

LICENSES.

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INTOXICATING LIQUORS.

An act to provide for the Licensing of, and against the Evils arising from the Sale of Intoxicating Liquors. Approved 30th March 1874. In force 1 July 1874.

DRAM SHOP DEFINED.] § 1. A dram shop is a place where spirituous or vinous or malt liquors are retailed by less quantity than one gallon, and intoxicating liquors shall be deemed to include all such liquors within the meaning of this act.

LICENSE TO KEEP.] § 2. Whoever, not having a license to keep a dram shop, shall, by himself or another, either as principal, clerk or servant, directly or indirectly, sell any intoxicating liquor in any less quantity than one gallon, or in any quantity to be drunk upon the premises, or in or upon any adjacent room, building, yard, premises or place of public resort, shall be fined not less than \$20. nor more than \$100. and imprisoned in the county jail not less than 10 nor more than 30 days.

GRANTED BY COUNTY BOARD.] § 3. The county boards of each county may grant licenses to keep so many dram shops in their county as they may think the public good requires, upon the application by petition of a majority of the legal voters of the town, if the county is under township organization and if not under township organization then of a majority of the legal voters of the election precinct or district where the same is proposed to be located and upon the payment into the county treasury of such sum as the board may require, not less than \$50. nor more than \$300. for each license, and upon compliance with the provisions of this act: *Provided*, such board shall not have power to issue any license to keep any dram shop in any incorporated city, town or village, or within two miles of the same in which the corporate authorities have authority to license, regulate, restrain or prohibit the sale of liquors, or in any place where the sale of intoxicating liquors is prohibited by law.

OF THE LICENSE.] § 4. The license shall state the time for which it is granted, which shall not exceed one year, the place where the dram shop is to be kept, and shall not be transferable, nor shall the person licensed keep a dram shop at more than one place at the same time, and any license granted may be revoked by the county board whenever they shall be satisfied that the person licensed has violated any of the provisions of this act, or keeps a disorderly or ill-governed house or place of resort for idle or dissolute persons, or allows any illegal gaming in his dram shop or in any house or place adjacent thereto.

BOND REQUIRED.] § 5. No person shall be licensed to keep a dram shop or to sell intoxicating liquors by any county board or the authorities of any city, town or village, unless he shall first give bond in the penal sum of \$3,000. payable to the People of the State of Illinois, with at least two good and sufficient sureties, freeholders of the county in which the license is to be granted, to be approved by the officer who may be authorized to issue the license, conditioned that he will pay to all persons all damages that they may sustain either in person or property, or means of support by reason of the person so obtaining a

Sale to Minor or Drunkard - - - Judgment, Lien on Real Estate.

license, selling or giving away intoxicating liquors. The officer taking such bond may examine any person offered as security upon any such bond, under oath, and require him to subscribe and swear to his statement in regard to his pecuniary ability to become such security. Any bond taken pursuant to this section may be sued upon for the use of any person, or his legal representatives, who may be injured by reason of the selling or giving away any intoxicating liquors by the person so licensed, or by his agent or servant.

SALE TO MINOR OR DRUNKARD.] § 6. Whoever, by himself or his agent or servant, shall sell or give intoxicating liquor to any minor without the written order of his parent, guardian or family physician, or to any person intoxicated or who is in the habit of getting intoxicated, shall, for each offense, be fined not less than \$20. nor more than \$100. and imprisoned in the county jail not less than 10 nor more than 30 days.

ILLEGAL DRAM SHOP A NUISANCE.] § 7. All places where intoxicating liquors are sold in violation of this act shall be taken, held and be declared to be common nuisances, and all rooms, taverns, eating houses, bazars, restaurants, drug stores, groceries, coffee houses, cellars or other places of public resort where intoxicating liquors are sold in violation of this act, shall be deemed public nuisances, and whoever shall keep any such place, by himself or his agent or servant, shall, for each offense, be fined not less than \$50. nor more than \$100. and confined in the county jail not less than 20 nor more than 50 days, and it shall be a part of the judgment, upon the conviction of the keeper, that the place so kept shall be shut up and abated until the keeper shall give bond, with sufficient security to be approved by the court, in the penal sum of \$1,000., payable to the People of the State of Illinois, conditioned that he will not sell intoxicating liquors contrary to the laws of this state, and will pay all fines, costs and damages assessed against him for any violation thereof; and in case of a forfeiture of such bond, suit may be brought thereon for the use of the county, city, town or village, in case of a fine due to either of them. It shall not be necessary in any prosecutions under this section to state the name of any person to whom liquor is sold.

LIABILITY OF THE SELLER.] § 8. Every person who shall, by the sale of intoxicating liquors, with or without a license, cause the intoxication of any other person, shall be liable for and compelled to pay a reasonable compensation to any person who may take charge of and provide for such intoxicated person, and \$2. per day in addition thereto for every day such intoxicated person shall be kept in consequence of such intoxication; which sums may be recovered in an action of debt before any court having competent jurisdiction.

ACTIONS FOR UNLAWFUL SALES.] § 9. Every husband, wife, child, parent, guardian, employer or other person, who shall be injured in person or property, or means of support, by any intoxicated person, or in consequence of the intoxication, habitual or otherwise, of any person, shall have a right of action in his or her own name, severally or jointly, against any person or persons who shall, by selling or giving intoxicating liquors, have caused the intoxication, in whole or in part, of such person or persons; and any person owning, renting, leasing or permitting the occupation of any building or premises, and having knowledge that intoxicating liquors are to be sold therein, or who, having leased the same for other purposes, shall knowingly permit therein the sale of any intoxicating liquors that have caused, in whole or in part, the intoxication of any person, shall be liable, severally or jointly, with the person or persons selling or giving intoxicating liquors aforesaid, for all damages sustained, and for exemplary damages; and a married woman shall have the same right to bring suits and to control the same and the amount recovered, as a feme sole; and all damages recovered by a minor under this act, shall be paid either to such minor, or to his or her parent, guardian or next friend, as the court shall direct; and the unlawful sale, or giving away, of intoxicating liquors, shall work a forfeiture of all rights of the lessee or tenant, under any lease or contract of rent upon the premises where such unlawful sale or giving away shall take place; and all suits for damages under this act may be by any appropriate action in any of the courts in this state having competent jurisdiction.

JUDGMENT, LIEN ON REAL ESTATE.] § 10. For the payment of any judgment for damages, and costs that may be recovered against any person in consequence of the sale of intoxicating liquors under the preceding section, the real estate and personal property of such person, of every kind, except such as may be exempt from levy and sale upon judgment and execution, shall be liable; and such judgment shall be a lien upon such real estate until paid; and in case any person shall rent or lease to another any building or

Justices' Jurisdiction - - Licensed Prostitution.

premises to be used or occupied, in whole or in part, for the sale of intoxicating liquors, or shall knowingly permit the same to be so used or occupied, such building or premises so used or occupied shall be held liable for and may be sold to pay any such judgment against any person occupying such building or premises. Proceedings may be had to subject the same to the payment of any such judgment recovered, which remain unpaid, or any part thereof, either before or after execution shall issue against the property of the person against whom such judgment shall have been recovered; and when execution shall issue against the property so leased or rented, the officer shall proceed to satisfy said execution out of the building or premises so leased or occupied as aforesaid: *Provided*, that if such building or premises belong to a minor or other person under guardianship, the guardian or conservator of such person, and his real and personal property, shall be held liable instead of such ward, and his property shall be subject to all the provisions of this section relating to the collection of said judgment.

JUSTICES' JURISDICTION.] § 11. When the damages claimed under either the eighth or ninth section of this act do not exceed the sum of \$200. the action therefor may be prosecuted before a justice of the peace of the proper county, and the judgment may be enforced in the same manner as other judgments recovered before justices of the peace.

FINE ENFORCED.] § 12. Any fine or imprisonment mentioned in this act may be enforced by indictment in any court of record having criminal jurisdiction, or the fine above may be sued for and recovered before any justice of the peace of the proper county, in the name of the People of the State of Illinois; and in case of conviction the offender shall stand committed to the county jail until the judgment and costs are fully paid.

EVASIONS OF THIS ACT.] § 13. The giving away of intoxicating liquors, or other shift or devise to evade the provisions of this act, shall be held to be an unlawful selling.

EVIDENCE REQUIRED.] § 14. In all prosecutions under this act, by indictment or otherwise, it shall not be necessary to state the kind of liquor sold, or to describe the place where sold, nor to show the knowledge of the principal, to convict for the acts of an agent or servant, and in all cases the persons to whom intoxicating liquors shall be sold in violation of this act, shall be competent witnesses.

CITY ORDINANCES.] § 15. It shall be no objection to a recovery under this act that the offense for which the person is prosecuted, is punishable under any city, village or town ordinance.

PROSTITUTION.

An act to prevent the Licensing of houses of ill fame, and the official inspection or medical examination of the inmates thereof in the incorporated cities, towns and villages of this state. Approved 27th March 1874. Took effect 27th March 1874.

LICENSED PROSTITUTION: PROHIBITION.] § 1. It shall be unlawful for the corporate authorities, of any city, town or village in this state, to grant a license to any person, male or female, to keep what is known as a house of ill fame or house of prostitution, and it shall be unlawful for any board of health, (or any member or employee of the same) now existing or which may hereafter exist under the laws of this state, to interfere in the management of any house of ill fame or house of prostitution, or to provide in any manner for the medical inspection or examination of any inmate of the same.

LIENS.

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- § 11. *Land Owner Failing.*
- § 12. *Interested Persons Parties.*
- § 13. *Parties.*
- § 14. *Preference.*
- § 15. *Application of Proceeds.*
- § 16. *Claims not Due.*
- § 17. *Prior Incumbrances.*
- § 18. *As Between Claimants.*
- § 19. *Fraudulent Incumbrance.*
- § 20. *Issues, Trial.*
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