

CHAPTER 177.

[Published March 16, 1868.]

AN ACT to revise and amend chapter 50 of the revised statutes, entitled "of hawkers and peddlers."

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

SECTION 1. No person shall be allowed to travel from place to place within this state, for the purpose of carrying to sell or exposing to sale any goods, wares or merchandise, or for the purpose of selling or offering to sell any patent right, territory for the sale, use or manufacture of patent rights or articles, unless he shall have obtained a license as a hawker or peddler in the manner hereinafter provided. Peddlers shall obtain license.

SECTION 2. Every person desiring to obtain a license as a hawker or peddler, shall apply to the secretary of state, through the treasury agent, and shall deliver to him a note in writing, signed by such applicant, or his authorized agent, and stating in what manner the applicant intends to travel and trade, or solicit trade, whether on foot or with one or more horses or other beasts of burden, or by railroad, or in any manner for the purpose of soliciting trade by sample or otherwise.

SECTION 3. Every such applicant, before he shall be entitled to such a license, shall pay into the state treasury the following duties: if he intends to travel on foot, the sum of five dollars; if he intends to travel and carry his goods with a single horse or other beast carrying or drawing a burden, the sum of fifteen dollars; if he intends to travel with any vehicle or carriage drawn by two horses or other animals, the sum of forty dollars; and if he intends to travel with more than two horses, or other animals drawing any sort of carriage, the sum of fifty dollars; if he intends to travel by railroad, steamboat or any other public conveyance, the sum of fifty dollars; and if he intends to travel in any manner, for the purpose of taking or soliciting orders for goods, wares or merchandize, by sample, lists, catalogues, or otherwise, the sum of twenty-five dollars. Amount of duties for license.

Venders of patent rights to obtain license.

SECTION 4. All persons selling or offering for sale, patent rights, or territory for the sale, use or manufacture of patent rights or articles not included in section one of this chapter, shall procure a license as a patent right dealer, in the same manner as hereinbefore provided for hawkers and peddlers. And every such applicant before he shall be entitled to such license shall pay into the state treasury the following duties: If he shall have any interest in, or offer for sale the whole or any part of the state greater than one-half, the sum of twenty dollars; and if he shall have any such interest in or offer for sale territory equal to one-half the state or less, the sum of ten dollars.

Amount.

Secretary of state to grant license.

SECTION 5. It shall be the duty of the secretary of state upon the payment of his fees, to grant to every such applicant, upon the delivery of the notice above required and the receipts of the state treasurer, showing the payment of the proper duties into the state treasury, a license under his seal of office, and signed by himself, authorizing such applicants to travel and trade, or solicit trade within this state, as a hawker and peddler, in the manner stated in the notice, for the term of one year from the date of the license: *provided, however,* that if it shall appear that if the applicant is to prosecute business thereunder only for a portion of a year, said license may be issued for such portion of the year, but for not less than six months.

Penalty for violation.

SECTION 6. Every person who shall be found traveling and trading, or soliciting trade, or selling or offering to sell patent rights or territory for the sale, use or manufacture of patent rights or articles within this state, contrary to the provisions of this chapter, or contrary to the terms of any license that may have been granted to him as a hawker or peddler or patent right dealer, shall for such offence forfeit the sum of twenty-five dollars.

Justice may issue warrant.

SECTION 7. Any justice of the peace, upon complaint being made, shall give his warrant for the apprehension of any person who shall be found trading or soliciting trade as a hawker or peddler or patent right dealer without license, or contrary to the terms of his license, in violation of the provisions of this chapter.

How to collect penalty.

SECTION 8. It shall be the duty of such justice, if a sufficient license to authorize such business be not produced to him, and the fact of such trading or busi-

ness be proved to him, either by the confession of the person so apprehended, or the oath of competent witnesses to convict the offender of such offense against this chapter as shall be so confessed or proven, and to issue his warrant on such conviction, directed to some constable or policeman of the county in which the conviction shall be had, commanding such constable or policeman to cause the sum of twenty-five dollars, with costs not to exceed five dollars, to be forthwith levied by distress and sale at public vendue, of the goods, wares and merchandise of the offender.

SECTION 9. In every case of prosecution against any person for the recovery of any penalty given in this chapter, no costs shall be allowed to the defendant if it shall appear that before the commencement of the prosecution, such defendant had refused to produce his license when lawfully required, nor in such case shall the defendant be entitled to maintain any action against the person prosecuting him, or the constable or other persons by whom he may have been apprehended, or the justice issuing any warrant or other process against him, or before whom he may have been tried for any of their acts in so prosecuting, apprehending or trying him.

No costs to be allowed defendant; if he refuse to produce license.

SECTION 10. No action or prosecution for the recovery of any penalty imposed by the provisions of this chapter shall be maintained unless it shall appear that the same was brought within one year after the commission of the offense charged.

Action for penalty must be brought within one year.

SECTION 11. This chapter shall not authorize the sale of or the traveling for the purpose of carrying to sell any immoral or obscene book, paper or pamphlet.

Not to authorize sale of obscene books.

SECTION 12. Nothing contained in this chapter shall be construed so as to prevent any manufacturer, mechanic or nurseryman, residing in this state from selling his own work or production, manufactured or grown in this state, by sample or otherwise without license; nor shall any patent right dealer, who is a citizen of this state, be required to take out a license to sell his own invention; nor shall any wholesale merchant have [having] a regular place of business in this state, be prevented, by anything herein contained, from selling by sample without license; but no merchant shall be allowed to peddle, or to employ others to peddle, goods not his own manufacture without the license in this chapter provided; nor shall any person traveling on

Manufacturers, etc., may sell their own productions without license.

foot or by railroad, canvassing for or selling books, pamphlets, papers or maps, be required to take out a license in this chapter provided.

Duty of treasury agent.

SECTION 13. It shall be the duty of the treasury agent as provided in chapter 176 of the general laws of 1867, to superintend and enforce the provisions of this chapter; and such treasury agent or his assistant shall, when there is reasonable ground to suppose that such license fees as are required by any law of this state to be paid into the state treasury, may become otherwise uncollectable, seize and detain any vehicle, or any animals attached thereto, or any of the goods, wares or merchandise conveyed by such vehicle, until the process provided in sections 7, 8 and 9 of this chapter may be issued and served, but the said agent shall exercise due diligence in procuring such process to be issued and served.

State license to exempt from town license.

SECTION 14. Any person having a license from the secretary of state, under the provisions of this chapter, shall be exempt from any further license from towns, villages or cities in this state during the continuance of said license.

Repealed.

SECTION 15. Chapter 50 of the revised statutes and all acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

SECTION 16. This act shall take effect and be in force from and after its passage and publication.

Approved March 6, 1868.

CHAPTER 178.

[Published March 14, 1868.]

AN ACT to authorize certain towns to transfer moneys from the general fund to the school fund.

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

May transfer general fund to school fund.

SECTION 1. The boards of supervisors of those towns which have not raised, by order of the county boards of supervisors, a sum sufficient to entitle them to an