

estate, or may be recovered from the husband or wife of such person and in the case of minor children from the father or mother or their estates. The sworn statement of the collection and deportation counsel of the state department of public welfare, or the superintendent of such institution, for the purpose of showing the names, time in the institution, and the actual per capita cost of maintenance furnished, shall be prima facie evidence of such facts. The state department of public welfare shall make adjustment with the several counties, for their proper share of all moneys recovered, in the settlement with the counties provided in subsections (2) and (3). The legislature intends, and so intended at the time this subsection was enacted by chapter 336, laws of 1935, to impose, exclusively by this subsection and no other, a liability for care in those institutions to which this subsection has application, upon the person receiving such care, upon his estate, and upon the relatives named herein and upon their estates. The words "may be recovered" appearing in this subsection are and were intended to impose this liability. *All such per capita costs which remain unpaid shall constitute a charge against his estate, including his homestead, except that when it shall be shown that a husband, wife, widow or minors may be lawfully dependent upon such property for their support, the court shall give due regard to this fact and release all or such part of the estate from said charge as may be necessary to provide for such dependents.*

Approved July 6, 1945.

No. 255, S.]

[Published July 9, 1945.]

### CHAPTER 401.

AN ACT to revise section 169.01 of the statutes, relating to the state athletic commission.

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

169.01 (14) of the statutes is repealed; and 169.01 (1) to (20), except (14), are renumbered 169.01 to 169.13 and 169.15 to 169.22 and amended to read:

169.01 COMMISSIONERS, APPOINTMENT, TERMS, QUORUM. \* \* \* The "State Athletic Commission of Wisconsin" is hereby created. \* \* \* The commission shall

be composed of 5 members \* \* \* appointed by the governor \* \* \* for \* \* \* terms of 5 years. Three members of the commission, \* \* \* and the secretary, shall constitute a quorum \* \* \*.

169.02 OFFICE; MEETINGS; CHAIRMAN; SEAL; RULES. \* \* \* The commission shall *designate the place where it shall* maintain a general office \* \* \*. The commission may hold meetings at any \* \* \* other \* \* \* place \* \* \* when the convenience of the parties so requires. The \* \* \* commission shall elect \* \* \* a member chairman \* \* \*, shall adopt a seal \* \* \* and shall make such rules and regulations for the administration of \* \* \* the office, not inconsistent herewith, as \* \* \* it deems expedient, and may from time to time amend or abrogate the same.

169.03 SECRETARY, DUTIES; SUBPOENA WITNESSES. \* \* \* The commission shall appoint \* \* \* a secretary \* \* \*, who shall \* \* \* keep a full and true record of all the proceedings of the commission, preserve at its general office all its books, documents and papers, prepare \* \* \* such notices and other papers \* \* \* and \* \* \* perform such other duties as the commission \* \* \* prescribes; and he may, under the direction of the commission, issue subpoenas for the attendance of witnesses before the commission \* \* \*, and may, under \* \* \* its direction \* \* \*, administer oaths and take testimony, in all matters \* \* \* pertaining to \* \* \* his office or connected with the administration of the affairs of the commission. \* \* \*

169.04 SECRETARY, TERM, BOND. \* \* \* The secretary shall hold office during the pleasure of the commission and shall give a bond to the state of Wisconsin in the sum of \$2,000, with \* \* \* sureties to be approved by the commission, for the faithful performance of his duties \* \* \*.

169.05 BOXING LICENSES, PERMITS, CITY ORDINANCE. \* \* \* The commission shall have \* \* \* the sole direction, management and control of, and jurisdiction over, all boxing and sparring \* \* \* exhibitions \* \* \* conducted \* \* \* within the state by any club \* \* \*; and no boxing or sparring \* \* \* exhibitions shall be conducted \* \* \* within the state except pursuant to authority therefor granted by the commission and in accordance with \* \* \*

this \* \* \* *chapter* and the rules and regulations of the commission. The commission may \* \* \* issue, and for cause revoke, a license to conduct \* \* \* boxing and sparring \* \* \* exhibitions to any incorporated club \* \* \* formed as hereinafter provided. The commission \* \* \* may limit the number of sparring or boxing exhibitions \* \* \* given by any club \* \* \* in any city \* \* \*. No boxing or sparring exhibition shall be conducted by any *licensed* club \* \* \* without a permit from the \* \* \* commission. Every license shall be subject to such rules and regulations \* \* \* as the commission \* \* \* prescribes. \* \* \*

169.06 REPORT TO LEGISLATURE. \* \* \* *Before each regular session of the legislature* the commission shall make to the legislature a full report of its proceedings for the two years ending \* \* \* the 30th day of June \* \* \* *preceding*. Said report \* \* \* shall \* \* \* *state the names* of clubs, \* \* \* the gross receipts from each club, \* \* \* and such other information and comments in relation to the work of the commission as the public interest may require.

169.07 APPLICATION FOR LICENSE, FEE, BOND. \* \* \* No boxing or sparring exhibition shall be conducted by any club \* \* \* except by license issued to \* \* \* *it* by the \* \* \* commission \* \* \*; and no club \* \* \* shall be \* \* \* *licensed* unless it \* \* \* *is* incorporated under the laws of Wisconsin and \* \* \* the membership \* \* \* limited to persons who have been continuous residents in the state at least one year. The application for a license \* \* \* shall be in writing, and shall be addressed to the commission, and shall be verified by some officer of the club \* \* \*. Such application shall be accompanied by an annual fee \* \* \* of \$25 in cities of not more than 50,000 inhabitants; of \$50 in cities of *over 50,000* and not more than \* \* \* *150,000* inhabitants; and \$300 in all cities of \* \* \* *over 150,000* inhabitants when any admission is \* \* \* *over \$1*, and \$50 when the admission charge is \$1 or less. \* \* \* *The* application must show that the club \* \* \* has entered into a valid agreement for the use of the building, amphitheater or stadium for athletic purposes, wherein such contests are to be held. Before any \* \* \* license is granted \* \* \* *the* applicant must file a bond of \$1,000 of a good and sufficient surety with the state treasurer, conditioned for the payment of

the tax \* \* \* herein imposed.

169.08 CLUB REPORTS; TAX ON RECEIPTS. \* \* \*  
Every club \* \* \* which \* \* \* exercises any of the  
privileges conferred by this \* \* \* *chapter* shall, within 24  
hours after the determination of every \* \* \* *exhibition*,  
furnish to the said commission a written report, \* \* \* veri-  
fied by one of its officers, showing the number of tickets sold for  
such \* \* \* *exhibition* and the amount of gross proceeds  
thereof, and such other matters as the commission \* \* \*  
prescribes; and shall \* \* \* within said time pay to the  
\* \* \* commission a tax of 5 per cent of its total gross receipts  
from the sale of tickets of admission to \* \* \* *the exhibition*.

169.09 AMATEUR MATCHES REGULATED; FEE.  
\* \* \* Any club \* \* \* may \* \* \* conduct strictly  
amateur boxing and sparring \* \* \* exhibitions, on \* \* \*  
payment of \* \* \* *an* annual license fee of \$10, \* \* \*  
*throughout* the state upon \* \* \* compliance and in accord-  
ance with \* \* \* this \* \* \* *chapter* with respect to ob-  
taining a license and sanction from the \* \* \* commission  
and subject to all the rules and regulations of \* \* \* *the*  
commission. Amateur \* \* \* exhibitions within the mean-  
ing of this \* \* \* section \* \* \* include only \* \* \*  
exhibitions in which the participants are bona fide amateurs and  
receive no money, compensation or reward for their participation  
in \* \* \* such \* \* \* exhibition, \* \* \* *other than*  
watches, medals, articles of jewelry, silverware, trophies or orna-  
ments suitably inscribed to show that \* \* \* *they are given*  
for participation in an amateur boxing \* \* \* exhibition,  
\* \* \* but the value of *any* such article given to any contes-  
tant must not exceed the sum of \$35. No other prize or reward  
shall be given or awarded *to* or accepted by any boxer unless au-  
thorized in writing by the commission. No \* \* \* bout or  
match in any such exhibition \* \* \* shall exceed 3 3-minute  
rounds with one-minute intermission between each round or 5  
2-minute rounds with one-minute intermission between each  
round subject to the approval of the commission. The commis-  
sion shall require membership in a recognized amateur athletic  
association as evidence of the amateur standing of any contes-  
tant, or club, and in case of dispute, may determine upon  
\* \* \* competent evidence the amateur status of any con-  
testant or club. \* \* \*

169.10 INSPECTORS. \* \* \* The commission shall appoint official \* \* \* "inspectors," each of whom shall receive \* \* \* a card authorizing him to act as \* \* \* inspector wherever the commission \* \* \* designates him to act. The commission may *be*, and at least one inspector shall be present at all exhibitions \* \* \* and see that the rules are strictly observed. \* \* \* An inspector shall also be present at the counting up of the gross receipts and shall immediately mail to the commission the official box-office statement received by him from the \* \* \* club.

169.11 SUNDAY EXHIBITIONS FORBIDDEN. \* \* \* No boxing or sparring \* \* \* exhibitions shall be held on Sunday.

169.12 LIQUOR BANNED. \* \* \* No intoxicating liquor shall be given away, sold or offered for sale in any building or part thereof, in which boxing or sparring exhibitions are being conducted.

169.13 CONDUCT OF EXHIBITIONS REGULATED.  
\* \* \* (1) No boxing or sparring exhibitions shall be \* \* \* for more than 10 rounds \* \* \* except that where a championship is to be determined, \* \* \* the exhibition shall not be \* \* \* for more than 15 rounds \* \* \*, and no \* \* \* round \* \* \* shall \* \* \* last more than 3 minutes.

(2) \* \* \* There shall be one minute intermission between \* \* \* rounds.

(3) \* \* \* Gloves weighing *not* less than 5 ounces \* \* \* shall be worn by contestants under 140 pounds, and *not* less than 6 ounces \* \* \* by other contestants \* \* \*.

(4) \* \* \* No \* \* \* person under the age of 18 years shall \* \* \* participate in any \* \* \* professional boxing or sparring \* \* \* exhibition. Amateur contestants \* \* \* between 16 and 18 years of age may participate in amateur boxing or sparring \* \* \* exhibitions with the consent of their parents or guardians.

(5) \* \* \* No betting \* \* \* at any boxing or sparring \* \* \* exhibitions shall be permitted \* \* \* before, after, or during any such contest, in the building where \* \* \* the contest is held.

(6) \* \* \* Contestants shall break clean, and must not hold and hit. Butting with head or shoulders, wrestling or illegal use of elbows shall not be allowed. There shall be no un-

sportsmanlike conduct on the part of the contestants. This \* \* \* includes the use of abusive or insulting language.

(7) \* \* \* The commission may \* \* \* allow or provide for decisions upon \* \* \* exhibitions held under this chapter to be made by the referee or by the referee and 2 judges appointed by the commission \* \* \* under \* \* \* regulations \* \* \* *prescribed by the commission* \* \* \*.

(8) \* \* \* The commission may permit a total of 40 rounds of professional boxing or sparring at \* \* \* one time when requested by any licensed club \* \* \*.

169.15 PHYSICIAN TO EXAMINE CONTESTANTS. \* \* \* *Prior to entering the ring*, each contestant must be examined \* \* \* by a physician who has been licensed to practice in Wisconsin \* \* \* not less than 5 years \* \* \* and who is appointed by the commission \* \* \* and certifies in writing, over his signature, as to the contestant's physical \* \* \* and mental fitness to engage in such contest.

169.16 LICENSES TO MATCHMAKERS, REFEREES, BOXERS, ETC. \* \* \* The commission \* \* \* may grant licenses upon application and the payment of the fees herein prescribed to matchmakers, managers, referees, examining physicians, boxers and seconds and trainers. The fees to be paid per annum shall be as follows: Matchmakers in cities with a population of over 150,000, \$25; matchmakers in other cities and in villages and towns, \$10; managers, \$10; referees, \$15; examining physicians, \$10; boxers, \$5; seconds and trainers, \$5. The commission may revoke any such license upon such cause as it shall deem sufficient.

169.17 REFEREE TO STOP CONTEST. \* \* \* The referee must stop the contest \* \* \* when either of the contestants shows a marked superiority or is apparently out-classed.

169.18 SIAM MATCHES, LICENSE REVOKED. \* \* \* Any club \* \* \* which \* \* \* conducts, holds or gives or participates in any sham or fake boxing or sparring match shall thereby forfeit its license \* \* \* which license shall thereupon be *revoked* by the commission \* \* \*; and it shall not thereafter be entitled to \* \* \* another \* \* \* license \* \* \*; nor shall any \* \* \* license be issued to any club \* \* \*, which has \* \* \* a member who belonged to a club \* \* \* which had its license revoked.

169.19 SHAM MATCHES; CONTESTANTS PENALIZED;

FORFEITURES; HEARING. \* \* \* Any contestant who \* \* \* participates in any sham or fake boxing or sparring \* \* \* *exhibition* or violates any rule or regulation of the commission shall be penalized \* \* \* as follows: For the first offense he shall be restrained by order of the commission for \* \* \* not less than 2 months nor more than one year \* \* \*, such period to begin immediately after the occurrence of \* \* \* *the* offense, from participation in \* \* \* *such exhibition* to be held or given by any *licensed* club \* \* \*; for a second offense, he shall be \* \* \* *permanently* disqualified from further admission or participation in any \* \* \* *such exhibition* held or given by any *licensed* club \* \* \* and in addition thereto, for each such offense, shall forfeit such amount, out of the share or purse agreed to be paid \* \* \* *him* for such \* \* \* *exhibition* as \* \* \* *the* commission \* \* \* determines, such forfeit to be paid into the general fund of the state \* \* \*. The commission, upon determining the amount of such forfeit, may pay the same out of any guarantee deposited with it for delivery to such contestant or may order the same paid to the commission by the club \* \* \* employing such contestant out of the purse or share agreed by it to be paid \* \* \* *to him*. The commission shall not determine \* \* \* such forfeit \* \* \* *until* after due hearing thereon held upon reasonable notice duly served upon \* \* \* *the* contestant or his manager and upon the club \* \* \* by whom he is employed; \* \* \* *and* any member of the commission *or* the secretary or any inspector of the commission may order \* \* \* the club \* \* \* to hold the share or purse of such contestant in its possession pending the hearing and determination of the commission. For \* \* \* failure to obey any order of the commission or the secretary or any inspector of the commission given under this \* \* \* *section*, the license of the club \* \* \* may \* \* \* be suspended, canceled or revoked.

169.20 REPORTS; EXAMINATION OF BOOKS AND OFFICERS; FORFEITURES ON TAX DEFAULT. \* \* \* Whenever any club \* \* \* fails to make a report of any contest at the time prescribed \* \* \* or whenever such report is unsatisfactory to the commission, the secretary may examine or cause to be examined, the books and records of such club \* \* \* and *may* subpoena and examine, under oath, its officers and other \* \* \* witnesses \* \* \* *to determine*

the total amount of its gross receipts for any \* \* \* *exhibition* and the amount of tax \* \* \* due \* \* \*, which tax he may *determine* upon \* \* \* such examination \* \* \*. In case of a default in the payment of any tax \* \* \* so adjudged to be due (together with the expenses \* \* \* of the examination) for a period of 20 days after notice to such delinquent club \* \* \* of the amount, such \* \* \* club \* \* \* shall \* \* \* *thereby* forfeit its license and \* \* \* be \* \* \* disqualified from receiving any \* \* \* license \* \* \*; and it shall in addition forfeit to the \* \* \* state \* \* \* the sum of \$1,000, which may be recovered by the attorney-general in the name of the \* \* \* state \* \* \*.

169.21 VIOLATION, WHEN A MISDEMEANOR. \* \* \*  
A *violation* of any \* \* \* provision \* \* \* of this \* \* \* *chapter*, for which a penalty is not herein expressly prescribed, \* \* \* is a misdemeanor.

169.22 ORGANIZATIONS EXEMPTED. \* \* \* (1)  
\* \* \* *This chapter does not* apply to amateur boxing or sparring \* \* \* exhibitions \* \* \* held under the auspices *and upon the premises* of any university, college, state teachers college, high school, public school, parochial school or of any church or religious corporation of the state in intramural, interscholastic or intercollegiate or other competition if the participants therein are bona fide members of such church or religious corporation or students of their respective schools. All such boxing or sparring \* \* \* exhibitions \* \* \* shall be by and with the consent of, and under the supervision of the governing body of such university, college, state teachers college, high school, public school, parochial school or church or religious corporation.

(2) \* \* \* *This chapter does not* apply to \* \* \* exhibitions conducted by the American Legion, the Young Men's Christian Association, United Spanish War Veterans, Veterans of Foreign Wars or the Disabled American Veterans of the World War, for which no admission fee is charged \* \* \*. Any \* \* \* contribution shall be considered an admission fee. No such boxing or sparring \* \* \* exhibitions shall be conducted as a part of any program where an admission fee is charged.

(3) \* \* \* *This chapter does not* apply to amateur boxing or sparring \* \* \* exhibitions conducted by or held under the auspices of any public recreation department sup-



ported by town, village, city, county, state or federal funds, in any intradepartmental or interdepartmental \* \* \* exhibitions, provided: \* \* \* (a) that such \* \* \* exhibitions are between bona fide members of boxing classes conducted by such public recreation departments, \* \* \* (b) that such public recreation departments are members of a recognized state association of public recreation departments, \* \* \* (c) and that each such amateur boxing or sparring \* \* \* exhibition \* \* \* is sanctioned by the \* \* \* commission. The application for the sanction of each \* \* \* exhibition shall be made in writing to the \* \* \* commission at least 2 weeks prior to the \* \* \* exhibition \* \* \*. A fee of \$5 shall accompany the application, said fee to cover the cost of sanction and expenses of an inspector, whose duty it shall be to enforce all rules and regulations and to see that a competent referee, timer, doctor and judges are employed. Sanction for such \* \* \* exhibitions may be denied \* \* \* for cause \* \* \* upon competent evidence.

\* \* \*

Approved July 6, 1945.

No. 322, S.]

[Published July 9, 1945.

### CHAPTER 402.

AN ACT to amend 296.12 of the statutes, relating to purchase and sale of real estate of minors and incompetents.

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

296.12 of the statutes is amended to read:

296.12 The courts and judges mentioned in this chapter are further empowered and authorized to make any other disposition of the real estate of any minor or other ward mentioned herein \* \* \* when it shall be made to appear to such court or judge that such proposed disposition \* \* \* will substantially promote the interests of any such ward \* \* \*. *The court or judge of the court in which the general guardian has been appointed is empowered to authorize the purchase in the name of such ward of any real estate within the state of Wisconsin when it shall be made to appear to such court or judge*