

CHAPTER 72.

[Published March 23, 1870.]

AN ACT to establish the rates of license for hawkers and peddlers, patent right dealers and public showmen, and to repeal chapter 177, laws of 1868, entitled "an act to revise and amend chapter 50 of the revised statutes, entitled 'of hawkers and peddlers.'"

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

Must have license.

SECTION 1. No person shall be allowed to travel from place to place within this state for the purpose of carrying to sell or exposing to sale any goods, wares or merchandise, unless he shall have obtained a license as a hawker and peddler in the manner hereinafter provided.

Application for license.

SECTION 2. Every person desiring to obtain a license as a hawker and peddler shall apply to the secretary of state, through the treasury agent, and shall deliver to him his application in writing signed by such applicant or his authorized agent, and stating in what manner the applicant intends to travel and trade; whether on foot or with one or more horses or other beasts of burden.

Fees for license.

SECTION 3. Every such applicant before he shall be entitled to such a license shall pay into the state treasury the following duties: if he intends to travel on foot (including railroads or other public conveyance), the sum of fifteen dollars; if he intends to travel and carry his goods with a single horse or other beast carrying or drawing a burden, the sum of twenty dollars; if he intends to travel with any vehicle or carriage drawn with two horses or other animals, the sum of forty dollars, and if he intends to travel with more than two horses or other animals drawing any sort of carriage, the sum of fifty dollars.

License for sale of patent rights.

SECTION 4. No person shall be allowed to sell or expose for sale, any patent right, or territory for the sale, use or manufacture of patent rights or articles, unless he shall have obtained a license as a patent right dealer. And every such person before he shall be entitled to such license, shall make his application there-

for to the secretary of state, as required of hawkers and peddlers, stating the extent of his interest in the territory of the state, and shall pay into the state treasury the following duties: If he shall own or have any interest in or offer for sale the whole or any part of the state greater than one-half, the sum of twenty dollars; and if he shall own or have any interest in or offer for sale territory equal to one-half of the state or less, the sum of ten dollars.

SECTION 5. Every owner, manager or agent of any caravan, circus or menagerie, before he shall be allowed to exhibit the same in this state, shall procure a state license as a public showman, in the manner hereinbefore provided for hawkers and peddlers, and shall pay into the state treasury therefor, the sum of one hundred dollars.

For public shows.

SECTION 6. It shall be the duty of the secretary of state, upon the payment of his fees, to grant to every such applicant upon the delivery of the notice above required, and the receipts of the state treasurer showing the payments of the proper duties into the state treasury, a license under his seal of office, and signed by himself or his assistant, authorizing such applicant to travel and prosecute business in the manner stated in the application, for the term of one year from the date of the license: *provided, however*, that all licenses for peddlers and patent right dealers shall expire on the thirtieth day of April in each year, and the amount due for such license shall be reckoned proportionately, for that part of the year from the first day of the month in which the liability is incurred to the first day of May following.

Duty of secretary of state.

SECTION 7. Every person who shall be found traveling and trading or selling or offering to sell any patent right or territory for the sale, use or manufacture of patent rights or articles within this state, contrary to the provisions of this chapter, or contrary to the terms of any license that may have been granted to him as a hawker and peddler, patent right dealer or public showman, shall for each offense be fined in a sum not exceeding fifty dollars, nor less than twenty dollars, and costs of prosecution, and in default of which payment, may be committed to the county jail for a period not exceeding three months.

Penalty for selling without license.

How prosecuted SECTION 8. Any justice of the peace or police justice, upon complaint being made shall issue the warrant for the apprehension of any person who shall be found traveling and trading, or selling or exposing for sale any patent right, or exhibiting any show contrary to the provisions of this chapter without license, or contrary to the terms of his license.

How penalty collected. SECTION 9. It shall be the duty of such justice, if a sufficient license to authorize such business be not produced to him, and the fact of such trading or business be proved to him either by the confession of the person so apprehended, or the oath of competent witnesses, to convict the offender of such offense against this chapter, as shall be so confessed or proven, and to issue his warrant on such conviction, directed to some constable or policeman or other person duly authorized to serve the same of the county in which the conviction shall be had, commanding such constable or policeman or other authorized person to cause the amount of the penalty, with costs, to be forthwith levied and collected by distress and sale at public vendue of the goods, wares and merchandize of the offender, and if sufficient goods are not found to satisfy the judgment, and the same is not satisfied, then the justice shall issue his warrant of commitment, directing that the offender be confined in the county jail in the county in which the conviction was had, for a period not exceeding three months, and it shall be the duty of the district attorneys to prosecute all complaints in their respective counties under this act.

If defendant refuse to exhibit license, shall not be entitled to costs.

SECTION 10. In every case of prosecution against any person for the recovery or enforcement of any penalty given in this chapter, no costs shall be allowed to the defendant, if it shall appear that before the commencement of the prosecution such defendant had refused to produce his license when lawfully required, nor in such case shall the defendant be entitled to maintain any action against the person prosecuting him, or the constable or other persons by whom he may have been apprehended, or the justice issuing any warrant or other process against him, or before whom he may have been tried, for any of their acts in so prosecuting, apprehending or trying him.

Limitation of time to prosecute.

SECTION 11. No action or prosecution for the recovery or enforcement of any penalty imposed by the

provisions of this chapter shall be maintained unless it shall appear that the same was brought within one year after the commission of the offense charged.

SECTION 12. This chapter shall not authorize the sale of, or the traveling for the sale of any immoral or obscene book, paper, picture or pamphlet.

Not to authorize sale of obscene books.

SECTION 13. The secretary of state is hereby authorized to remit any license dues required by this act, from foot or one horse peddlers, or patent right dealers, to any applicant therefor, who shall prove to the satisfaction of the said secretary, that he served as a soldier in the United States army during the late rebellion, and was permanently disabled in such service and honorably discharged therefrom.

Secretary of state may remit license to soldiers.

SECTION 14. Nothing contained in this chapter shall be so construed as to prevent any manufacturer, mechanic or nurseryman having a legal residence in this state, from selling his own work or production, manufactured or grown in this state in any manner, without license; nor shall any patent right dealer who is a citizen of this state, be required to take out a license to sell his own invention; nor shall any person traveling on foot, canvassing for or selling books, pamphlets, papers or maps, be required to take out the license in this chapter provided.

Home products not to pay license.

SECTION 15. It shall be the duty of the treasury agent or his assistant, as now required by law in such cases, to superintend and enforce the provisions of this chapter; and for this purpose may appoint special treasury agents, who are hereby authorized, when there is reasonable ground to suppose that such license dues as are required by any law of this state to be paid into the state treasury, may become otherwise uncollectable, [to] seize and detain any vehicle or any animals attached thereto, or any of the goods, wares or merchandise conveyed thereby, or any trunk, box or pack, or any of the contents therein contained, carried by foot peddlers, until the process provided by this chapter can be issued and served, but the said agents shall exercise due diligence in procuring such process to be issued and served. The treasury agent or his assistant, and all special agents duly appointed under them, are hereby authorized to serve any process authorized to be issued under the provisions of this chapter, in the same

Duty of treasury agent.

manner and for the same compensation as required of constables and policemen for similar services.

Special agents shall take oath.

SECTION 16. Every special treasury agent appointed under the provisions of this act, shall before entering upon the discharge of his duties as such, take and subscribe an oath of office, and file the same with the treasury agent, duly certified by the officer taking it.

Exempt from city license.

SECTION 17. Any person having a license from the secretary of state under the provisions of this chapter as peddler or patent right dealer, shall be exempt from any further license from towns, villages or cities in this state, during the continuance of said license.

Repealed.

SECTION 18. Chapter 177 of the general laws of 1868, and all acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

SECTION 19. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1870.

CHAPTER 73.

[Published March 22, 1870.]

AN ACT to provide for an additional appropriation to the State Historical Society for improving and increasing its library.

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

Appropriation.

SECTION 1. There is hereby annually appropriated to the State Historical Society in addition to the amount already appropriated, out of any moneys in the state treasury not otherwise appropriated, the sum of two thousand five hundred dollars, to commence with the present year, to enable the society to supply needful book deficiencies in the several departments of its collections; to procure the regular and systematic binding of its large accumulation of unbound books, newspaper files, documents, manuscripts and pamphlets, and to thoroughly catalogue the entire collection for the more convenient reference of state officers and citizens who have occasion to consult the library.