

treasurer next after the payment of such claim or the collection of such judgment. If any part of such unlawful tax shall have been paid over to any school district before the payment of such claim or judgment, such town shall charge the same to such district with the proportionate share of the taxable costs and expenses of suit, and the town clerk shall add the same to the taxes of such school district in the next annual tax; provided, however, that no claim shall be allowed and no action shall be maintained under the provisions of this section unless it shall appear that the plaintiff has paid more than his equitable share of such taxes.

SECTION 2. This act shall take effect upon passage and publication.

Approved June 10, 1925.

No. 79, S.]

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CHAPTER 289.

AN ACT to repeal section 175.07 of the statutes and to create a new section to be numbered section 175.07 of the statutes, relating to private detectives, private police and private guards, and providing a penalty.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 175.07 of the statutes is repealed.

SECTION 2. A new section is added to the statutes to be numbered and to read: 175.07 (1) No person shall act or hold himself out as a private detective, private police, or private guard, nor shall any person solicit business or perform any service in this state as a private detective, private police, or private guard or receive any fees or compensation whatever for acting as private detective, private police or private guard for any person, firm, or corporation, without first having obtained the license and filed the bond provided for in this section.

(2) The term "private detective" shall include among others those persons known as inside shop operatives, that is, persons who do not undertake direct employment whether in shops or otherwise with the owner of a place of employment but who are engaged by some independent agency to operate or work in such

place of employment, and to render reports of activities in such place of employment, to such independent agency, or to the owners of the place of employment under the direction of such independent agency.

(3) The provisions of this section shall apply to co-partnerships and corporations, and to the agents, servants and employes of any co-partnership or corporation, or person. Every person, whether acting as a private detective, private police or private guard in his individual capacity or as the agent, servant or employe of another shall take out the license provided in subsection 5 hereof. This section shall not apply to any detective or police officer of the state, or of any county, city, town or village, or persons employed by an officer of any village, city, county, or state, in connection with matters affecting the village, city, county or state, appointed or elected according to law, or to any officer, detective, or watchman employed by railroad companies under the provisions of section 1861a, or to any watchman privately employed.

(4) Any person intending to act as a private detective, private police, or private guard, for hire or reward, or to conduct the business of a private detective agency or of any agency supplying private police, private guards, or to advertise or solicit any such business in this state, shall first file with the secretary of state a written application duly signed and verified. In case of an individual such application shall be signed and verified by the applicant for such license; in case of co-partnership by all of the individuals composing such co-partnership; and in case of a corporation by the president or secretary and manager of such corporation. Said application to receive consideration must be approved by the fire and police commission of the city wherein the applicant proposes to conduct his business or by the chief of police in cities where there is no fire and police commission, and in addition thereto by not less than five reputable citizens, freeholders of the county wherein such city is located. All such approvals shall be in writing and shall be acknowledged before an officer authorized by law to take acknowledgments. Such application shall state the age, residence, present and previous occupation of such applicant and the name of the city and particular location in such city where the place of business is to be located, and such further facts as will show the good character, com-

petency and integrity of the applicant. The fire and police commission in those cities where there is a fire and police commission and the chief of police in cities where there is no fire and police commission shall have the right to conduct hearings and make inquiry into the character, competency and integrity of such applicant before approving any application and may compel, by appropriate notice and subpoena, any person or persons to be present at such hearings, and to give testimony under oath, said oath to be administered by any person authorized to administer oaths in the state of Wisconsin. In the event that any person so subpoenaed shall fail to comply with such subpoena, the said fire and police commission, or chief of police, may certify the matter to the circuit court of the county wherein such hearing is held for disposition or punishment by said circuit court.

(5) The secretary of state, after the application has been approved as provided in subsection (4), when satisfied from an examination of such application and such further inquiry and investigation as he shall deem proper, of the good character, competency and integrity of such applicant, shall issue and deliver to the applicant a license, upon payment to the state of a license fee of two hundred dollars in the event that the applicant conducts the business as principal owner, and two dollars in the event the applicant is an agent, servant or employe of a principal.

(6) Such license shall not be issued by the secretary of state unless there is executed, delivered and filed in his office, a bond in the sum of ten thousand dollars by such applicant if a principal owner, and two thousand if an agent, servant or employe, with two sureties to be approved by a judge of the circuit court of this state, who shall justify in double its amount over and above other debts, liabilities and exemptions, and who shall be freeholders and residents of the county wherein the applicant resides, or has his principal place of business, conditioned that such sureties will pay all damages that may be recovered against such applicant by any person who has been damaged by reason of such license acting as a private detective, private police or private guard or by reason of the acts or conduct of any of his agents, servants or associates. Any action to recover damages may be brought directly against such licensee, and his sureties in a joint or several manner, and any judgment obtained shall jointly and severally bind such licensee and his sureties. No

license shall be issued for a longer period than one year, and shall be subject to revocation as provided in this section.

(7) If at any time a petition shall be presented to the secretary of state, signed by six residents requesting the revocation of a license issued under this section, the secretary of state shall conduct a hearing and upon a proper showing being made shall revoke such license. Whenever any judgment is recovered and docketed against such licensee for malfeasance or against its securities, the secretary of state shall, upon application of any person, accompanied by a certified copy of such judgment, revoke the license of such licensee.

(8) The bond required by subsection (6) shall be furnished by a surety company authorized to do business in this state.

(9) No person, firm or corporation to whom a license has been issued under this section shall maintain any office as a detective or a detective agency in any city other than that designated in the license.

(10) Any person, firm or corporation, who shall act as a private detective, private police or private guard, and any person who shall solicit or perform services in this state as a private detective, private police or private guard without having procured the license and filed the bond required by this section or who shall violate any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or by imprisonment in the county jail not less than three months nor more than six months, or by both such fine and imprisonment.

SECTION 3. This act shall take effect upon passage and publication.

Approved June 10, 1925.