *If, upon the trial of the defendant he shall be convicted of the offense described in sections 1550 and 1565c, the court shall enter an order directing the officer so having such liquors in his possession to publicly destroy the same within twenty-four hours, unless during that time the defendant shall serve a notice on such officer that he intends to appeal from such judgment of conviction, as in such cases provided to the circuit or the supreme court, as the case may be. In case such notice is served and the original with proof of service is filed during said time by the defendant with the justice or court, such justice or court shall make such order as may be necessary for the preservation and storage of such liquors pending such appeal, and such further order as may be proper on the final determination or dismissal of such appeal. If the defendant shall be acquitted, such order shall direct said officer to return the liquors so seized, to such defendant. Costs for the taking, removal, and care of such liquors shall be allowed by the court, as shall be deemed reasonable, against the losing party, and shall be added to and become a part of the statutory costs in such action either at the time of entering judgment or at the time of making the final order as aforesaid."*

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 22, 1905.