

No. 79, S.]

[Published May 12, 1891.]

## CHAPTER 443.

AN ACT to prevent and punish frauds in sales of goods, wares and merchandise, at public or private sale and to regulate such sales.

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

Recital of facts.

SECTION 1. Whereas certain evil disposed and irresponsible persons have been in the habit of engaging in business in this state as vendors of goods, wares and merchandise, and by fraudulent and deceitful practices in advertising and conducting their business, have greatly defrauded and damaged the people of the state, now therefore.

One not a permanent trader shall take out a license to sell certain merchandise.

SECTION 2. Every person or vendor who shall not already have become a permanent trader as defined by section 1570 of the revised statutes, at the same town, city or village, who shall sell or expose for sale at public or private sale any goods, wares and merchandise, and shall advertise, represent or hold forth such sale as an insurance, bankrupt, insolvent, assignee, trustee, estate, executor, administrator, receiver or closing out sale, or as a sale of any goods damaged by smcke, fire, water or otherwise, or in any similar form, shall, before so doing, take out a state license in the manner and form hereinafter prescribed.

Licenses to be taken out; municipality may require additional license.

SECTION 3. It shall be the duty of every person, before commencing a sale, or advertising a sale of goods, wares and merchandise as set forth in the preceding section to take out a state license and local licenses in the manner hereinafter set forth; but nothing herein contained shall affect the right of any municipal corporation to pass such additional ordinance relative to the sale and advertisement of goods, wares and merchandise as herein set forth, as may be permissible under the general law, or under their respective charters.

License, how procured; form of; fees.

SECTION 4. The state treasurer shall, upon application in proper form and the payment of the

sum of one hundred dollars as a state license fee by every such person desiring to do such business in this state, issue to him a license authorizing him to do business in this state in conformity with the provisions of this act for the term of one year from the date thereof. Every license shall set forth a copy of the application upon which it is granted. Such license shall not be transferable, nor give authority to more than one person to sell goods in such manner, either by agent or clerk, or in any other way than in his own proper person; but any licensee may have the assistance of one or more persons in conducting his business, who shall have authority to aid their principal, but not to act for or without him.

**SECTION 5.** All applications for licenses shall be sworn to, shall disclose the names and residences of the owners or parties in whose interest said business is conducted, and shall be kept on file by the state treasurer; and a record shall be kept by him of all licenses issued upon such applications. All files and records, both of the state treasurer and of the respective town or city clerks, shall be in convenient form and open for public inspection.

Record to be kept by state treasurer.

**SECTION 6.** Before selling under said state license, every person intending to do such business shall exhibit the same to the clerk of each town, village or city where he proposes to make sales, and upon payment to said clerk of a further local license fee of five dollars, and the proof of payment of all other such license fees, if any, as are legally chargeable upon local sales, the said clerk shall record the state license in full, shall endorse upon it the words, "local license fees paid," and shall affix his official signature, together with the date of such endorsement. He shall then issue a local license, authorizing sales within the limits of such town, village or city. Any failure to obtain a local license, and to have proper endorsements made on the state license, shall subject such person to the same penalty as would be imposed if no state license had been issued.

Manner of obtaining local license.

**SECTION 7.** No person shall advertise, represent or hold forth any sale as an insurance, bankrupt, insolvent, assignee, trustee, estate, executor, administrator, receiver or closing out sale, or as a

Duty of person advertising bankrupt stock sale.

sale of any goods damaged by smoke, fire, water or otherwise, or in any similar form, unless he shall, before so doing, state under oath to the state treasurer, either in the original application for a state license, or in a supplementary application subsequently filed and copied on the license, the details of said bankruptcy, insolvency, trusteeship, closing out, damage, etc., such details to include and cover all the facts, relating to time, place, persons, etc., necessary to exactly locate and fully identify the same.

Penalty for false statements.

SECTION 8. Any false statement in an application, either original or supplementary, for a license, and any failure on the part of any licensee, to comply with all the requirements of the last preceding section, shall subject said person to the same penalty as if he had no license.

Powers and duties of town, city or village officers.

SECTION 9. It shall be the duty of the respective informing or prosecuting officer in each town, village or city in this state, to see that the provisions of this act are complied with and to prosecute for violation of the same. All such officers shall have the power to demand the production of the proper state and local licenses by any person doing such business, advertising or actually engaging in business and any failure to produce such license shall be *prima facie* evidence against such vendor that he has none.

Penalty for violation of law.

SECTION 10. Every person violating the provisions of this act, shall be guilty of a misdemeanor and shall be fined not less than twenty-five dollars nor more than one hundred dollars, or imprisoned not more than sixty days, or both.

Not to apply to judicial sales.

SECTION 11. This act shall not apply to any sale made by virtue of any judgment, order or process of any court, or pursuant to any law of this state or the United States or in enforcement of any contract right.

Jurisdiction of cases of prosecution, in what courts vested.

SECTION 12. Prosecutions under this act may be heard and determined by the court having criminal jurisdiction over other offenses punishable by law to the same extent as hereinabove provided.

State license to expire in one year.

SECTION 13. All state licenses shall expire by limitation one year from the date thereof, and may be, if so desired, surrendered at any time prior thereto for cancellation.

SECTION 14. This act shall take effect and be in force from and after its passage and publication.  
Approved April 24, 1891.

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No. 249, S.]

[Published May 21, 1891.]

## CHAPTER 444.

AN ACT to amend chapter 174 of the laws of 1883, entitled, "An act to incorporate the city of De Pere," as amended by chapter 92, laws of 1885, and chapter 53, laws of 1887.

(See Vol. 2.)

No. 269, S.]

[Published May 4, 1891.]

## CHAPTER 445.

AN ACT to amend section 494, of the revised statutes, as amended by chapter 245, laws of 1879, and chapter 146, laws of 1881, relating to free high schools.

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

SECTION 1. Section 494 of the revised statutes, as amended by chapter 245, laws of 1879 and chapter 146, of the laws of 1881, is hereby amended so as to read as follows: Section 494. All such high schools shall be free to all pupils resident in the district. Every principal of any high school hereafter elected or appointed, shall in addition to his legal qualifications as teacher of a common school, be a graduate of some university, college or normal school, or shall hold a state certificate, or shall pass an examination in the studies required to be taught in any such school; provided, the state certificates authorized by the laws of Wisconsin,

Amends sec.  
494 R. S. 1878  
as amended.

Qualification of  
teachers of  
free high  
schools.