

[No. 320, A.]

[Published May 2, 1889.]

## CHAPTER 510.

AN ACT to amend chapter 67, of the revised statutes of Wisconsin, entitled, "of peddlers."

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

Amending section 1570, R. S.

Peddlers, who and who are not required to take out license as.

SECTION 1. Section 1570, of the revised statutes, as amended by chapter 100, of the laws of 1881, and chapter 218, laws of 1882, is hereby amended so as to read as follows: Section 1570. No person shall be allowed to travel from place to place within this state for the purpose of carrying to sell 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 said goods, wares, merchandise, notions or other articles of trade whatsoever, are delivered at time of sale or 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 employe, or any patent right dealer from selling his own invention, or to prevent any person from selling or offering to sell at wholesale or to dealers only, any goods, wares, merchandise whatever, or to prevent any fish peddlers from selling fish, or train boys from selling to persons traveling on railroad trains, or to prevent any resident of this state, who by reason of being blind, deaf and dumb, or so crippled as to incapacitate him for hard manual labor, from selling goods, wares or merchandise on foot, or with one horse and wagon, without a license; provided that said section shall not be construed to require a dealer in agricultural machinery or farm implements or his employes to procure a license to sell such implements kept in stock by him; provided, that this section shall be intended to include among those required to obtain licenses as peddlers, all such persons as are transient mer-

chants, traders or dealers; such persons as bring into any town, city or village in any manner goods, wares, merchandise, notions or other articles of trade, except such as are excepted in this section, 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 any locality engaged in trade for a period of six months or more; or who pay taxes upon their goods, wares, merchandise or other articles of trade the same as other resident dealers.

SECTION 2. Section 1571, of the revised statutes, is hereby amended so as to read as follows: Every person desiring to obtain a license as a peddler, or as a transient merchant, trader or dealer, as provided in section 1570, of the revised statutes, shall apply to the secretary of state, and shall deliver his application in writing, signed by such applicant, or his authorized agent, wherein he shall state how and in what manner he intends to travel and trade; whether on foot, or with one or more horses or other beasts of burden; whether he intends to sell by sample, taking orders for future delivery, or whether he intends to trade as a transient merchant, trader or dealer.

Amending section 1571, R. S.

Application for license to be made in writing to secretary of state.

SECTION 3. Section 1572, of the revised statutes, is hereby amended so as 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 foot, including railroads or other public conveyances, but carrying his goods, wares and merchandise with him, twenty dollars; if he intends to travel and carry his goods with a single horse or other beast carrying or drawing a burden, thirty dollars; if he intends to travel with a vehicle or carriage drawn with two or more horses or other animals, fifty dollars; if intending to deal as a transient merchant, trader or dealer, fifteen dollars; provided, that any such applicant taking license as such transient merchant, trader or dealer shall, in addition to the amount paid for such license, also pay to the treasurer of the town, city or village where he may sell or offer for sale any goods,

Amending section 1572, R. S.

License fees to be paid by.

wares or merchandise, a sum not exceeding five dollars per day for each day that such person may be engaged in selling or disposing of any such goods, wares or merchandise, to be determined by ordinance or resolution of the town, city or village where he may engage in business aforesaid, which ordinance or resolution shall provide when and in what manner such per diem tax shall be paid.

Amending sec-  
tion 1876, R.S.

**SECTION 4.** Section 1576, as amended by chapter 100, laws of 1881, is hereby amended so as to read as follows: Section 1576. Every person who shall be found traveling or trading contrary to the provisions of chapter 67, of the revised statutes, or to the terms of any license that may have been granted to him thereunder, or shall, when licensed as a transient merchant, trader or dealer, neglect or refuse to pay the per diem tax authorized by section 1572, of the revised statutes, according to the ordinance or resolution of the town, city or village passing the same, shall for each offense forfeit not less than fifty nor more than one hundred dollars which the district attorney of the county in which the offense has been committed, shall in the name of the state sue for and cause to be collected, and when collected paid into the treasury of the state for the credit of the school fund. The court may order to be paid to the district attorney out of such fines, collected from the persons guilty of such offenses, a sum not exceeding fifteen per cent. and to the witnesses or other persons furnishing information of such offenses, a sum not exceeding ten per cent. of such fines collected; provided, that if any person shall engage in trade in any town, city or village, contrary to the provisions of chapter 67, of the revised statutes, respecting transient merchants, traders or dealers, nothing herein contained shall prevent such town, city or village from suing for and collecting the amount of per diem tax imposed upon such transient merchant, trader or dealer, as provided in said chapter 67, for the use of such town, city or village, according to the provisions of chapter 142, of the revised statutes, and in addition thereto, a penalty or forfeiture of an amount equal to such per diem tax, and upon the trial of such action the fact that such

person has not been engaged in trade in such town, city or village for the space of six months, or paid any tax upon his goods, wares and merchandise the same as other resident dealers have done, shall be prima facie evidence that such person is a transient merchant or dealer and liable to such per diem tax if not theretofore paid. Every person having a license under the provisions of chapter 67, who shall refuse to produce his license for examination when lawfully required by the treasury agent or any special treasury agent, or the authorized officer or agent of any town, city or village shall be deemed guilty of misdemeanor and be subject to a fine not exceeding twenty dollars or imprisonment in the county jail where the offense has been committed, not exceeding thirty days or both such fine and imprisonment as the court may deem proper.

Penalty for violation.

SECTION 5. Section 1583, as amended by chapter 194, laws of 1879, is amended so as to read as follows: Section 1583. Any person having a license from the secretary of state under the provisions of this chapter, as a peddler or transient merchant, trader or dealer, or as a patent-right dealer, shall be exempt from any further license from towns, villages or cities in the state during the continuance thereof, except as otherwise provided in this chapter, and except as provided in section 1584, "A" and 1534, "B."

Amending section 1583, R. S.

License from secretary of state, exempts from further except as provided in sections 1584a and 1584b, R. S., authorizing village authorities to license.

SECTION 6. All acts or parts of acts and provisions of law conflicting with the provisions of this act are hereby repealed.

SECTION 7. This act shall take effect and be in force from and after its passage and publication.  
Approved April 18, 1889.