

[No. 542, A.]

[Published April 13, 1885.]

## CHAPTER 291.

AN ACT to amend chapter 68, of the revised statutes of 1878, entitled, "Of Auctions and Auctioneers."

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

SECTION 1. Section 1585, of chapter 68, of the revised statutes of the state of Wisconsin, entitled, "Of Auctions and Auctioneers," is hereby amended so as to read as follows: Section 1585. There shall be paid by the auctioneer to the treasurer of the town, city or incorporated village, for the use of such town, city or incorporated village, upon all sales by auction made in such town, city or incorporated village, of goods, wares or merchandise, except household furniture which has been used as such, two per centum out of the gross receipts accruing from such sales, except when sale is made by virtue of a chattel mortgage, or of a rule, order or judgment of a court, or of some law of the state, or the United States, respecting the collection of some tax or duty; or in consequence of a general assignment of property or effects for the benefit of creditors; or when made of property belonging to the state, or of the United States; or when made by or on behalf of any executor or administrator; or when made for the purpose of closing up his business, by or on behalf of any merchant, who shall reside and trade in any town, city or village, and who shall have paid the taxes lawfully levied on his stock in trade, which is so sold; or when made of his farm property, by or on behalf of a resident farmer, who has paid the taxes lawfully levied on his property; provided, that in the two last cases such sale shall be made in the town, city or village in which such taxes were paid. Whenever the auctioneer or owner of the property sold, or any person employed by them or either of them, shall buy anything at any such sale, the same duty shall be paid as if any other person were purchaser thereof, and sales on credit shall be liable to duty as if made for cash.

Auctioneers shall pay to treasurer of town or city 2 per cent.

Auctioneer to procure license.

SECTION 2. Section 1586, of said chapter, is hereby amended so as to read as follows; Section 1586. No person shall exercise the business of an auctioneer by selling any goods, wares and merchandise at any sale at which the highest bidder is deemed to be the purchaser, except in cases when no duty is payable therefor, under the provisions of this chapter, unless such person shall have a license then in force, authorizing the same as hereinafter provided; and for every violation hereof, the person so offending shall forfeit fifty dollars for each offense, and pay all the duties required to be paid by this chapter.

Repealed.

SECTION 3. Section 1587, of said chapter 68, is hereby repealed.

Render an account to town, city or village clerk.

SECTION 4. Section 1588, of said chapter, is hereby amended so as to read as follows: Section 1588. Every auctioneer shall, within twenty-four hours after the close of any sale at auction for which any duty shall be payable by virtue of this act, render to the town, city or village clerk, as the case may be, an account in writing, verified by his affidavit, of the gross amounts for which any and all goods, wares or merchandise liable to duty as above provided, have been sold by him at such sale, and the amount of duty thereon paid by him to the treasurer as herein provided.

Town, city or village clerk to present full statement at annual town meeting.

SECTION 5. Each town, city or village clerk, who shall receive any report or reports, on sales at auction, agreeably to the provisions of this chapter, shall present a full statement thereof to the annual town meeting in which town such report or reports have been received by a town clerk; and at the first meeting after the first day of April in each year to the village board, or to the common council of the city, in case which such reports have been received by such village or city clerk, which statement shall contain a full account of the amount of duties paid to the treasurer of such town, city or village, as the case may be, from whom paid, with the total amount of sales made by auction in such town, city or village.

Repealed

SECTION 6. Section 1590, of said chapter 68, is hereby repealed.

Apply to secretary of state for license.

SECTION 7. Every person desiring to obtain a license as an auctioneer shall apply to the secretary of state either directly or through a treasury

agent, and shall deliver to him his application in writing, signed by such applicant or his authorized agent stating that he desires to carry on the business of auctioneer in the state of Wisconsin.

SECTION 8. Every such applicant shall be entitled to a license as auctioneer, upon paying to the state treasurer one hundred dollars license fee; provided, that no person so licensed shall exercise the business of auctioneer in the state of Wisconsin until he shall have first filed with the clerk of each town, city or incorporated village, in which he shall act and exercise the business of auctioneer, a bond to such town, city or village in the sum of one hundred dollars, with surety, to be approved by the county judge or chairman of such town or president of such village, or the mayor of such city, as the case may be, conditioned that said auctioneer shall duly pay to such town, city or village treasurer, all the duties imposed by this chapter, and render to such clerk an account in writing, as required by section 1588.

License fee required \$100.

SECTION 9. The secretary of state, upon payment of his fees, shall grant to every applicant upon filing of his application and the receipt of the state treasurer showing the payment of the proper license fee, a license under his official seal, signed by himself or his assistant, authorizing such licensee to carry on the business of auctioneer in any place in the state of Wisconsin, for the term of one year from the date of such license, in conformity to the provisions of this chapter.

Secretary of state to grant license.

SECTION 10. Any person having a license from the secretary of state under the provisions of this chapter, as auctioneer, shall be exempt from any further license, conditions or restriction, from towns, villages or cities in this state, during the continuance of such license.

Exempt from further license.

SECTION 11. This act shall take effect and be in force from and after its passage and publication.

Approved April 4, 1885.