

tion that has been paid, for the unexpired period of such suretyship. Any such trustee, committee, guardian, assignee, receiver, executor, administrator, or other fiduciary, shall be entitled to have any such surety corporation that is surety on his bond discharged from liability thereon, and such fiduciary may file new suretyship as hereinafter provided. Such fiduciary may, on written notice to the surety on such bonds, and to all persons that are or may be interested therein, apply to the court that accepted such bond, or to a judge thereof, praying that such surety be discharged from liability thereon, and that such principal be allowed to file new suretyship and to account. Notice of such application shall be served on such surety and on each of the persons interested, within the state, not less than ten days prior to the date on which such application is to be made, unless it satisfactorily appears to such court or judge that such notice cannot with due diligence be served within the state, in which case notice may be given in such manner as such court or judge shall direct. Upon the return of such application, such principal may file new suretyship satisfactory to such court or judge, and therewith file an account of all his proceedings, whereupon the court or judge shall proceed, upon due notice to all persons interested, to judicially settle such account and duly credit and charge such principal; and upon the trust fund or estate being found or made good and paid over or properly secured, such surety shall be discharged from any and all liability.

SECTION 2. Section 4281b of the statutes is repealed.

SECTION 3. This act shall take effect upon passage and publication.

Approved July 25, 1919.

No. 463, A.]

[Published July 28, 1919.

CHAPTER 656.

AN ACT to create sections 1636—225 and 20.575 of the statutes, to create the Wisconsin real estate brokers board, to provide for the licensing of real estate brokers and salesmen, to amend subsection (1) of section 20.73 of the statutes, relating to the powers of officers, departments and boards, and to provide a penalty, and making an appropriation.

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

SECTION 1. Two new sections are added to the statutes to read: Section 1636—225. Terms as used in this section are defined as follows:

(1) "Board" means the Wisconsin real estate brokers board.

(2) "Real estate broker" means any person, firm or corporation, not excluded by subsection 3 of this section, who, for another, and for commission money or other thing of value:

(a) Sells, exchanges, buys or rents, or offers or attempts to negotiate a sale, exchange, purchase or rental of an interest or estate in real estate; or,

(b) Collects, or offers or attempts to collect, rent for real estate; or,

(c) Negotiates, or offers or attempts to negotiate a loan, secured, or to be secured, by mortgage or other transfer of or encumbrance on real estate.

(3) The term "real estate broker" does not include;

(a) Receivers, trustees, administrators, executors, guardians, or other persons appointed by or acting under the judgment or order of any court; or,

(b) Public officers while performing their official duties; or,

(c) Any bank, trust company, building and loan association, or any land mortgage or farm loan association organized under the laws of this state or of the United States, when engaged in the transaction of business within the scope of its corporate powers as provided by law; or,

(d) Employers of persons, companies or associations enumerated in paragraphs (a), (b) and (c) of this subsection, when engaged in the specific performance of their duties as such employers.

(4) "Real estate salesman" means one who is employed by a licensed real estate broker to sell or offer for sale, to buy or offer to buy, or to negotiate the purchase or sale or exchange of real estate, or to negotiate a loan on real estate, or to lease or offer to lease, rent or place for rent any real estate.

(5) On and after January 1, 1920, no person, firm or corporation shall engage in or follow the business or occupation of, or advertise or hold himself or itself out as or shall act temporarily or otherwise as a real estate broker or real estate salesman in this state, without first procuring a license therefor as provided in this section. Licenses shall be granted only to persons who are trustworthy and competent to transact the business of a real estate broker or real estate salesman in such manner as to safeguard the interests of the public, and only after satisfactory proof thereof has been presented to the board.

(6) There is created the Wisconsin real estate brokers board. On or before August 1, 1919, the governor shall appoint three persons, at least two of whom shall be real estate brokers in this

state, to be members of said board. One of said members shall be appointed for a term of one year; one for a term of two years; and one for a term of three years, from said first day of August and until his successor is appointed and qualifies. Thereafter the terms of members of said board shall be three years and until their successors are appointed and qualify. Appointments to fill vacancies on the board shall be made by the governor for the unexpired term. Each member of the board shall, before entering upon his duties, take and file the official oath. The governor may remove any member of the board at pleasure.

(7) The board, immediately following the qualification of the member appointed in each year, shall organize by selecting from its number a president and a treasurer, and may promulgate rules and regulations for carrying into effect the provisions of this section and for the performance of its duties and functions. The director of immigration in the department of agriculture shall be and act as secretary of said board.

(8) The board shall receive applications for, and issue licenses to real estate brokers and real estate salesmen as provided in this section, and shall administer the provisions of this section.

(9) The board shall keep its offices in the capitol, but may hold meetings, hearings or investigations at such points in the state as it may deem advisable, and any such meetings or investigations may be conducted by any member of the board, the secretary or by any duly authorized employe of the board.

(10) The secretary and treasurer of the board shall each give a bond in the sum of five thousand dollars with sureties to be approved by the secretary of state, conditioned for the faithful performance of the duties of his office. Such bonds shall be filed in the office of the secretary of state.

(11) Any person desiring to act as a real estate broker or real estate salesman in this state on or after January 1, 1920, shall file with the board an application for a license therefor. Said application shall be in such form as shall be prescribed by the board, and shall set forth:

(a) The kind of license desired:

(b) The name and address of the applicant; if the applicant be a firm, the name and address of each member thereof; if the applicant be a corporation, the name and address of each of its officers;

(c) The place or places, including the town, village or city, street number and county where the business is to be conducted, and the manner in which such place of business is designated;

(d) The business or occupation theretofore engaged in by the applicant, or if a firm, by each member thereof, or if a corporation, by each officer thereof, for a period of at least two years immediately preceding the date of such application;

(e) Such further information as the board may reasonably require to enable it to determine the trustworthiness of each applicant, including each member of the firm, or each officer of the corporation, and his or their competency to transact the business of a real estate broker or salesman in such manner as to safeguard the interests of the public.

(12) Such application shall be verified by the applicant; if made by a firm it shall be verified by at least two members thereof; if made by a corporation it shall be verified by the president and secretary thereof, each application for a real estate broker's license shall be accompanied by a license fee of ten dollars and for a real estate salesman's license by a fee of five dollars for the calendar year ending on the thirty-first day of December thereafter. Unless the application be withdrawn in writing before the board shall have made any investigation thereon, neither said fee, nor any part thereof, shall be returned to the applicant.

(13) In the case of applications for renewals of licenses the board may dispense with such of the matters contained in paragraphs (a), (b), (c), (d), or (e) of subsection 11 as it deems unnecessary in view of prior applications.

(14) A license issued by the board shall entitle the person, firm or corporation, including the members of the firm and officers of the corporation who apply therefor, to act as a real estate broker or brokers, or if the application is for a real estate salesman's license, to act as a real estate salesman in this state up to and including the thirty-first day of December in the year in which it was issued.

(15) Each real estate broker shall be responsible for the acts of any and all of his or its salesmen while acting as his or its agents.

(16) The board shall from time to time prepare and publish in convenient form the names of all real estate brokers and salesmen licensed under this section, together with information as to when the license of each expires. There shall also be included in such publication the names of all real estate brokers and salesmen whose licenses have been revoked at any time within one year prior to the issue thereof.

(17) The board shall receive, consider and investigate complaints made by such person or persons against any real estate broker or salesman, or may make any necessary investigation

on its own motion, and may revoke any license issued by it, if, after due investigation, and after a public hearing or hearings held before it, or before any member of said board, or before any duly authorized employe whose report the board shall have adopted, the board shall determine that the holder of such license:

(a) Made a material misstatement in the application for such license; or,

(b) Has been guilty of fraud or fraudulent practices; or,

(c) Has demonstrated untrustworthiness or incompetency to act as a real estate broker in such manner as to safeguard the interests of the public; or,

(d) Has violated any provision of this section.

(18) Every such complaint shall be in writing, duly signed and verified by the complainant and a copy thereof shall be served personally or by mail upon the real estate broker or salesman complained against and in case the complaint is against a salesman a copy of the complaint shall also be served upon the broker for whom he was acting, within twenty days after the complaint was filed with the board. Unless the matters therein complained of are adjusted a public hearing or hearings thereon shall be held by the board in the county wherein the real estate broker complained of or whose salesman is complained of, has his place of business not less than ten days after service of the copy of the complaint as herein required.

(19) The board may subpoena and compel the attendance and testimony of witnesses within this state, and the production of books, papers and documents, and each member of the board and its duly authorized representative may administer oaths to witnesses.

(20) In case of the refusal of any person to comply with any subpoena issued hereunder or to testify to any matter regarding which he may lawfully be interrogated, the circuit court of any county or the judge thereof, on application of any member of the board, shall issue an order requiring such person to comply with such subpoena and to testify, or either, and any failure to obey such order of the court may be punished by the court as a contempt thereof.

(21) The board may also take depositions in the manner prescribed by law for the taking of depositions in actions pending in circuit court.

(22) Each witness who appears before the board pursuant to its subpoena, order or request, shall be paid the fees and mileage provided by law for witnesses in courts of record. Such payments shall be made from the funds deposited pursuant to sec-

tion 20.575 of the statutes, upon vouchers approved by the president and secretary of the board.

(23) No license shall be issued to any person, firm or corporation whose license shall have been previously revoked, until the expiration of a period of not to exceed two years from the date such revocation becomes finally effective, such period to be determined in each case by the board.

(24) The action of the board in refusing to grant a license or in revoking a license hereunder shall be subject to review by writ of certiorari brought in the circuit court for Dane county; but the action of the board shall stand until otherwise directed by said court or by the supreme court of the state upon appeal.

(25) On and after January 1, 1920, any person, firm, or corporation who shall engage in or follow the business or occupation of, or advertise or hold himself or itself out as or act temporarily or otherwise as a real estate broker or real estate salesman in this state without first having obtained a license therefor as required and provided by this section, or who otherwise violates any provisions of this section, shall be guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine of not less than twenty-five nor more than two hundred and fifty dollars or by imprisonment in the county jail for not less than ten nor more than sixty days.

20.575 All fees received by or for the Wisconsin real estate brokers board under the provisions of section 1636—225, shall be paid to the treasurer of the board, who shall, within one week after the receipt thereof, deposit the same in the state treasury. All such deposits received by the state treasurer are appropriated to the Wisconsin real estate brokers board, for the execution of its functions. Of this there is allotted to the members of said board a per diem of ten dollars for each day actually devoted to the performance of the duties of said board.

SECTION 2. Subsection (1) of section 20.73 of the statutes is amended to read: (20.73) (1) Except as expressly provided by law, the governor, secretary of state, state treasurer, attorney-general, state superintendent, commissioner of insurance, state fire marshal, superintendent of public property, railroad commission, dairy and food commissioner, superintendent of weights and measures, industrial commissioner, adjutant general, state board of control, grain and warehouse commission, civil service commission, tax commission, commissioners of public lands, state conservation commission, supervisor of inspectors of illuminating oils, state treasury agent, commissioner of banking, printing board, free library commission, state chief engineer, commissioner

of agriculture, board of public affairs, state board of education geological and natural history survey, state board of health, state highway commission, state board of medical examiners, state board of dental examiners, state board of pharmacy, *Wisconsin real estate brokers board*, state board of vocational education and state athletic commission are each authorized to appoint,—subject to the state civil service law in cases where the provisions thereof are intended to apply, and subject to the approval of such other officer or body as prescribed by law,—such deputies, assistants, experts, clerks, stenographers, or other employes as shall be necessary for the execution of their functions, and to designate the titles, prescribe the duties, and fix the compensation of such subordinates.

SECTION 3. This act shall not apply to any person holding an option on land or holding land or land contract or to the owner of real estate sold or contracted to be sold.

SECTION 4. This act shall take effect upon passage and publication.

Approved July 25, 1919.

No. 696, A.]

[Published July 29, 1919.]

CHAPTER 657.

AN ACT to amend subsection 1 of section 10 of chapter 608 laws of 1913, as amended by chapter 328 laws of 1915 and chapter 607 laws of 1915, and to amend subsection 5 of section 10 of chapter 608 laws of 1913 as amended by chapter 328 laws of 1915, relating to sewage disposal works in cities of the first class.

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

SECTION 1. Subsection 1 of section 10 of chapter 608 laws of 1913 as amended by chapter 328 laws of 1915 and chapter 607 laws of 1915 is amended to read: (Chapter 608 laws of 1913) (Section 10) 1. Such commission shall report to the common council of such city under this act at or before the first meeting of the council in August in each year until all of the work of the commission shall have been completed, the amount of money required for the next fiscal year for the projection, planning, construction and establishment of such sewerage system, and it shall be the duty of the said common council to levy and collect a tax upon all property subject to taxation in said city at the same time and in the same manner as other taxes are levied and collected by law, which shall be equal to the amount of money