

(4) Any retailer who, *with the intent of inducing the purchase of other merchandise or of unfairly diverting trade from a competitor or otherwise injuring a competitor*, shall advertise, offer to sell, or sell at retail any item of merchandise at less than cost to the retailer as defined in this section; or any wholesaler who, *with the intent of inducing the purchase of other merchandise or of unfairly diverting trade from a competitor or otherwise injuring a competitor*, shall advertise, offer to sell, or sell at wholesale any item of merchandise at less than cost to the wholesaler as defined in this section, shall be guilty of a misdemeanor punishable upon \* \* \* conviction by a fine of not less than \$10, nor more than \* \* \* \$500. \* \* \* *Evidence of any advertisement, offer to sell, or sale of any item of merchandise by any retailer or wholesaler at less than cost as defined in this section shall be prima facie evidence of intent to induce the purchase of other merchandise, or to unfairly divert trade from a competitor, or to otherwise injure a competitor.*

(6) (d) Merchandise is sold upon the final liquidation of any business *and is advertised, marked, and sold as such*;

(g) The price of merchandise is made in good faith to meet competition;

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

Approved April 30, 1941.

No. 242, S.]

[Published May 2, 1941.

#### CHAPTER 76.

AN ACT to amend 85.45 (5) of the statutes, relating to exemption of consumers from restrictions on transportation of inflammable liquids.

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

SECTION 1. Subsection (5) of section 85.45 of the statutes is amended to read:

(85.45) (5) It shall be unlawful to transport in any motor vehicle, trailer, or semitrailer upon the public highways any gasoline, naphtha, benzine, fuel oil, crude oil, kerosene, or other inflammable liquids, which are herein defined as any liquid which gives off inflammable vapors as determined by flash point Tagliabue's open cup tester, as used for tests of burning oils

at or below a temperature of 80 degrees Fahrenheit, except in a single motor vehicle or semitrailer attached to a motor tractor, or to transport in any such motor vehicle or semitrailer any quantity of any such article exceeding 2,000 gallons, and any motor vehicle or semitrailer employed in the transportation of such articles shall be plainly marked so as to show that inflammable substances or liquids are being transported therein. *This subsection shall not apply to transportation by the consumer of the liquids here referred to, as freight only, from the place of purchase to the place of consumption, provided such liquids are transported in drums or other containers having a capacity of not more than 100 gallons each, and provided further that the total amount of said liquids so transported in said drums or containers in any one vehicle or combination of vehicles shall not exceed 500 gallons.*

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

Approved April 30, 1941.

No. 66, S.]

[Published May 3, 1941.

#### CHAPTER 77.

AN ACT to amend 316.01 (2) of the statutes, relating to duration of debt liens on real estate of decedents.

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

SECTION 1. Section 316.01 (2) is amended to read:

(316.01) (2) No debt of or claim against any deceased person, which was not a lien upon \* \* \* *his* real estate \* \* \* before his death, shall be a lien upon or valid claim against any such real estate \* \* \* for the payment of which \* \* \* *it* can be sold by an executor or administrator after three years from the death of such decedent, \* \* \* except \* \* \* in the following cases:

(a) When such claim is created or charged upon such real estate by \* \* \* a will.

(b) When letters testamentary upon the will or of administration of the estate of such decedent \* \* \* issued in this state within such three years and such claim is duly presented to the county court \* \* \* which *issued* such letters \* \* \*.