

department, or in case the department shall be of the opinion that such application is not filed in good faith, or that such application is filed by some person as a subterfuge for the real party in interest whose license shall heretofore have been canceled for cause, then in any of said events, the department after a hearing, of which the applicant shall have been given 5 days' notice in writing, and at which hearing, said applicant shall have the right to appear in person or by counsel and present testimony, shall have authority to refuse to issue to such person, a license to transact business as a wholesaler in this state. No person who is in default to this state for moneys due under this chapter for the sale, distribution or use of motor fuel, shall receive a license either directly or indirectly to act as a wholesaler.

SECTION 4. 78.31 (4) of the statutes is amended to read:

78.31 (4) Any person violating any provision of section 78.03, 78.09, 78.11, 78.13, 78.14 or 78.22 shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than \$25 or more than \$500 or by imprisonment in the county jail for not to exceed 6 months or by both such fine and imprisonment.

Approved May 19, 1947.

No. 293, A.]

[Published May 22, 1947.

### CHAPTER 157.

AN ACT to repeal and recreate 146.13 of the statutes, relating to discharging noxious matter into a highway and providing a penalty.

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

146.13 of the statutes is repealed and recreated to read:

146.13 DISCHARGING NOXIOUS MATTER INTO HIGHWAY. If any one constructs or permits any drain, pipe, sewer or other outlet to discharge into a public highway infectious or noxious matter, the board of health of the village, town or city shall, and the county board of health, acting alone or jointly with the local board of health, may order the person maintaining it to remove it within 10 days and if such condition continues or recurs

after the expiration of 10 days the board or boards issuing the order may enter upon the property and cause removal of the nuisance. The cost thereof may be recovered from the person permitting such violation, or such cost may be paid by the municipal treasurer and such account, after being paid by the treasurer, shall be filed with the municipal clerk, who shall enter the amount chargeable to the property in the next tax roll in a column headed, "For Abatement of a Nuisance," as a tax on the lands upon which such nuisance was abated, which tax shall be collected as other taxes are. In case of railroad or other lands not taxed in the usual way the amount chargeable against the same shall be certified by the clerk to the state treasurer who shall add the amount designated therein to the sum due from the company owning, occupying or controlling the land specified, and he shall collect the same as prescribed in chapter 76 and return the amount collected to the town, city or village from which such certificate was received. Anyone maintaining such a nuisance shall also be fined not exceeding \$300 or imprisoned not exceeding 90 days, or both.

Approved May 19, 1947.

No. 296, A.]

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### CHAPTER 158.

AN ACT to amend 39.14 (1) of the statutes, relating to employment of supervising teachers by counties.

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

39.14 (1) of the statutes is amended to read:

39.14 (1) (a) The county superintendent shall employ a supervising teacher, and, if there are more than 120 departments under his supervision, he shall employ 2 supervising teachers. *Any county that was entitled to employ 2 supervising teachers during the school year 1945-1946 shall continue to be entitled to employ that number until such time as the number of departments shall drop below 100.* A single room school shall be considered as one department and a multiple room school shall be considered as having as many departments as there are elementary teachers where each has under his individual control,