

vacancy in his office shall perform all such duties during such absence, disability or the continuance of such vacancy; and every such clerk and his sureties shall be liable upon his official bond for the acts of such deputy.

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

Approved March 21, 1919.

No. 71, S.]

[Published March 24, 1919.

## CHAPTER 40.

AN ACT to amend sections 925—90b and 925—90c of the statutes, relating to the letting of contracts for public work and improvements.

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

SECTION 1. Sections 925—90b and 925—90c of the statutes, are amended to read: Section 925—90b. Whenever in any city \* \* \* in this state, however incorporated, any public work or improvement of any kind whatsoever shall have been ordered to be done, whether such work is chargeable in whole or in part to such city, or to any ward or wards therein, or to any lot or lots or parcels of land therein, such public work or improvement may be done by the use of a patented article, material or process, in whole or in part, or in combination with articles, materials, or processes not patented, and any bid accepted or contract let for such work or improvement shall be as valid and binding as if no patented article, material or process had been used; provided, however, said city shall have obtained from the owner of said patented article, materials or process, before advertising for bids thereon, a binding agreement to furnish to any contractor, desiring to bid upon such work as a whole, the right to use said patented article, materials and processes in the construction of said work, and also to furnish to any contractor said patented article itself upon the payment of what the authorities of said city charged with the duty of letting a contract for such public work or improvement shall determine to be a reasonable price therefor, which price shall be publicly stated and furnished upon application to any contractor desiring to bid on said work.

Section 925—90c. Any \* \* \* city mentioned in the above section at its option may, in providing for any such public work or improvement to be done, and before calling for bids thereon, through its proper authorities adopt different plans and specifications requiring the use of different kinds of materials for the

proposed work or improvements to be made, whether patented or not, thereby bringing one kind of article, material or process in competition with one or more other kinds of articles, materials or processes designed to accomplish the same general purpose, and call for bids for each such kind of article, material or process, and thereafter let a contract for one kind of article, material or process; provided, that before any contract is let the bids received on all the different kinds of articles, materials or processes for which plans or specifications were prepared and upon which bids were called for shall be received, opened and considered before the kind of article or process to be used in such work or improvement shall be decided upon by the proper city authorities, and thereupon the proper city authorities shall first determine which kind of article, material or process shall be used in the work to be done, and thereafter and thereupon the contract shall be let to the lowest responsible bidder for the kind of article, material or process so selected for use in the proposed public work or improvement.

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

Approved March 21, 1919.

No. 109, S.]

[Published March 24, 1919.

## CHAPTER 41.

AN ACT to amend section 1791n—1 of the statutes, prohibiting unfair discrimination in buying milk, cream and butter fat.

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

SECTION 1. Section 1791n—1 of the statutes is amended to read: Section 1791n—1. (1) Any person, firm or corporation, foreign or domestic, engaged in the business of buying milk, cream or butter fat for the purpose of manufacture, that shall intentionally, for the purpose of creating a monopoly or of destroying the business of a competitor in any locality, discriminate between different sections, communities, towns, villages or cities of this state, by buying such commodity at a higher price or rate in one section, community, town, village or city, than is paid for the same commodity by said person, firm or corporation in another section, community, town, village or city, after making due allowance for the difference, if any, in the actual cost of transportation from the point of purchase to the locality of manufacture, shall be deemed guilty of unfair discrimination, which is hereby prohibited and declared unlawful. \* \* \*