

## THE ILLINOIS ISSUE

ranted prejudice against the business of a dramshop keeper, that in many instances obstructs justice and prevents him from obtaining his legal rights. The effect of this prejudice is shown by results obtained in dramshop litigation. From an estimate made for ten years, of suits under sections five and nine, we find that eighty-five and three-tenths per cent. of all cases tried in the lower courts are decided against the dramshop keeper. Of the fourteen and seven-tenths per cent. that are decided in his favor, sixty per cent. of this number are decided by the trial judge upon the pleadings or taken away from the jury for want of sufficient evidence. Thus, taking the whole number of cases brought under these two sections that are tried by juries, ninety-three and five-tenths per cent. are decided against the dramshop keeper. The last few years show a decided increase in the number of suits brought, until this increased number has now brought about an alarming condition. The largest judgment obtained during the ten-year estimate was \$5,000, but a verdict was given a few months ago in Chicago, under section nine, in the case of Hedlund vs. Geyor, for \$17,500, this being the largest verdict ever obtained under this section. Thus the time has come when the dramshop keeper must awake to the serious demands of his business. He must now realize the situation and fortify himself, so as to be able to combat the tremendous forces that both oppose and oppress him. In fact, no dramshop keeper can any more afford to do without this protection than a merchant can do without fire insurance, and past experience, by comparison of risks, shows that the ratio of the hazard is many fold greater with the dramshop keeper than with the merchant, and besides this continually increasing hazard, the amount of recovery under section nine is unlimited, and it is under this section that the great majority of all suits are brought.

Sections 5 and 9, referred to herein, are as follows:

### Sec. 5—Suit on Bond

"Sec. 5. No person shall be licensed to keep a dramshop, 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 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 reasons of the selling or giving away any intoxicating liquor by the person so licensed, or by his agent or servant."

### Sec. 9—Suit for Damage by Husband, Wife, Child, etc.

"Section 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 of this state having competent jurisdiction."

Under section 5, the maximum amount of recovery is \$3,000. Under section 9, the maximum amount of recovery is unlimited.

### The Liability

The Appellate and Supreme Courts of this state have repeatedly held, that one drink may have contributed in part to an intoxication, and parties causing an intoxication, in whole or in part, may be sued either severally or jointly. Thus every sale may create a liability, and you may be sued alone and compelled to pay the entire damage sustained. So the dramshop keeper must not only be competent to judge the appetite and capacity of his customer, but he must also judge before he sells him his morning's drink, whether or not this customer will limit his drinks of that day to what he can stand. As the first drink when a customer is duly sober, being held to contribute in part to his intoxication, makes you just as liable under the above sections as the man who sold him the many drinks, that did in fact cause the intoxication, and you can be held alone responsible for all damages resulting from such intoxication. Also, according to various recent Illinois dramshop decisions, there are no circumstances under which you can conduct your business a single day with safety. Your property, that of your bondsmen and the building in which your saloon is located is, by operation of law, for every drink sold, not only subjected to the ordinary perils and hazards of the dramshop business, but stands as if mortgaged to the public for an unlimited amount, as a protection against the consequences of every drink taken by your customers.

### Our Company

Our company has been established in response to the urgent demands of both the wholesale and retail trade. The alarming increase of dramshop suits is not only causing great financial loss, but is, in many places, driving the retailer

out of business, making both bondsmen and buildings almost impossible to get, thus making this Indemnity absolutely indispensable. All the indemnity required under both sections cannot be legally assumed by a corporation, so we write this indemnity as a partnership. Our company is composed of the same persons who comprise the firm of F. Reisch & Bros., brewers, of this city, and, in addition to the accumulated premiums from these bonds, the entire individual wealth of our firm is subject to the fulfillment of these obligations. We have a rating of over One Million Dollars, being the highest rating given by any commercial agency. We are also the only company in Illinois issuing this class of dramshop indemnity.

### The Premium

The premium is thirty dollars a year, cash in advance, and must accompany the application. In establishing the table of rates upon which our annual premium is based, we made no allowance for agents' commissions nor cost of advertising, but only included the actual cost of carrying the risks, as taken from past experience in Illinois dramshop litigation, together with the cost of company management, as the basis of our premium. Therefore, the dramshop keeper is given full benefit of all agents' commissions and cost of advertising, leaving the premium extremely small. Hence we must secure your application by correspondence and without the assistance of agents.

The Reisch Indemnity Co.,  
318 1/2 South Fifth St.,  
P. O. Drawer 291. Springfield, Ill.

## Liquor Men Urge Sobriety

Dealers in Convention at Louisville Express Belief in Temperance—Think Intoxication Crime

Louisville, Ky., June 5.—The National Liquor Dealers' Association, which opened its annual convention here today, issued an address to the people of the United States, in which the belief of its members in temperance is expressed; obedience to the law is indorsed; the work of the various temperance societies is commended, and the statement made that intoxication should be considered a crime.—Chicago Tribune.

Why not make the act of selling intoxicating stuff a crime? The saloon keeper is a criminal and the National Association that feigned sympathy with temperance forces is a society for the protection of the saloon and its keeper, both of which are criminals. The Association is the lowest type of hypocrite—that's all.

There may be circumstances under which an active support of distinct issues and candidates becomes the very first Christian duty of a pastor.—Pres. W. C. Daland.

The latest figures from Vermont show that only one county in the state gave the majority for license at the last election. The vote of the entire state showed a majority of 8,697 against license and in favor of prohibition.