

act shall not prevent the use of such explosive on any property which is under the development on July 1, 1917.

SECTION 2. This act shall take effect on July 1, 1917.

Approved July 12, 1917.

No. 689, S.]

[Published July 17, 1917.

CHAPTER 670

AN ACT to amend section 1572, subsection 1 of section 1573, sections 1574, 1577, 1580, 1581, 1584, 1584b, 1584c, 1584f, and subsection (1) of section 20.07 and to create subsections 4 and 5 of section 1463 of the statutes, relating to the treasury agent, and the licensing of peddlers, showmen, etc., and making an appropriation.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 1572, subsection 1 of section 1573, sections 1574, 1577, 1580, 1581, 1584, 1584b, 1584c and 1584f of the statutes, are amended to read:

Section 1572. The application for a license as a hawker or peddler shall be made in writing to the * * * *treasury agent* * * * on blanks to be furnished by him, wherein the applicant shall specify whether he intends to carry on his business by wagon or other vehicle, or on foot. The applicant shall at or before the time of filing his application for a license, pay or cause to be paid to * * * *treasury agent* the amount prescribed in the preceding section and applicable to the manner in which such applicant intends to carry on his business, and the * * * *treasury agent* shall thereupon issue to the applicant a receipt therefor.

(Section 1573) 1. Upon the filing of an application for such license with the * * * *treasury agent*, and * * * the payment of the fee, as hereinbefore provided, the * * * *treasury agent* shall issue to the applicant a license for a period of one year, from the date of the issuance of the receipts * * * the full license fee to be paid in every case, which license shall be signed by the * * * *treasury agent* * * * and every such license shall authorize the person receiving the same to use one wagon or other vehicle, drawn by two or more horses or other beasts of burden and no more, or automobile or other vehicle or conveyance propelled by mechanical power, one wagon or other vehicle drawn by one horse or other beast of burden and no more, one push or hand cart or other vehicle not drawn by horses or other beasts of burden and no more,

or the baskets, packs or other means necessary for one peddler carrying (by himself) merchandise on foot, as the case may be, and such license shall not be assignable or transferable, except where due notice has been given the state treasury agent and the same has received his approval.

Section 1574. A transient merchant within the meaning of sections 1570 to 1584i, inclusive, is defined as one who engages in the vending or sale of merchandise at any place in this state temporarily, and who does not intend to become and does not become a permanent merchant of such place. No person shall engage in or follow the business or occupation of a transient merchant, as hereinbefore defined, at any place in this state, without first obtaining a license authorizing him to do so. Any person desiring a license as a transient merchant shall, before receiving the same, pay * * * to the * * * *treasury agent* the sum of seventy-five dollars, and he shall in addition to such amount, after receiving such license, also pay to the treasurer, of any city or village where he may be conducting his business, a sum not to exceed twenty-five dollars per day for each day that he may be engaged in carrying on his business, such amount to be determined by ordinance or resolution of such city or village; provided, further, that if complaint be made to the mayor of any city or the president of any village, that any person doing business therein is a transient merchant, and such person shall claim to be a permanent merchant, he may be required as a condition of transacting business in any such city or village, without the payment of a license fee to such city or village, to give a bond to such city or village to secure the payment of the state and local license, in the event that he fails to become a permanent merchant, under the terms of sections 1570 to 1584i, inclusive, in a penal sum not to exceed five hundred dollars to be determined by resolution or ordinance of such city or village, with sureties to be approved by the clerk of the municipality, and which bond shall be enforced in case of a breach thereof by the proper local officers of the city or village, and upon its collection the amount of the state license shall be paid to the * * * *treasury agent* and the remainder shall be paid into the treasury of the city or village and become a part of the license fund. The application for a license as a transient merchant shall be made in writing to the * * * *treasury agent* upon blanks to be furnished by him, and upon the filing of such application with the * * * *treasury agent* and * * * the payment of the

license fees hereinbefore provided for, the * * * *treasury agent* shall issue to such applicant a license for a period of one year, commencing on the first day of May, or for such portion of a year as may intervene between the date of the issuance of the receipt * * * and the first day of May next ensuing, the full license fee to be paid in every case, which license shall be signed by the * * * *treasury agent* * * * and every such license shall authorize the person receiving the same to engage in the business of a transient merchant within this state.

Section 1577. Any license issued pursuant to the terms of sections 1570 to 1584i, inclusive, may be revoked by the * * * *treasury agent* upon the conviction of any person to whom the same was issued, of any fraud or false representation, misrepresentation or imposition in the sale of any goods, wares or merchandise or the sale of any adulterated food, drink or drug, or the sale of any food deleterious to health, and the filing with the *treasury agent* * * * of a certified copy of the final judgment of conviction of any court in which any such person may be tried, shall be sufficient authority for the revocation of such license.

Section 1580. It shall be the duty of the treasury agent to superintend and enforce the collection of all license fees required to be paid to the state under the provisions of sections 1570 to 1584i, inclusive, or of any act relating to hawkers, peddlers or transient merchants and to perform such other duties as the secretary of state may prescribe under any other license law. * * * Upon receipt of any application for license or any license fees, he shall immediately file the application in * * * *his office* * * * and pay all such fees into the state treasury in the name of the applicant, and deliver or forward to such applicant his proper license, duly issued. He may appoint an assistant, who shall take a like oath and give a like bond, and may perform such duties as are required of the treasury agent, and shall report to the governor at the end of each fiscal year a statement of all the moneys received and disbursed by him, the names and post-office addresses of the persons from whom they were collected and the amount paid by each; such report shall also give information upon any other matters relating to his duties which the governor may require.

Section 1581. The treasury agent may appoint special treasury agents, who, as well as said treasury agent and his

assistant, may, when there is reasonable ground to suppose that such license fees as are required by any law to be paid into the state treasury, may become otherwise uncollectable, *arrest*, seize and detain any *person*, vehicle or any animals attached thereto, or any push or handcart, or any of the goods, wares or merchandise conveyed thereby, or any trunk, box or pack, or other means of carrying goods or any of the contents therein contained, carried by foot peddlers, until the process provided by law can be issued and served. Such agent, assistant and special agents may serve any writ or process necessary to enforce the provisions of sections 1570 to 1584i, inclusive, in the same manner and for the same compensation as constables and sheriffs.

Section 1584. 1. Every owner, manager or agent of a caravan, circus or menagerie, before he shall be allowed to exhibit the same in this state, shall procure a license as a public showman by making application in writing to the * * * *treasury agent*, which application shall state in detail the manner in which he intends to travel and the nature and character of his exhibition, and shall pay into the treasury therefor the sum of one hundred dollars; and every owner or manager of a so-called side show, traveling vaudeville, ferris wheel, merry-go-round, ocean wave, or transient shooting gallery, and every person exhibiting for money any trained animal, wild animal or any object of curiosity shall procure a state license as a public showman and pay therefor twenty dollars; * * * *Provided, that if such person, owner, manager, or agent shall state in the application that he applies for the license solely for the purpose of exhibiting at fairs, expositions, exhibits or carnivals held on the grounds and under the direction of a society, association, or board receiving state aid, the license shall be granted upon payment of the following fees: For a caravan, circus, or menagerie, twenty-five dollars; for a side show, traveling vaudeville, the exhibit of any trained animal, wild animal, or any object of curiosity, ten dollars; for any ferris wheel, merry-go-round, ocean wave, or transient shooting gallery, the license shall be granted without charge.*

2. *No caravan, circus, or menagerie, nor any so-called side show, or traveling vaudeville, nor any animal, wild animal, or object of curiosity exhibited for money shall exhibit, or be exhibited at or during the continuance of any fair, exposition, or carnival given by and on the grounds of any society, association, or board drawing aid from the state under the statutes.*

nor shall any such society, association, or board permit any such exhibit, or give license, permit, or concession for such exhibit unless the treasury agent shall have previously granted to such owner, manager, or agent, a permit to make such exhibit at such fair, exposition or carnival.

3. Upon application of any owner, manager, or agent of any such caravan, circus, menagerie, side show, traveling vaudeville, animal, or object of curiosity exhibited for money, which shall have obtained a license under the provisions of subsection 1 hereof, the treasury agent after determining that the performance or exhibit is not immoral, indecent, disorderly, degrading, or otherwise objectionable, shall issue a permit to such owner, manager, or agent permitting such exhibit or performance at a stated fair, exposition, or carnival of such society, association or board and at no other time or place.

* * * 4. Any person violating any requirements of this section shall be guilty of a misdemeanor and upon conviction thereof shall be punished by fine of not less than twenty dollars nor more than one hundred dollars, or be imprisoned in the county jail not less than twenty days nor more than sixty days or by both such fine and imprisonment.

Section 1584b. The application for a state license under the preceding section shall be made to the * * * *treasury agent* under oath, shall disclose the name and residence of the applicant, who shall, before making such sale advertising so to do, state in his original or supplementary application the details concerning such sale, including all the facts relating to the insurance, bankruptcy, insolvency, or other reason for making the same, with sufficient fullness as to time, place and persons to permit the verification thereof. Such statement shall be copied on the license issued by said * * * *treasury agent*, and all applications shall be filed by him and a record of all licenses issued be made. All files and records of the * * * *treasury agent* and of the town, city and village clerks shall be in convenient form and be open for public inspection. Any false statement in either such application or any failure of any licensee to comply with all the requirements of this section shall render him liable to the same penalty as is imposed by section 1584f.

Section 1584c. Upon application in proper form and the payment of seventy-five dollars as a fee the * * * *treasury agent* shall issue to the applicant a license authorizing him to advertise and make such sales as are specified in section 1584a

for the term of one year, commencing on the first day of May, or for such portion of a year as may intervene between the date of the issuance of the receipt * * * and the first day of May next ensuing, the full license fee to be paid in every case, unless such license be sooner surrendered for cancellation. Every license shall contain a copy of the application therefor. Such license shall not be transferable nor authorize more than one person, firm or corporation to sell or advertise goods, wares or merchandise in the manner specified, either by agent or clerk or in any other way than in the proper person of the licensee, except that when the licensee is a firm or corporation the sale may be conducted by the members of the partnership or the officers of the corporation, and any licensee may have the assistance of one or more persons, who shall not, however, have authority to act for him in his absence. Any agent or employe who conducts or advertises a sale for his principal shall be liable to the penalty hereinafter prescribed if such principal has failed to comply with any of the provisions of law.

Section 1584f. Every person violating any provision of either of sections 1584a to 1584e, inclusive, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars or be imprisoned in the county jail not less than thirty days nor more than sixty days or by both such fine and imprisonment; and each advertisement or sale made in contravention of the provisions of said sections shall be deemed a distinct offense and shall subject the offender to such punishment.

SECTION 2. Two new subsections are added to section 1463 of the statutes to read: (Section 1463) 4. The secretary of state is authorized with the consent of the governor to depute any employe or inspector otherwise in the employ of the state, either in his own or some other department of the state government to make inspection of any fair, exposition or exhibit, held by any such society, association, or board, and of all exhibits, performances and devices exhibited or operated therein; and if necessity therefor arises he is further authorized to appoint two special agents to make such inspection. No such special agent shall serve to exceed sixty days in any calendar year. Such employes or agents so appointed shall report to the secretary of state relative to such fairs and the exhibits and performances connected therewith and as to all matters relating to the compliance with the law by such society, association or board and all exhibits and performances connected therewith including compliance with those statutes relating to state aid to such fair associations.

5. If it shall satisfactorily appear to the secretary of state that any such caravan, circus, menagerie, side show, traveling vaudeville, or other exhibit is immoral, indecent, disorderly, degrading, illegal or otherwise objectionable, he shall forthwith report such fact to the treasury agent who shall thereupon revoke every license and permit theretofore issued for the exhibit thereof.

SECTION 3. Subsection (1) of section 20.07 of the statutes is amended to read:

(20.07) (1) Annually, beginning July 1, * * * 1917, * * * five thousand dollars, for the execution of his functions. Of this there is allotted to the state treasury agent an annual salary of two thousand dollars.

SECTION 4. This act shall take effect upon July 1, 1917.

Approved July 12, 1917.

No. 714, S.]

[Published July 17, 1917.

CHAPTER 671

AN ACT to repeal expressly certain sections of the statutes that have been either superseded or repealed by implication; to repeal certain sections of the statutes that are duplicates of other sections; to strike out or remove obsolete and dead matter from certain sections of the statutes; to renumber and relocate certain sections of the statutes that have been improperly classified; to correct in certain sections of the statutes mistaken references to other sections; and to correct typographical errors, misprints, and other errors in certain sections of the statutes.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsection (5) of section 6.01 of the statutes is repealed and subsection (6) of said section is renumbered to be subsection (5) thereof.

SECTION 2. Subsection (1) of section 16.28 of the statutes is amended by striking out the word "or" immediately following the word "issuing" and immediately preceding the words "any warrant" and by inserting in place thereof the word "of."

SECTION 3. Section 17.09 of the statutes is amended by striking therefrom the figures "968" and by inserting in place thereof the figures "17.08."

SECTION 4. Section 18.03 is amended by striking therefrom the figures and letter "376m" and inserting in place thereof the figures "44.08."