

No. 179, A.]

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CHAPTER 71.

AN ACT to amend chapter 443, of the laws of Wisconsin of 1891, entitled, "An act to prevent and punish frauds in sales of goods, wares and merchandise, at public or private sale, and to regulate such sales."

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

Act to punish
frauds
amended.

State license
shall be taken
out, when.

SECTION 1. Section 2, of chapter 443, of the laws of 1891, is hereby amended by inserting between the word "receiver" and the word "or" in the ninth line of said section 2, the words "job lot," and by inserting between the word "form" and the word "shall" in the twelfth line of said section 2, the following: "Or that, by reason of financial difficulty, or other special or peculiar circumstances, such goods, wares or merchandise will be disposed of for less than the real value thereof," so that said section 2, when so amended, shall read as follows: Section 2. Every person or vendor who shall not already have become a permanent trader as defined by section 1570, of the revised statutes, at the same town, city or village, who shall sell or expose for sale at public or private sale any goods, wares and merchandise, and shall advertise, represent or hold forth such sale as an insurance, bankrupt, insolvent, assignee, trustee, estate, executor, administrator, receiver, job lot or closing out sale, or as a sale of any goods damaged by smoke, fire, water or otherwise, or in any similar form, or that by reason of financial difficulty or other special or peculiar circumstances, such goods, wares or merchandise will be disposed of for less than the real value thereof, shall, before so doing, take out a state license in the manner and form hereinafter prescribed.

SECTION 2. Section 4, of said chapter is hereby amended by adding at the foot thereof the following: "Provided, however, that any agent having charge of the business of such licensee in conducting his business shall be liable to the penalties prescribed by this act, in case such person shall advertise or sell any of such goods, wares or merchandise and such licensee shall not have complied with any of the provisions of this act."

SECTION 3. Section 6, of said chapter is hereby amended by inserting before the word "before," in the first line of said section 6, the following: "The board of supervisors of any town, the trustees of any village, and the common council of any city, within this state, may, by ordinance or resolution, require the payment by every person intending to do such business, of such local per diem license fee as shall be fixed and determined by such board of supervisors, board of trustees, or common council, which fee shall not, however, exceed the sum of fifty dollars per day;" and by inserting after the word "sales," in the eighth line of said section 6, the words "under the provisions of this act;" so that said section 6, when so amended, shall read as follows: Section 6. The board of supervisors of any town, the trustees of any village, and the common council of any city, within this state, may, by ordinance or resolution, require the payment by every person intending to do such business, of such local per diem license fee as shall be fixed and determined by such board of supervisors, board of trustees, or common council, which fee shall not, however, exceed the sum of fifty dollars per day. Before selling under said state license, every person intending to do such business shall exhibit the same to the clerk of each town, village or city where he proposes to make sales, and upon payment to said clerk of such license fees as are legally chargeable upon local sales under the provisions of this act, the said clerk shall record the state license in full, shall endorse upon it the

Agent liable.

Municipal authorities may by resolution require a license.

Amount to be paid.

words, "local license fees paid," and shall affix his official signature, together with the date of such endorsement. He shall then issue a local license, authorizing sales within the limits of such town, village or city. Any failure to obtain a local license, and to have proper endorsements made on the state license, shall subject such person to the same penalty as would be imposed if no state license had been issued.

"Job lot" defined.

SECTION 4. Section 7, of said chapter, is hereby amended by inserting after the word "receiver," in the fourth line thereof, the words "job lot," and by inserting after the word "form," in the sixth line of said section 7, the words "or that, by reason of financial difficulty, or other special or peculiar circumstances, such goods, wares or merchandise will be disposed of for less than the real value thereof;" so that said section 7, when so amended, shall read as follows: Section 7. No person shall advertise, represent or hold forth any sale as an insurance, bankrupt, insolvent, assignee, trustee, estate, executor, administrator, receiver, job lot or closing out sale, or as a sale of any goods damaged by smoke, fire, water or otherwise, or in any similar form, or that by reason of financial difficulty, or other special or peculiar circumstances, such goods, wares or merchandise will be disposed of for less than the real value thereof, unless he shall, before so doing, state under oath to the state treasurer, either in the original application for a state license, or in a supplementary application subsequently filed and copied on the license, the details of said bankruptcy, insolvency, trusteeship, closing out, damage, etc., such details to include and cover all the facts, relating to time, place, persons, etc., necessary to exactly locate and fully identify the same.

Section as amended.

District attorney required to act.

SECTION 5. Section 9, of said chapter is hereby amended by striking out the words "respective informing or prosecuting officer in each town, village or city," and inserting in lieu thereof the words "district attorney of

each county;" so that said section 9, when so amended, shall read as follows: Section 9. It shall be the duty of the district attorney of each county in this state to see that the provisions of this act are complied with, and to prosecute for violation of the same. All such officers shall have the power to demand production of the proper state and local licenses by any person doing such business, advertising or actually engaging in business, and any failure to produce such license shall be prima facie evidence against such vendor that he has none.

SECTION 6. Section 10, of said chapter, is hereby amended by adding at the foot thereof the following: "And each advertisement or sale made in contravention to the provisions of this act shall be deemed a distinct offense, and shall subject the offender to the penalty herein prescribed;" so that said section 10, when so amended, shall read as follows: Section 10. Every person violating the provisions of this act shall be guilty of a misdemeanor and shall be fined not less than twenty-five dollars nor more than one hundred dollars, or imprisoned not more than sixty days, or both, and each advertisement or sale made in contravention to the provisions of this act shall be deemed a distinct offense, and shall subject the offender to the penalty herein prescribed.

Each advertisement deemed a distinct offense.

SECTION 7. All acts or parts of acts in conflict with the provisions of this act are hereby repealed.

SECTION 8. This act shall take effect and be in force from and after its passage and publication.

Approved March 23, 1895.