

[No. 444, A.]

[Published April 26, 1889.]

## CHAPTER 452.

AN ACT to create the office of dairy and food commissioner, to prescribe his duties and to make an appropriation.

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

SECTION 1. The office of dairy and food commissioner for the state of Wisconsin is hereby created. Such commissioner shall be appointed by the governor, by and with the advice and consent of the senate, and his term of office shall be for two years from the date of his appointment, and until his successor is appointed and qualified; provided, that the term of office of the commissioner first appointed under this act shall expire on the first Monday in February, 1891, and vacancies occurring in the office for any cause shall be filled by appointment for the balance of the unexpired term. The salary of the commissioner shall be twenty-five hundred dollars per annum and his necessary and actual expenses incurred in the discharge of his official duties.

Creating office of dairy and food commissioner; governor to appoint; term; vacancies.

Salary.

SECTION 2. Such commissioner may, with the consent and advice of the governor, appoint two assistants, each of acknowledged standing, ability and integrity, one of whom shall be an expert in the matter of dairy products, and the other of whom shall be a practical analytical chemist. The salaries of such assistants shall not exceed eighteen hundred dollars each per annum and their necessary and actual expenses incurred in the discharge of their official duties.

Commissioner may appoint two assistants.

SECTION 3. It shall be the duty of the commissioner to enforce all laws that now exist, or that may hereafter be enacted in this state regarding the production, manufacture or sale of dairy products, or the adulteration of any article of food or drink, or of any drug; and personally or by his assistants to inspect any article of milk, butter, cheese, lard, syrup, coffee or tea, or other article of food or drink or drug, made or offered for sale within this state which he may suspect

Duty of commissioner.

or have reason to believe to be impure, unhealthful, adulterated or counterfeit, and to prosecute, or cause to be prosecuted, any person or persons, firm or firms, corporation or corporations, engaged in the manufacture or sale of any adulterated or counterfeit article or articles of food or drink or drug, contrary to the laws of this state.

**Powers.**

**SECTION 4.** Said commissioner or any assistant shall have power in the performance of his official duties to enter into any creamery, factory, store, salesroom or other place or building where he has reason to believe that any food or drink or drug is made, prepared, sold or offered for sale, and to open any cask, tub, package or receptacle of any kind containing, or supposed to contain, any such article, and to examine or cause to be examined and analyzed the contents thereof, and the commissioner or any of his assistants may seize or take any article of food or drink or drug for analysis, but if the person from whom such sample is taken shall request him to do so he shall at the same time, and in the presence of the person from whom such property is taken, securely seal up two samples of the article seized or taken, the one of which shall be for examination or analysis under the direction of the commissioner, and the other of which shall be delivered to the person from whom the article was taken. And any person who shall obstruct the commissioner or any of his assistants by refusing to allow him entrance to any place which he desires to enter in the discharge of his official duty, or who refuses to deliver to him a sample of any article of food or drink or drug made, sold, offered or exposed for sale by such person, when the same is requested and when the value thereof is tendered, shall be deemed guilty of a misdemeanor punishable by a fine of not exceeding twenty-five dollars for the first offense and not exceeding five hundred dollars or less than fifty dollars for each subsequent offense.

District attorney to render assistance, etc.

**SECTION 5.** It shall be the duty of the district attorney in any county of the state, when called upon by the commissioner or any of his assistants, to render any legal assistance in his power to execute the laws, and to prosecute cases arising under the provisions of this act, and all fines and assessments collected in any prosecution be-

gun or caused to be begun by said commissioner or his assistants, shall be paid into the state treasury.

SECTION 6. With the consent of the governor, the state board of health may submit to the commissioner, or to any of his assistants, samples of water or of food or drink or drugs, for examination or analysis, and receive special reports showing the results of such examinations or analyses. And the governor may also authorize the commissioner or his assistants, when not otherwise employed in the duties of their offices, to render such assistance in the farmers' institutes, dairy and farmers' conventions, and the agricultural department of the university, as shall by the authorities be deemed advisable.

Samples of water, food, etc., may be submitted to, for analysis.

SECTION 7. The salaries of the commissioner and his assistants shall be paid out of the state treasury in the same manner as the salaries of other officers are paid, and their official expenses shall be paid at the end of each calendar month, upon bills duly itemized and approved by the governor, and the amount necessary to pay such salaries and expenses is hereby appropriated annually.

Salaries and expenses; how paid.

SECTION 8. The commissioner may, under the direction of the governor, fit up a laboratory, with sufficient apparatus for making the analysis contemplated in this act, and for such purpose the sum of fifteen hundred dollars, or so much thereof as may be necessary, is hereby appropriated, and for the purpose of providing materials, and for other necessary expenses connected with the making of such analyses, there is also hereby appropriated so much as may be necessary, not exceeding six hundred dollars annually. The appropriations provided for in this section shall be drawn from the state treasury upon the certificates of the governor.

Laboratory may be fitted up for use of.

SECTION 9. Said commissioner shall be furnished a suitable office in the capitol, at Madison, and shall make an annual report to the governor, which shall contain an itemized account of all expenses incurred and fines collected, with such statistics and other information as he may regard of value, and with the consent of the governor, not exceeding twenty thousand copies thereof, limited to three hundred pages, may be published annually, as other official reports are published,

To be furnished suitable office in capitol.

To make annual report to governor.

Printing and distribution of

and of which five thousand copies shall be bound in cloth.

Repeal.

SECTION 10. All acts and parts of acts conflicting with this act are hereby repealed.

SECTION 11. This act shall take effect and be in force from and after its passage and publication.

Approved April 16, 1889.

[No. 325, A.]

[Published April 20, 1889.]

## CHAPTER 453.

AN ACT to amend chapter 520, of the laws of 1887, entitled, "an act in relation to the fishing industries of Lake Michigan, Lake Superior and Chequamagon Bay, Green Bay and Sturgeon Bay; to protect and increase the fish supply thereof, and to appropriate a certain sum of money therein named, and to repeal chapter 455, of the laws of 1885."

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

Amending  
sec. 2, ch. 520,  
laws 1887.

Preservation of  
fish in lakes  
Superior,  
Michigan, etc.,  
nets not to be  
used for five  
years.

SECTION 1. Section 2, of chapter 520, is hereby amended by inserting after the word, "years," where the same occurs in the seventh line of said section, the following words: "It shall be unlawful for any person, for himself or another, to set or cause to be set in the waters of Lake Superior, on or near the main shore thereof, from the mouth of the Montreal river to the mouth of the St. Louis river, any pound net for a term of five years from and after April 1st, A. D. 1889; and also by inserting after the words, "and costs," where they occur in the eleventh line of said section, the words, "or by imprisonment in the county jail not less than sixty days nor more than six months, or by both such fine and imprisonment;" and also by inserting after the words, "and costs," where they occur at the end of said section, the words, "or by imprisonment in the county jail not less than ninety days nor more than six months or by both such fine and im-