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CHAPTER 341.

AN ACT amending sections 1570, 1572, 1574, 1575, 1576, 1584e, 1584f and 1584i of the statutes of 1898 relating to the licensing of peddlers and transient merchants.

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

License, who must have. SECTION 1. Section 1570 of the statutes of 1898 is hereby amended to read as follows: Section 1570. No person shall be allowed to travel from town to town, from house to house, or from place to place, in any town (the word town as used in this section shall include cities and villages), for the purpose of selling or exposing for sale, barter or exchange, at retail or to consumers, any goods, wares, merchandise, notions or other articles of trade whatsoever, whether by sample or otherwise, and whether any of said articles of trade are delivered at the time of sale or are to be delivered at some future day, unless he shall have obtained a license as a peddler as herein provided; but this chapter shall not prevent any manufacturer, mechanic, nurseryman or farmer from selling his work or production by himself or employee; provided, that such manufacturer or mechanic shall have actually manufactured the goods, and such nurseryman or farmer shall have actually raised the products so sold or offered for sale, or shall have owned and been in possession of the same for not less than three months next prior to said sale or offering for sale, or any patent right dealer from selling his own invention; or any persons from selling or offering to sell at wholesale or to dealers only, any goods, wares or merchandise whatsoever, or any fish dealers from selling fish or train boys from selling to persons traveling on railroad trains, nor persons from selling fruits or vegetables in cities of the first class without a license, provided that this section shall not be construed to require any keeper of a retail meat market, or dealer in agricultural machinery or farm implements, who keeps a permanent place of business, or his employes, to procure a license to sell such meats, machinery or implements as are kept in stock by him at such place; nor shall it apply to the soliciting of orders for sale or to the offering for sale by sample or otherwise, or any goods, wares, merchandise, notions or other articles of trade which are without the state at the time, and are thereafter to be shipped or sent direct to the person so orderir

or purchasing said articles, nor to the doing of any act which shall interfere with interstate commerce; but it does apply to all persons required to obtain license as peddlers, including traveling vendors of extracts, salves, medicines and drug compounds; whether offered for sale by the patentee or manufacturers thereof, their employees or others, all who are transient merchants, traders or dealers, such as bring into any town, city or village any articles of trade, other than such as are excepted herein, for the purpose of selling the same in the manner provided in this section and who do not intend to become and do not become permanent merchants, traders or dealers in such town, city or village; permanent merchants, traders and dealers being here defined to be those who remain in the locality and engage in trade for a period of six months or more, continuously or who pay taxes upon their goods, wares, merchandise or other articles of trade in the town, city or village in which they are offered for sale, as dealers resident there, pay taxes.

Fees for license; local license; bond on declaration to be permanent merchant. SECTION 2. Section 1572 of the statutes of 1898 is hereby amended to read as follows: Section 1572. Every such applicant before he shall be entitled to such license, shall pay into the state treasury the following license fees: If he intends to travel on a bicycle or on foot, including railroads or other public conveyances, but carrying his goods, wares and merchandise with him, thirty dollars; if he intends to travel and carry his goods with a single horse or other animal carrying or drawing a burden, forty-five dollars; if he intends to travel with a vehicle drawn with two or more horses or other animals, seventy-five dollars; if intending to deal as a transient merchant, trader or dealer, fifty dollars; provided that any such applicant taking license as such transient merchant, trader or dealer, hereby intending to include as such any person who by demonstration, entertainment or performance seeks to attract an audience and to vend or sell his wares from a wagon, tent, platform or other like location, shall in addition to such amount, also pay to the treasurers of the town, city or village where he may sell or offer for sale any goods, wares or merchandise, not exceeding fifty dollars for each day that he may be engaged in selling or disposing of the same, to be determined by ordinance or resolution of such town, city or village, which ordinance or resolution shall provide when and in what manner such tax shall be paid, and provided that any person believed to be a transient merchant, who declares it to be his intention to become a permanent merchant, may be required as a condition of transacting business, to give a bond to the city, village or town to secure payment of the

state and local license, in the event that he fails to become a permanent merchant under this act, in a penal sum not exceeding five hundred dollars, to be determined by ordinance or resolution of such town, city or village with sureties to be approved by the clerk of said municipality, the said bond to be enforced in case of a breach thereof, by the proper legal officer of the city, village or town, and upon its collection the amount of the state license to be paid to the state treasury agent, and the remainder to be paid into the treasury of the city, village or town as otherwise provided herein for the disposition of the local license; and provided further that any peddler on entering any city, village or town for the purpose of selling or offering for sale his goods, wares or merchandise, shall, if required by any treasury agent or any official of any such city, village or town, appear before the clerk thereof, exhibit his state license and make affidavit that he is the person named in such license. After making such affidavit, such clerk shall issue a certificate setting forth that the above requirement has been complied with for such city, village or town, which certificate shall be good for thirty days from its date. Any peddler failing to comply with the above requirement shall be punished by fine not exceeding ten dollars or by imprisonment in the county jail for ten days or by both such fine and imprisonment.

License for circus, shows, etc. SECTION 3. Section 1574 of the statutes of 1898 is hereby amended so as to read as follows: Section 1574. 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 state license as a public showman in the manner hereinbefore provided for peddlers, and shall pay into the state treasury therefor the sum of one hundred dollars; and every owner or manager of a so-called sideshow, merry-go-around or ocean wave, and every person exhibiting for money any trained animals, wild animals or any object of curiosity shall procure a state license as a public showman and pay therefor twenty dollars.

Issue of license; to soldiers; disability license, examination for. SECTION 4. Section 1575 of the statutes of 1898 is hereby amended to read as follows: Section 1575. The secretary of state upon the payment of his fees, shall grant to every such applicant, upon the filing of his application, and the receipt of the treasurer, showing the payment of the proper license fees, a license under his official seal, signed by himself or his assistant, authorizing such licensee to travel and prosecute business in the manner stated in his application, for the term of one year; but

all licenses shall expire on the thirtieth day of April in each year and the amount due for licenses of peddlers and patent right dealers, shall be reckoned proportionately for that part of the year from the first day of the month in which the liability is incurred, to the first day of May following, provided the secretary of state may issue a like license to any applicant therefor to peddle, on foot or with one horse, or to deal in patent rights, who shall prove to his satisfaction that he served as a soldier in the United States army or navy, or in the quartermaster's or commissary's department thereof, during the late rebellion, and was so disabled as to render him unfit for hard manual labor in such service, and honorably discharged therefrom, without the payment of any license fees; provided further that the secretary of state may issue a like license to any applicant therefor to sell goods, wares or merchandise, on foot or with one horse, and wagon or bicycle who is blind or deaf and dumb or so crippled as to incapacitate him for manual labor without the payment of any license fees; except that the said secretary of state, upon the request of the treasury agent, may require any such applicant to submit to an examination by a physician designated by him, as to said applicant's crippled condition, when the same is not apparent, before issuing such license; the cost of such examination, not exceeding two dollars, shall be in all such cases borne by the applicant.

Penalties; fees to witnesses; evidence; license to be in possession. SECTION 5. Section 1576 of the statutes of 1898 is hereby amended to read as follows: Section 1576. Every person who shall be found traveling or trading contrary to the provisions of this chapter or to the terms of any license that may have been granted to him or shall when licensed as a transient merchant, trader or dealer, neglect or refuse to pay the per diem tax authorized by section 1572 according to the ordinance or resolution of the town, city or village passing the same, shall for each offense forfeit not less than fifty dollars nor more than one hundred dollars which the district attorney of the proper county shall sue for in the name of the state and cause to be collected and paid into the state treasury for the benefit of the school fund. The court imposing such forfeiture may order that there may be paid to the district attorney, out of the sum collected in the action prosecuted by him, a sum not exceeding fifteen per centum thereof, and to the witnesses or other persons furnishing the information of the violation of law, a sum not exceeding ten per centum of the sum collected, provided that if any person shall engage in trade in any town, city or village contrary to the provisions of this chapter respecting transient merchants, traders or

dealers, nothing herein contained shall prevent such town, city or village from suing for and collecting the amount of the per diem tax imposed upon such person for the use of such town, city or village, according to the provisions of chapter 142, and in addition thereto a forfeiture of a sum equal to the amount of such tax. Upon the trial of any such action the fact that such person has not been engaged in trade in the plaintiff town, city or village for the space of six months or has not paid any tax therein on his goods, wares and merchandise, as such resident dealers have done, shall be prima facie evidence that he is a transient merchant, trader or dealer and that he is liable to such per diem tax if it has not been paid. Every person having a license under the provisions of this chapter shall at all times when engaged in business as such peddler or merchant, have present with him such license, and every such person who shall be engaged in business, as such peddler or trader without having such license present with him or who shall refuse to produce it for examination when lawfully required to do so by the treasury agent or any special treasury agent or any sheriff, under sheriff, deputy sheriff, policeman, marshal, constable or any peace officer of any town, city or village shall be punished by a fine of not more than twenty dollars or by imprisonment in the county jail not more than twenty days or by both such fine and imprisonment, and any failure to produce such license when required by such officers shall be prima facie evidence that no such license has been obtained.

Application for state license for dealer in bankrupt stock, etc.

SECTION 6. Section 1584e of the statutes of 1898 is hereby amended to read as follows: Section 1584e. The application for a state license under the preceding section shall be made to the secretary of state under oath, shall disclose the name and residence of the applicant, who shall, before making such a sale or advertising to do so, 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 secretary of state and all applications shall be filed by him and a record of all licenses issued be made. All files and records of the secretary of state and of the town, city and village clerks shall be in convenient form and 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 1584i for making, without a license, such a sale as is within the preceding section.

Issue of license; what to cite. SECTION 7. Section 1584f of the statutes of 1898 is hereby amended so as to read as follows: Section 1584f. Upon application in proper form and the payment of one hundred dollars as a fee, the secretary of state shall issue to the applicant a license authorizing him to advertise and make such sales as are specified in section 1584d, for the term of one year from the date thereof 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 employee 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.

Penalty for violations. SECTION 8. Section 1584i of the statutes of 1898 is hereby amended so as to read as follows: Section 1584i. Every person violating any provision of either of the five next preceding sections shall forfeit not less than one hundred dollars nor more than two hundred dollars, to be collected by the district attorney of the proper county and paid into the state treasury for the benefit of the school fund.

Conflicting laws repealed. SECTION 9. All other acts or parts of acts conflicting with the provisions of this act are hereby repealed.

SECTION 10. This act shall take effect and be in force, from and after its passage and publication.

Approved May 8, 1901.