

SECTION 5. All acts or parts of acts in conflict with the provisions of this act are hereby repealed.

Approved June 6, 1907.

In effect July 1, 1907.

No. 9, A.]

[Published June 8, 1907.

CHAPTER 187.

AN ACT to authorize cities and villages to provide for the removal of ashes, garbage and other kinds of rubbish at the cost of the city or village or of the lots or parts of lots from which such materials are removed.

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

SECTION 1. (Section 927p.)

* * * * *

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved June 6, 1907.

No. 232, A.]

[Published June 8, 1907.

CHAPTER 188.

AN ACT to create sections 1565d to section 1565n, inclusive of the statutes of 1898 and relating to excise and sale and traffic in intoxicating liquors, limiting the number of places for which license may be granted, defining residence districts and enabling electors by remonstrance to prevent license therein.

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

SECTION 1. There are added to the statutes of 1898 eleven new sections to read:

* * * * *

Approved June 6, 1907.

(In effect July 1, 1907.)

discretion to grant and issue licenses equal in number to those * * * *granted or issued and in force* on or prior to said last mentioned day; but no additional licenses in number shall be granted or issued in any such city, village or town until the increase in population thereof brings the same within the foregoing limitation, and provided further that licenses be granted or issued to persons for those places or locations for which licenses were issued or granted *on or prior to the thirtieth day of June, * * * 1907*, unless by reason of a refusal of the owner to lease the same for such purposes, their destruction by fire or the elements or the same be refused by operation of law or under the provisions of this act, then and in either of such cases such license may be issued or granted to some other location.

(Ch. 484, 1907.)

Ratio of licensees to population; number and location of places. SECTION 1565d. On and after the first Tuesday in July, 1907, the number of persons and places which may be licensed to sell, deal and traffic in malt, ardent, spirituous or intoxicating liquors in the various towns, villages and cities in this state, shall be and hereby are limited as follows:

One such license may be granted to and issued for each two hundred and fifty inhabitants or fraction thereof in any town, village or city in this state, such population to be determined by the last preceding state or national census, provided, however, that in all such cities, villages and towns where a greater number of licenses may have been granted or issued prior to the 30th day of June, 1907, than would be permissible under the foregoing limitation, it shall be lawful and the local authorities are hereby authorized in their discretion to grant and issue licenses equal in number to those issued on or prior to said last mentioned day, but no additional licenses in number shall be granted or issued in any such city, village or town until the increase in population thereof brings the same within the foregoing limitation, and provided further that licenses be granted or issued to persons for those places or locations for which licenses were issued or granted on June 30, 1907, unless by reason of a refusal of the owner to lease the same for such purposes, their destruction by fire or the elements or the same be refused by operation of law or under the provisions of this act, then and in either of such cases such license may be issued or granted to some other location.

(Ch. 188, 1907.)

Present no-license areas; vote necessary for change.
 SECTION 1565e. In all cities, villages or towns in this state in which no license has heretofore been granted or issued and in force on the 30th day of June, 1907, by reason of a vote of the qualified electors thereof having voted against the same, no license shall be granted or issued there'in until by a vote according to the provisions of law, such previous action of the qualified electors is reversed or revoked and license be again authorized.

(Ch. 188, 1907.)

Residence districts; electoral population; included and excluded territory. SECTION 1565f. 1. Any clearly described, contiguous, compact territory in cities, villages or towns bounded by corporation or ward lines, public streets, public alleys or water courses, in which actually reside not less than one hundred nor more than seven hundred and fifty qualified electors may be constituted a residence district. Its greatest length shall not be more than four times its narrowest width. No part of any one district once used to determine one residence district, and no territory which in any other manner shall have been constituted a no-license area, while continued as such, shall be used in fixing another residence district.

2. Except as provided in section 1565g, the no-license area of a residence district shall not include:

a. The frontage of that side of any street between intersecting streets in any city or incorporated village upon which one-third of the lineal feet of the property abutting thereon is devoted to or used for commercial, mercantile, manufacturing, or any other business purpose.

b. The street frontage of either side of such street if one-third of the lineal feet of property abutting on both sides thereof between intersecting streets is so used.

c. The frontage of either or both sides of a highway in towns or unincorporated villages within a distance of four hundred feet if one-third of the lineal feet of the property abutting upon said highway in such distance is so used.

d. Territory while continued as such, which in any manner shall have been constituted a no-license area.

e. Actual and bona fide hotels in incorporated cities for which licenses have been issued on or before January 1st, 1907.

3. Property occupied exclusively for educational, religious or charitable purposes and public parks in residence districts may be included in residence districts as residence property,

but shall not be used in determining the boundaries or size of any such district.

(Ch. 188, 1907.)

Remonstrances against license in no-license districts.

SECTION 1565g. Any compact, contiguous territory in any town, village or city in this state, wherein no license to sell, deal or traffic in malt, ardent, vinous, spirituous or intoxicating liquors has been issued or granted prior to the filing of the remonstrance hereinafter referred to and containing not less than one hundred nor more than seven hundred and fifty resident electors, which district is bounded by corporation or ward lines, public streets or public alleys, and the greatest length of which shall not be more than four times its narrowest width, may be constituted a residence district if a majority of the resident electors therein shall on or before May 1st in any year file with the town, village or city clerk a remonstrance in writing describing the boundaries of such district and signed by said electors together with their residence address. No such license shall be granted or issued in any such district after the filing of such remonstrance unless a majority of the electors in such district shall thereafter consent thereto in writing specifying the location in such district for which such license may be issued or granted. The provision of section 1565i shall apply to the remonstrance or consent herein provided for.

(Ch. 188, 1907.)

Remonstrances and counter-petitions in license districts.

SECTION 1565h. On and after the first Tuesday in July, 1908, no license shall be issued or granted to any person to sell or traffic in any malt, ardent, vinous, spirituous or intoxicating liquors within any residence district as defined in section 1565f of this act if a majority of the qualified electors residing in such district shall, not earlier than the 1st day of May nor later than the 15th day of May in any year, present to and file with the clerk of any such city, village or town in which such residence district is situated, a remonstrance in writing signed by a majority of said electors as hereinafter provided and describing the boundaries of said residence district objecting to the granting of any such license or permit within said district, until a counter petition signed by a majority of said electors in such district praying that such license may be granted in said district shall be filed with such clerk, when it

shall be lawful for the proper authorities to issue license in said district.

(Ch. 188, 1907.)

Signature gatherers; electoral population; who may sign. SECTION 1565i. The electors signing such remonstrance or counter petition shall subscribe their names thereto together with their residence, including street or lot and block number, if any, in cities and villages and quarter section number in towns before some person who shall make oath that the persons so signing the same are qualified electors of said residence district and that such names and that their residence and street number or lot and block number, if any, or quarter section number are the genuine signatures and addresses of the persons so purporting to subscribe said remonstrance or said counter petition, as the case may be. No elector shall sign more than one remonstrance or counter petition affecting the district in which he resides. Such remonstrance or counter petition may be in parts and such signatures may be obtained by any number of persons, provided the person obtaining the names thereto is a resident of such district and makes oath to the signatures obtained by him.

If a registration of voters be required in any territory included in a residence district as herein provided for, the number of names which appear in the last registration had in any such territory and residing in such district shall determine the number of electors residing therein. And only such electors can sign the remonstrance, counter petition or consent provided for in this act. If there be no registration of voters, then the last enumeration of the number of electors therein made pursuant to law may be used to determine the number of electors therein at the time of filing such remonstrance, counter petition or consent.

(Ch. 188, 1907.)

Notice of intention to secure signatures. SECTION 1565j. At least five days before beginning to secure signatures to the remonstrance or counter petition provided for in section 1565h, notice of intention so to do describing the boundaries of such proposed residence district shall be published at least once in some newspaper printed in such city or village, if any, and if the district be in a town, in some newspaper published in the county or at least three copies of such notice posted for five

days in at least three conspicuous public places within said district declaring the intention to procure and file such remonstrance or counter petition. The giving of the notice and making and filing proof thereof shall be a condition precedent to the right to file such remonstrance or counter petition.

(Ch. 188, 1907.)

Review of petitions; appeals to circuit court. SECTION 1565k. Within ten days after the filing of said remonstrance or counter petition the proper authorities of any such city, village or town who may be authorized to issue licenses for the sale of malt, ardent, spirituous or intoxicating liquors shall give notice in some newspaper or by posting in three public places in said district of a day to be fixed by them that they will take up and consider and examine said remonstrance or counter petition as the case may be, and any persons objecting to the sufficiency of said remonstrance or counter petition or either thereof may appear before such authorities and make and file their objections thereto and said authorities shall consider the same and if they determine that either said remonstrance or counter petition are materially defective in any manner they shall point out such defects and permit the party so filing said remonstrance or counter petition to correct the same and supply defects, if any, within fifteen days from the date thereof and if such remonstrance or counter petition shall be perfected within such time, no license shall issue or a license may be issued, as the case may be, but if such remonstrance or counter petition be not perfected within such time, such proper authorities may exercise their discretion in respect to the issuing or granting of a license in said territory. Review may be had of the action of any such authorities by any person aggrieved by appeal to the circuit court of the county in which such district is located if taken within thirty days after the final decision of said authorities. Such appeal shall be heard without a jury, by the court, as soon as practicable. Pending the determination of any such appeal, license shall not be granted for any saloon within such residence district unless such saloon at the time of filing such remonstrance be operating under a license previously granted.

(Ch. 188, 1907.)

Parties disqualified for license. SECTION 1565l. From and after the first Tuesday in July, 1908, no license to sell, deal or traffic in malt, ardent, spirituous or intoxicating liquors shall

be granted or issued to any person not a full citizen of the United States and of this state and a resident of the town, village or city in which such license is applied for, nor shall any such license be granted or issued to any person who has been convicted of an offense against the laws of this state punishable by imprisonment in the state prison.

(Ch. 188, 1907.)

General application of this act. SECTION 1565m. The provisions of this act shall apply to each and every town, village and city in this state, whether the same be operating under the general laws of this state or special act.

(Ch. 188, 1907.)

Repeal of inconsistent laws. SECTION 1565n. All acts or parts of acts inconsistent with the provisions of this act are hereby amended or repealed so far as necessary to give force and effect thereto.

(Ch. 188, 1907.)

Hawkers' and peddlers' state licenses: issue, contents; non-transferable. SECTION 1573. 1. Upon the filing of an application for such license with the secretary of state, and the presentation to him of a receipt from the state treasurer showing the payment of the fee, as hereinbefore provided, the secretary of state shall issue to the applicant a license for a period of one year, from the date of the issuance of the receipts of the state treasurer; the full license fee to be paid in every case, which license shall be signed by the secretary of state or his assistant 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.

Change to higher class. 2. *Any person having a license in one class may, with approval of the treasury agent, and on ap-*