CHAPTER 440.

Department of Regulation and Licensing.

440.01 History: 1969 c. 336 s. 156; Stats. 1969 s. 440.01.

440.02 History: 1969 c. 336 s. 156; Stats. 1969 s. 440.02.

440.25 History: 1919 c. 444; Stats. 1919 s. 1866-12 bm; 1925 c. 291 s. 3; Stats. 1925 s. 175.07; 1925 s. 239; 1931 c. 52; 1931 s. 465; 1937 c. 37; 1963 c. 377; 1969 c. 336 s. 151; 1969 c. 497; Stats. 1969 s. 440.25.

See note to sec. 1, art. I, on exercises of police power, and note to sec. 1, art. IV, on delegation of power, citing Pinkerton v. Buech, 173 W 433, 181 NW 125.

The requirement that a license to private detectives shall be issued to applicants of good character, competency, and integrity furnishes to the fire and police commissioners a standard for their guidance. Pinkerton v. Buech, 173 W 433, 181 NW 125.

A firm of private detectives, employed prior to the act, cannot recover for services performed after its passage and publication, where they have not complied with the provisions as to license and bond. Andrews v. La Crosse R. Corp. 196 W 622, 220 NW 214.

A license to act as a detective may be revoked by the secretary of state, and, after revocation, the licensee may not act as a detective. A person directly injured by the wrongful or malicious act of such licensed person may sue on his bond. 9 Atty. Gen. 447.

A partnership detective agency having its office in another state, but desiring to act in Wisconsin, must make application for a license. 10 Atty. Gen. 201.

See note to 192.47, citing 10 Atty. Gen. 889.

Where a partnership licensed as a detective agency is dissolved, the partner continuing the business as sole proprietor must obtain a new license. 11 Atty. Gen. 207.

The license does not give the right to carry concealed weapons. 11 Atty. Gen. 373.

A night watchman is not a detective. 11 Atty. Gen. 474.

A license issued to a nonresident does not authorize him to open a branch office in this state. In order that a licensed nonresident may take a partner and open a branch office, application must be made by the partnership, naming the city in which such office is to be established. 12 Atty. Gen. 3.

A nonresident may be licensed as a private detective in Wisconsin, but he is required to establish a place of business or office in the state. 14 Atty. Gen. 492.

Officers of a corporation or members of a partnership operating a private detective agency who act as private detectives in their individual capacities must secure licenses. 19 Atty. Gen. 69.

One who solicits business for a private detective agency in this state is required to have a license. 19 Atty. Gen. 155.

The exception of “any watchman privately employed” from the detective license law refers to an employe rather than to an independent contractor. 20 Atty. Gen. 590.

A copartnership may be licensed as a detective agency under 175.07, upon filing of bond and payment of $200 fee as principal. Members of a copartnership operating a private detective agency who act as private detectives in their individual capacities must secure individual licenses under 175.07 (5). 27 Atty. Gen. 686.

Employees of a corporation engaged in making investigations and reports with respect to efficacy and honesty of employees of a certain business are private detectives within 175.07 and are required to be licensed and bonded. 28 Atty. Gen. 485.

A merchant patrol agency contracting for a monthly fee to inspect premises between certain hours of the night, seeing that doors are locked, etc., is a “private guard” within the meaning of 175.07. 30 Atty. Gen. 164.

Persons engaged in posing as patrons for the purpose of checking honesty, efficiency and neatness of employees and the condition of the premises of hotels, restaurants and theaters and rendering reports thereon to the employer are required to be licensed as “private detectives” under 175.07. 36 Atty. Gen. 352.

An agency and employees thereof engaged in the business of theater checking must be licensed as private detectives. 37 Atty. Gen. 489.

Open checking by a third-party independent contractor of theater attendance and box office receipts with full knowledge of all parties observed and in accordance with specific terms of the contract between distributor and exhibitor is not a private detective activity subject to license. Persons engaged in “blind checking” or in making any observation and reports outside the scope of the distributor-exhibitor contract are private detectives and must be licensed. 37 Atty. Gen. 542.

Persons whose sole activity consists of obtaining ticket stubs from theaters at sporadic intervals and forwarding such stubs to others need not be licensed as private detectives. 40 Atty. Gen. 497.

440.41 History: 1961 c. 60; Stats. 1961 s. 175.13; 1969 c. 376 s. 30; 1969 s. 336 ss. 153, 154; Stats. 1969 s. 440.41.

A charitable organization which received contributions in 1961 must file a report as provided in 175.13, Stats. 1961. 51 Atty. Gen. 1.

175.13, Stats. 1961, is not applicable to an arm or agency of the state. It does apply to private nonprofit units engaged in solicitation of contributions to aid the university. 51 Atty. Gen. 14.

440.61 History: 1939 c. 370; 486; Stats. 1939 s. 129.11; 1943 c. 229; Stats. 1943 s. 110.10; 1951 c. 261 s. 10; 1953 c. 631; 1955 c. 316; 1969 c. 336 ss. 13, 14; Stats. 1969 s. 440.61.

On peddlers, truckers, transient merchants, secondhand dealers and showmen see notes to 440.81 to 440.96.

The exception to the itinerant merchant trucker law contained in 129.11 (2), Stats.
1941, does not apply to a dealer in seasonal fruits and vegetables who does not maintain an established place of business throughout the year. 31 Atty. Gen. 153.

Truckers acting on prior orders, purchasing, transporting and reselling fruits and vegetables to retailers and others whose net loads at any time exceed 3,000 pounds, are subject to 110.10, Stats. 1945. Truckers, operating as described above, whose net loads never exceed 3,000 pounds, are not peddlers or truckers under 129.01. 35 Atty. Gen. 372.

A trucker who buys scrap iron or other so-called junk, then resells same to a junk dealer, and who himself has no junk yard, must have a license if he at any time carries a vehicle net load exceeding 3,000 pounds and has no established place of business (see 110.10 (2) (b)), and is not licensed as a peddler or a motor fuel wholesaler (see 110.10 (2) (d), (e)). 41 Atty. Gen. 4.

440.81 History: 1879 c. 72; 1879 c. 396; 1877 c. 596; R. S. 1879 c. 1570; 1881 c. 100; 1882 c. 228; 1883 c. 263; 1886 c. 510; Ann. Stats. 1889 c. 1570; 1896 c. 81; 1897 c. 94; Stats. 1898 c. 1570; 1911 c. 341 s. 1; 1915 c. 496 s. 1; Supl. 1916 c. 1790; 1911 c. 608 s. 269; 1923 c. 261 s. 3; Stats. 1923 s. 129.01; 1931 c. 370; 1933 c. 200 s. 2; Stats. 1933 ss. 129.01, 129.045; 1933 c. 550 ss. 371, 372; Stats. 1935 c. 129.01; 1939 c. 370; 1945 c. 311, 481; 1947 c. 350; 1953 c. 92; 1959 c. 330 ss. 29, 30; 1960 c. 392 ss. 84, 876; Stats. 1945 s. 440.81.

On equality and on exercises of police power and taxing power see notes to sec. 1, art. 1; on the rule of taxation (privilege taxes) see notes to sec. 1, art. VIII; on municipal home rule see notes to sec. 3, art. XI; and on itinerant merchant truckers see notes to 440.81.

One who goes about from place to place, selling at retail, from house to house, goods which he carries with him, is a peddler, even though he may have a fixed business domicile and may carry with him only a part of his stock of goods. Dewitt v. State, 155 W 249, 144 NW 265.

Where bakery companies made daily deliveries to regular customers through salesmen who drove company trucks along established routes and who received regular salaries with bonuses according to volume of sales and who were not authorized to sell to persons not on their route or to new customers at the time of solicitation of such customers, the companies and their salesmen were not peddlers so as to be required to be licensed. National Baking Co. v. Zabel, 227 W 93, 277 NW 691.

The following are within the scope of the term "peddler", as used in the peddlers' licensing law: established local merchants who sell goods in surrounding trade territory, delivering from wagons and at the same time taking orders for further deliveries (1906 Atty. Gen. 94; 4 Atty. Gen. 608; 7 Atty. Gen. 560); a manufacturer who sends out one or more wagons once or twice a year to close out surplus stock to dealers (1906 Atty. Gen. 446); a company having a store and warehouse and which takes orders by telephone or otherwise and delivers to customers the merchandise so ordered (1906 Atty. Gen. 518); one who makes and sells lemonade at a lemonade stand (1912 Atty. Gen. 717); one who sells merchandise at wholesale, to dealers (3 Atty. Gen. 611; 6 Atty. Gen. 608; 8 Atty. Gen. 321); one who goes from place to place, taking orders for goods, and afterwards delivers them (3 Atty. Gen. 618); a farmer who occasionally goes from house to house, in a city, disposing of farm produce (5 Atty. Gen. 824; 8 Atty. Gen.
618; 19 Atty. Gen. 496; a farmer who sells to other farmers surplus feed which he has had shipped in carload lots primarily for his own use (10 Atty. Gen. 174); milk dealers who take their product from house to house, if sales are ordinarily made in pursuance of prior orders with only occasional exceptions (14 Atty. Gen. 267); a retail merchant who carries goods from house to house, if sales are ordinarily made in pursuance of prior orders, with only occasional exceptions (14 Atty. Gen. 400); a baking company, operating a local plant, which distributes its baked goods from such plant to its regular customers on standing orders for its products, through its servicemen who are drivers of delivery vehicles, and who are prohibited from selling to others than such regular customers (15 Atty. Gen. 587); a person engaged in the business of taking tintype pictures of people, developing and delivering them to the person on the street where the pictures were taken (27 Atty. Gen. 276); one who operates a lunch wagon in a trailer attached to his automobile and who travels about from place to place to trade (35 Atty. Gen. 315).

Sales by sample upon orders taken in this state for goods to be manufactured and shipped from another state are interstate commerce and are not subject to 5c. 1902, Stats. 1896, as amended. 1902 Atty. Gen. 152. Accord: 1904 Atty. Gen. 110. Compare: 1902 Atty. Gen. 222.

A peddler's license does not authorize selling goods upon a railroad train in violation of reasonable regulations by the railroad company. 1902 Atty. Gen. 153.

The method of doing business and not merely the fact that a baker has established regular routes for sale of his goods is the deciding factor in determining whether he is a peddler or not. 41 Atty. Gen. 4.

... is required to obtain a peddler's license in his name even though he himself does not peddle. 41 Atty. Gen. 4.

A person who employs several licensed peddlers is required to obtain a peddler's license in his name even though he himself does not peddle. 41 Atty. Gen. 4.

440.82 History: 1876 c. 72; 1876 s. 141; R. S. 1876 s. 1576; 1881 c. 100; Ann. Stats. 1889 s. 1576; Stats. 1896 s. 1576; 1900 c. 341 s. 3; Suppl. 1906 s. 1576; 1911 c. 684 s. 2; 1925 c. 391 s. 3; Stats. 1923 c. 129.02; 1935 c. 307; 1969 s. 440.84.

The purpose of ch. 490, Laws 1905, is to tax for revenue and to regulate under the police power the business of transient merchants and not to destroy it. The license fee per day must be reasonable and not a prohibitive and confiscatory exaction. The imposition of the maximum rate by a city upon a clothing merchant during a full season in a city of 4,500 inhabitants was unreasonable. Monroe v. Endelman, 150 Wis. 621, 138 NW 70.

The following are within the scope of the term "transient merchant", as used in the statute, governing the licensing of transient merchants: a company which engages, transiently, in the sale of a stock of goods and store fixtures (1910 Atty. Gen. 381); one who temporarily sells ice cream, popcorn, fruits and cigars from stands (1912 Atty. Gen. 719); one who brings goods to a city and sells them from freight cars or boats (2 Atty. Gen. 616); one who, not being a merchant of the locality, buys a stock of merchandise of a bankrupt concern and proceeds to sell the same (5 Atty. Gen. 524); one who, although a resident of the place where he engages in selling merchandise, does so on a temporary basis (4 Atty. Gen. 561; 37 Atty. Gen. 29); a music company, having a permanent office in one city, which establishes a temporary outlet in another (13 Atty. Gen. 628); one who opens a store and sells merchandise only during a holiday season (14 Atty. Gen. 572); one who resides 8 miles outside of a city and sells feed and other mill supplies out of a freight car within the city limits (15 Atty. Gen. 343); a dealer in automobiles, who has an established place of business in a city, and who transports automobiles to another city for sale on a vacant lot (19 Atty. Gen. 273); a person selling merchandise from a stationary truck at the same place and time each day (2 Atty. Gen. 714); a nonresident, temporarily doing business in this state under a profit-sharing agreement with a citizen of the state, when he resides in the sale of goods here (32 Atty. Gen. 880); a person who leases a building by the month and conducts a sale there only one night a
month, having only a small stock of merchandise there the balance of the month, and carrying on the same type of business in other places (43 Atty. Gen. 257); an itinerant photographer, who operates temporarily in established business places, delivering photographs for a nominal price or without charge (47 Atty. Gen. 238); lessees of sites, at a place called 7 Mile Fair, who sell manufactured products at such sites (51 Atty. Gen. 120).

The foregoing are not within the scope of the term "transient merchant", as used in the statute governing the licensing of transient merchants: one who takes orders by sample, which orders are filled afterward by his employees (1810 Atty. Gen. 544); an itinerant or itinerant, who fits and sells glasses, temporarily (3 Atty. Gen. 610); one who sells lemonade, ice cream, etc., of his own manufacture, at temporary stands (3 Atty. Gen. 614; 4 Atty. Gen. 685; 35 Atty. Gen. 315); one who ships goods into the state, and delivers them from a freight car, pursuant to orders previously taken (6 Atty. Gen. 294; 18 Atty. Gen. 341); one who engages in promoting a wholesale and retail fireworks business throughout the year, but who operates retail stands only during a short period preceding the Fourth of July (12 Atty. Gen. 310); one who owns a store, pays taxes on the same, and sells merchandise from said store for a short period in every year (22 Atty. Gen. 454); a person moving about from place to place and fashioning keys according to order at a work bench (22 Atty. Gen. 686); persons engaged in cleaning and laundry businesses (24 Atty. Gen. 521); one who operates a lunch wagon in a trailer attached to his automobile and who travels about from place to place (35 Atty. Gen. 276); farmers who sell agricultural produce grown by them in this state (30 Atty. Gen. 315; 51 Atty. Gen. 138); a person engaging temporarily in the restaurant business (38 Atty. Gen. 271).

Under sec. 1374, Stats. 1913, a corporation may not be licensed as a transient merchant. 5 Atty. Gen. 605.

Upon proper application, a city council must grant a license to a transient merchant who has a state license and who has paid or tendered the fee required by the local ordinance. 440.87 History: 1870 c. 72; 1878 ss. 1584a, 1584b; Stats. 1898 c. 1584a, 1584b; 1869 c. 400 s. 22, 23; Supl. 1906 ss. 1584a, 1584b; 1923 c. 291 s. 3; Stats. 1923 c. 128, 128a; 1925 c. 161 s. 4; 1933 c. 550 s. 580; 1969 c. 542; 1969 c. 336 s. 50; Stats. 1969 s. 440.88.

If 2 or more persons, whether co-partners or otherwise, engage in the business of a transient merchant, each of them must obtain a license. 41 Atty. Gen. 4.

An employe of a transient merchant may be required to obtain a license himself if he is in fact the resident manager for an absentee licensee and is conducting the business. 41 Atty. Gen. 4.

A municipal ordinance that transient merchants, traders and dealers selling from house to house must have a license does not apply to a traveling agent selling by sample only, soliciting orders to be filled by his principal in another city. Waukesha v. Heidenan, 119 W. 268, 96 NW 540.

A county board does not have authority to enact a county-wide ordinance licensing peddlers. 49 Atty. Gen. 184.

440.88 History: 1905 c. 490 s. 8; Supl. 1906 s. 1577; 1911 c. 663 s. 259; 1923 c. 291 s. 3; Stats. 1923 c. 128-128a; 1925 c. 199 s. 4; 1933 c. 550 s. 580; 1969 c. 542; 1969 c. 336 s. 50; Stats. 1969 s. 440.88.

A municipal ordinance that transient merchants, traders and dealers selling from house to house must have a license does not apply to a traveling agent selling by sample only, soliciting orders to be filled by his principal in another city. Waukesha v. Heidenan, 119 W. 268, 96 NW 540.

A county board does not have authority to enact a county-wide ordinance licensing peddlers. 49 Atty. Gen. 184.

440.88 History: 1870 c. 72; 1878 ss. 1584a, 1584b; Stats. 1898 c. 1584a, 1584b; 1869 c. 400 s. 22, 23; Supl. 1906 ss. 1584a, 1584b; 1923 c. 291 s. 3; Stats. 1923 c. 128, 128a; 1925 c. 161 s. 4; 1933 c. 550 s. 580; 1969 c. 542; 1969 c. 336 s. 50; Stats. 1969 s. 440.88.

A municipal ordinance that transient merchants, traders and dealers selling from house to house must have a license does not apply to a traveling agent selling by sample only, soliciting orders to be filled by his principal in another city. Waukesha v. Heidenan, 119 W. 268, 96 NW 540.

A county board does not have authority to enact a county-wide ordinance licensing peddlers. 49 Atty. Gen. 184.

440.88 History: 1870 c. 72; 1878 ss. 1584a, 1584b; Stats. 1898 c. 1584a, 1584b; 1869 c. 400 s. 22, 23; Supl. 1906 ss. 1584a, 1584b; 1923 c. 291 s. 3; Stats. 1923 c. 128, 128a; 1925 c. 161 s. 4; 1933 c. 550 s. 580; 1969 c. 542; 1969 c. 336 s. 50; Stats. 1969 s. 440.88.

A municipality may not be licensed as a transient merchant. 5 Atty. Gen. 605.

Under sec. 1374, Stats. 1913, a corporation may not be licensed as a transient merchant. 5 Atty. Gen. 605.

Upon proper application, a city council must grant a license to a transient merchant who has a state license and who has paid or tendered the fee required by the local ordinance. 440.87 History: 1870 c. 72; 1878 ss. 1584a, 1584b; Stats. 1898 c. 1584a, 1584b; 1869 c. 400 s. 22, 23; Supl. 1906 ss. 1584a, 1584b; 1923 c. 291 s. 3; Stats. 1923 c. 128, 128a; 1925 c. 161 s. 4; 1933 c. 550 s. 580; 1969 c. 542; 1969 c. 336 s. 50; Stats. 1969 s. 440.88.

A municipal ordinance that transient merchants, traders and dealers selling from house to house must have a license does not apply to a traveling agent selling by sample only, soliciting orders to be filled by his principal in another city. Waukesha v. Heidenan, 119 W. 268, 96 NW 540.

A county board does not have authority to enact a county-wide ordinance licensing peddlers. 49 Atty. Gen. 184.
mal shows, rides or any other type of show

40.02 History: 1870 c. 72; 1877 c. 236; R. S. 1878 s. 1574; Stats. 1888 s. 1574; 1905 c. 490 s. 15; Sup. 1896 s. 1584; 1907 s. 643; 1911 c. 653 s. 262; 1917 c. 670; 1925 c. 186, 276; 1925 c. 291 s. 3; Stats. 1923 c. 129.14; 1928 c. 199 s. 4; 1930 c. 550 s. 385; 1963 c. 456; 1969 c. 276 s. 584 (1) (b); 1969 c. 336 s. 30; Stats. 1969 s. 440.92.

A wild west show is a circus and must pay a license fee. 2 Atty. Gen. 622.

A carnival or wild west show is not exempt from payment of the license fee because it is engaged by a park company which owns the grounds upon which the carnival or wild west show is exhibited. 5 Atty. Gen. 583.

A carnival company is required to pay an annual license fee and refuse to examine the applicant upon the statutory requirements for registration of an association receiving 'state aid, are applicable throughout the year; not merely in case a carnival is held under section, in case a carnival is held under

40.03 History: 1849 c; 32 s. 2; 1852 c. 386 ss. 1 to 9; 1856 c. 117 ss. 1, 2; R. S. 1868 c. 59 s. 2; R. S. 1888 c. 50 ss. 7 to 11, 13, 18, 20; R. S. 1915 c. 169 s. 29; 1877 c. 296 s. 2; R. S. 1877 c. 4573; Stats. 1960 c. 4052; 1925 c. 421.

A showman's license is not required for a sideshow, wild animal show, as might be classed as sideshows, wild animal shows, rides or any other type of show governed by 129.14, this rule would not apply. 41 Atty. Gen. 4.

40.03 History: R. S. 1849 c. 32 s. 2; 1852 c. 386 ss. 1 to 9; 1856 c. 117 ss. 1, 2; R. S. 1868 c. 59 s. 2; R. S. 1888 c. 50 ss. 7 to 11, 13, 18, 20; R. S. 1915 c. 169 s. 29; 1877 c. 296 s. 2; R. S. 1877 c. 4573; Stats. 1960 c. 4052; 1925 c. 421.

3; Stats. 1923 c. 129.12; 1969 c. 336 s. 30; Stats. 1969 s. 440.91.

40.02 History: 1870 c. 72; 1877 c. 236; R. S. 1878 s. 1574; Stats. 1888 s. 1574; 1905 c. 490 s. 15; Sup. 1896 s. 1584; 1907 s. 643; 1911 c. 653 s. 262; 1917 c. 670; 1925 c. 186, 276; 1925 c. 291 s. 3; Stats. 1923 c. 129.14; 1928 c. 199 s. 4; 1930 c. 550 s. 385; 1963 c. 456; 1969 c. 276 s. 584 (1) (b); 1969 c. 336 s. 30; Stats. 1969 s. 440.92.

A wild west show is a circus and must pay a license fee. 2 Atty. Gen. 622.

A carnival or wild west show is not exempt from payment of the license fee because it is engaged by a park company which owns the grounds upon which the carnival or wild west show is exhibited. 5 Atty. Gen. 583.

A carnival company is required to pay an annual license fee and refuse to examine the applicant upon the statutory requirements for registration of an association receiving 'state aid, are applicable throughout the year; not merely in case a carnival is held under section, in case a carnival is held under

40.03 History: 1849 c; 32 s. 2; 1852 c. 386 ss. 1 to 9; 1856 c. 117 ss. 1, 2; R. S. 1868 c. 59 s. 2; R. S. 1888 c. 50 ss. 7 to 11, 13, 18, 20; R. S. 1915 c. 169 s. 29; 1877 c. 296 s. 2; R. S. 1877 c. 4573; Stats. 1960 c. 4052; 1925 c. 421.

A showman's license is not required for a sideshow, wild animal show, as might be classed as sideshows, wild animal shows, rides or any other type of show governed by 129.14, this rule would not apply. 41 Atty. Gen. 4.

40.03 History: R. S. 1849 c. 32 s. 2; 1852 c. 386 ss. 1 to 9; 1856 c. 117 ss. 1, 2; R. S. 1868 c. 59 s. 2; R. S. 1888 c. 50 ss. 7 to 11, 13, 18, 20; R. S. 1915 c. 169 s. 29; 1877 c. 296 s. 2; R. S. 1877 c. 4573; Stats. 1960 c. 4052; 1925 c. 421.

3; Stats. 1923 c. 129.12; 1969 c. 336 s. 30; Stats. 1969 s. 440.91.

40.02 History: 1870 c. 72; 1877 c. 236; R. S. 1878 s. 1574; Stats. 1888 s. 1574; 1905 c. 490 s. 15; Sup. 1896 s. 1584; 1907 s. 643; 1911 c. 653 s. 262; 1917 c. 670; 1925 c. 186, 276; 1925 c. 291 s. 3; Stats. 1923 c. 129.14; 1928 c. 199 s. 4; 1930 c. 550 s. 385; 1963 c. 456; 1969 c. 276 s. 584 (1) (b); 1969 c. 336 s. 30; Stats. 1969 s. 440.92.

A wild west show is a circus and must pay a license fee. 2 Atty. Gen. 622.

A carnival or wild west show is not exempt from payment of the license fee because it is engaged by a park company which owns the grounds upon which the carnival or wild west show is exhibited. 5 Atty. Gen. 583.

A carnival company is required to pay an annual license fee and refuse to examine the applicant upon the statutory requirements for registration of an association receiving 'state aid, are applicable throughout the year; not merely in case a carnival is held under section, in case a carnival is held under

40.03 History: 1849 c; 32 s. 2; 1852 c. 386 ss. 1 to 9; 1856 c. 117 ss. 1, 2; R. S. 1868 c. 59 s. 2; R. S. 1888 c. 50 ss. 7 to 11, 13, 18, 20; R. S. 1915 c. 169 s. 29; 1877 c. 296 s. 2; R. S. 1877 c. 4573; Stats. 1960 c. 4052; 1925 c. 421.

A showman's license is not required for a sideshow, wild animal show, as might be classed as sideshows, wild animal shows, rides or any other type of show governed by 129.14, this rule would not apply. 41 Atty. Gen. 4.

40.03 History: R. S. 1849 c. 32 s. 2; 1852 c. 386 ss. 1 to 9; 1856 c. 117 ss. 1, 2; R. S. 1868 c. 59 s. 2; R. S. 1888 c. 50 ss. 7 to 11, 13, 18, 20; R. S. 1915 c. 169 s. 29; 1877 c. 296 s. 2; R. S. 1877 c. 4573; Stats. 1960 c. 4052; 1925 c. 421.