

and testimony in such action as shall be necessary to determine the questions raised by such appeal. *And provided, however, that the transcript of testimony included in the return shall have attached thereto a certificate of the deputy clerk or stenographer reporting the same, that it is a correct transcript.* Except as herein provided, such appeals shall be governed by the provisions of sections 3368, 3369, 3715c, 3715d, 3726, 3756, 3757, 3759 to 3762, both inclusive, 3770, 3771, and 3772 of the statutes, so far as applicable.

SECTION 15. Subdivision 2 of section 13 of chapter 549 of the laws of 1909 is amended to read: (Section 13) 2. It shall be the duty of each of said judges, before receiving any installment of such salary, to file with the county clerk of said Milwaukee county a detailed statement showing the number of cases assigned to him, the number of cases finally disposed of by him and whether the same were tried by a jury or before the court or otherwise disposed of, the number of such cases remaining undisposed of during the preceding calendar month, \* \* \* the number of days during which such judge has been in attendance upon some branch of said court during such period. *and also including an affidavit to the effect that he has no cases submitted to him under consideration or advisement and remaining undecided by him for a longer period than forty days, exclusive of the time that he shall have been actually disabled by sickness.*

SECTION 16. This act shall take effect upon passage and publication.

Approved July 7, 1917.

No. 538, A.]

[Published July 10, 1917

## CHAPTER 595

AN ACT to amend sections 1494c, 1494d, and to create a new subsection of section 1494c and a new subsection of 1494d, relating to the inspection of commercial fertilizers; to create section 1494x—1m, and subsection 4 of 1494x—2; to amend sections 1494x—3, 1494x—4 and 1494x—8, relating to the inspection of agricultural seeds; to amend sections 1494—12, 1494—15, 1494—16, and 1494—17, relating to the inspection of concentrated commercial feeding stuffs; to amend paragraph (d) and to create paragraph (i) to subsection (4) of section 20.60, making an appropriation.

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

SECTION 1. Sections 1494c, 1494d, 1494x—1, 1494x—3, 1494x—4, 1494x—8, 1494—12, 1494—15 and 1494—16 of the statutes

are amended to read: Section 1494c. Every person who shall, in this state, sell or expose for sale any commercial fertilizer or any material used for fertilizing purposes, \* \* \* *excepting agricultural lime and the dung of poultry and domestic animals, in their natural condition selling for less than ten dollars per ton*, shall affix to every package of such fertilizer or material in a conspicuous place on the outside thereof, a plainly printed statement clearly and truly certifying the number of net pounds therein, name or trade-mark under which the article is sold, name of the manufacturer or shipper, place of manufacture, place of business of the manufacturer and of the following fertilizing constituents, namely: The percentage of nitrogen in an available form, of potash soluble in water and of available phosphoric acid, soluble and reverted, as well as total phosphoric acid. Every such person shall also file with the commissioner of agriculture, in the month of December in each year, a certified copy of such statement for every such fertilizer or material bearing a distinguishing brand or trade-mark and which he sells or exposes for sale, which copy shall, when required by such commissioner be accompanied by a sealed glass jar or bottle containing at least one pound of such fertilizer or material, and an affidavit that such sample corresponds, within reasonable limits, to the fertilizer or material which it represents in the percentage of the aforesaid constituents, which affidavit shall apply to the remaining portion of the then calendar year. Additional brands of such fertilizer or material may be offered for sale during the year, provided samples and affidavits are so filed at least one month before they are offered, in which case an analysis fee of double the usual amount must be paid. A deposit of the sample of the fertilizer shall be required by said commissioner unless the person selling or offering for sale a fertilizer or material within this section shall certify that its composition for the succeeding year is to be the same as given in the last previously certified statement, in which case the furnishing of a sample shall be at the discretion of said commissioner.

Section 1494d. Said commissioner shall analyze or cause to be analyzed all such samples and publish the results of such analysis in a bulletin or report on or before the first day of the next succeeding April. Every manufacturer, importer, agent or seller of any such fertilizer or material shall pay annually to said commissioner for each brand thereof sold within this state the sum of twenty-five dollars, and upon doing so

and complying with the other provisions of law shall receive from him a certificate of such compliance which shall be a license for the sale of each brand thereof within the state for the calendar year for which such fee is paid. Any person who shall sell or expose for sale any commercial fertilizer or *agricultural lime* or material used for fertilizing purposes which is within the provisions of section 1494c without complying with the foregoing provisions or which contains a substantially smaller percentage of fertilizing constituents than are indicated by the printed statement thereon shall be punished by a fine of one hundred dollars for the first offense and of two hundred dollars for each subsequent offense.

Section 1494x—3. 1. No agricultural seeds as defined in section 1494x—2 of the statutes, shall be sold or offered for sale or distribution within the state for *seeding purposes* which contain in greater numbers than one to \* \* \* *three thousand* of the seed under examination the seeds of the following named noxious weeds: Canada thistle (*carduus arvensis* Robs.), couch, quack or quitch grass (*agropyron repens* Beauv.), clover dodder (*cuscuta epithymun* Murr.), field dodder (*cuscuta arvensis* Beyrich), alfalfa dodder (*cuscuta indecora* Choisy), English charlock or wild mustard (*brassica arvensis* B. S. P.), Indian mustard (*brassica juncea*, Cosson), wild oats (*avena fatua* L.), corn cockle (*agrostemma githago*), oxeye daisy (*chrysanthemum leucanthemum* L.), snapdragon or butter and eggs (*linaria* Karsl.), sow thistle (*sonchus arvensis*), *except that in the case of* buckhorn, ribwort or narrow leaved plain-tain (*plantago lanceolata*, L.) *the number of such seeds shall not exceed one to one thousand of the seed under examination.*

2. Where the seeds of the weeds herein mentioned are present in fewer numbers than \* \* \* *as specified in subsection 1.* a statement to that effect shall be \* \* \* made on the label attached to the package naming the weed seeds present therein.

Section 1494x—4. *Weed* seeds of any other kind than those mentioned in section 1494x—3, when found in any sample of agricultural seed shall be classed as impurities therein and when present in quantity exceeding two per cent of the sample either singly or in combination, the approximate percentage of each shall be \* \* \* *stated* on the label attached to the container.  
\* \* \*

Section 1494x—8. The provisions of sections 1494x—1 to 1494x—16, inclusive, shall not be construed as applying to:  
(1) Any person growing, possessing for sale, or selling seeds

for food purposes only. (2) Persons selling or offering for sale to a seed dealer, uncleaned seeds to be re-cleaned and tested by him before being exposed for sale upon the general market. (3) Seed that is in store for the purpose of re-cleaning and which is not possessed, sold or offered for sale for seed purposes *providing that such seed shall be labeled "Not for sale."* (4) Mixture of seeds for lawn, pasture, or meadow purposes except that the sale of such mixtures is subject to the restrictions of sections 1494x—3 and 1494x—4 of the statutes.

Section 1494x—15. Whoever violates any of the provisions named in sections 1494x—1 to 1494x—16, inclusive, or who shall attempt to interfere with the inspectors or assistants in the discharge of the duties named therein, \* \* \* shall be punished by a fine of not \* \* \* *more than one hundred dollars for the first offense and not less than one hundred dollars nor more than five hundred dollars for each subsequent offense.*

Section 1494—12. Every manufacturer, company or person who shall sell, offer or expose for sale or for distribution in this state any concentrated commercial feeding stuff used for feeding farm live stock, shall furnish with each car or other amount shipped in bulk and shall affix to every package of such feeding stuff in a conspicuous place on the outside thereof a plainly printed statement clearly and truly certifying the number of net pounds in the car or package sold or offered for sale, the name or trade-mark under which the article is sold, the name of the manufacturer or shipper, the place of manufacture, the place of business, and the minimum percentages it contains of crude protein, and of crude fat, and the maximum percentage of crude fibre which it contains. \* \* \* *and the specific name of each ingredient used in its manufacture. The crude protein, crude fat, and the crude fibre shall be determined by the methods adopted by the association of official agricultural chemists of North America.* \* \* \* Whenever any feeding stuff is sold at retail in bulk or in \* \* \* *containers belonging to the purchaser, the agent or dealer shall furnish to \* \* \* the purchaser a certified copy of the statement named in this section.*

Section 1494—15. The commissioner of agriculture shall annually analyze or cause to be analyzed at least one sample to be taken in the manner hereinafter prescribed of every concentrated commercial feeding stuff sold or offered for sale under the provisions of sections 1494—11 to 1494—18, inclusive.

Said commissioner shall cause a sample to be taken, not exceeding two pounds in weight, for said analysis, from any lot or package of such commercial feeding stuff which may be in the possession of any manufacturer, importer, agent or dealer in this state, but said samples shall be drawn in the presence of the parties in interest, or their representatives, and taken from a parcel or a number of packages, which shall not be less than *five original packages* or ten per centum of the whole lot sampled, and shall be thoroughly mixed, and then divided into equal samples, and placed in glass vessels, and carefully sealed and a label placed on each, stating the name of the party from whose stock the sample was drawn and the time and place of drawing, and said label shall also be signed by the person taking the sample, and by the party or parties in interest or their representative at the drawing and sealing of said samples; one of said duplicate samples shall be retained by the commissioner and the other by the party whose stock was sampled; and the sample or samples retained by the commissioner shall be for comparison with the certified statement named in section 1494—13. The result of the analysis of the sample or samples so procured, together with such additional information as circumstances advise, shall be published in reports or bulletins from time to time.

Section 1494—16. Any manufacturer, importer or person who shall sell, offer or expose for sale or distribution in this state, any concentrated commercial feeding stuff, without complying with the requirements of sections 1494—11 to 1494—18, inclusive, or any feeding stuff which contains substantially a smaller percentage of protein or fat, or both, than are certified to be contained, *or which contains substantially more fibre than is certified to be contained, or who shall fail properly to state the specific name of each and every ingredient used in its manufacture* shall \* \* \* be \* \* \* *punished by a fine of not less than \* \* \* one hundred dollars \* \* \* and not more than two hundred dollars for each \* \* \* offense.*

SECTION 2. Section 1494e of the statutes is renumbered to be subsection 1 thereof; and there is added to said section a new subsection, to be numbered and to read: (Section 1494e) 2. The term "agricultural lime" as used herein shall include all quicklime, both lump and ground, ground limestone, ground or pulverized oyster shells, sulphate of lime or land plaster, hydrated lime, gas lime, marl and all similiar products, provided that nothing herein shall be construed as prohibiting

persons engaged in quarrying and grinding limestone within the state of Wisconsin, from selling their own products at the place where ground and quarried without complying with sections 1494c, 1494d, and 1494e. Every manufacturer, person or firm who shall sell, offer or expose for sale or for distribution in the state of Wisconsin, any agricultural lime to be used as a fertilizer or soil improver, shall furnish with each shipment or lot or shall affix to each package or bulk of agricultural lime a statement clearly and truly certifying the kind of lime, the number of net pounds in each shipment or lot or package, the name of the manufacturer, place of business, and for all quicklime, hydrated lime, gas lime, marl, limestone, clam and oyster shells, the following statement of analysis. (1) The maximum approximate percentage of water. (2) The minimum neutralizing value expressed as the percentage of calcium carbonate. (3) In the case of marl and ground limestone and clam and oyster shells, the additional analyses concerning fineness as follows: (a) Percentage not passing ten mesh sieve. (b) Percentage passing ten mesh sieve, but held on sixty mesh sieve. (c) Percentage passing sixty mesh sieve.

In the case of sulphate of lime or land plaster the maximum percentage of water and the minimum percentage of sulphur trioxide.

Approximate water content as used in this section is to be taken to mean within five per cent. Neutralizing value is to be determined as follows: A determination of the carbon dioxide content is to be made directly on ground limestone, clam and oyster shells and marl.

In the case of quicklime, hydrated lime, gas lime, and other partly slacked and carbonated material, the oxide and hydrate are to be changed to the carbonate and then a determination of the carbon dioxide content is to be made in the same way as with ground limestone. The carbon dioxide value is then to be calculated over to its chemical equivalent as calcium carbonate and from this value the neutralizing value of the dry material compared to pure dry calcium limestone is to be calculated and expressed in terms of per cent.

SECTION 3. Section 1494d of the statutes is renumbered to be subsection 1 thereof; and a new subsection is added to said section, to be numbered and to read: (Section 1494d) 2. Before any agricultural lime is sold, offered for sale or distribution in the state of Wisconsin the person, firm or corporation thereof shall pay annually during the month of December to the com-

missioner of agriculture of the state of Wisconsin a license fee of ten dollars for each brand or kind of agricultural lime sold or offered for sale and shall receive from said commissioner a license certificate to sell such brand or kind of agricultural lime during the following calendar year. Whenever a manufacturer, importer, agent or seller of agricultural lime desires to sell such material and has not paid the license fee thereof in the preceding month of December as required by said section he shall pay a license fee prescribed herein before making such sales.

SECTION 4. A new section is added to the statutes, to be numbered and to read: Section 1494x—1m. No person, firm or corporation shall by himself, or by agent, or as representative of any other person, firm, or corporation, offer for sale within the state of Wisconsin by catalogue, circular or any printed price list whatsoever, any agricultural seed unless such advertisement contains for each variety of seed thus offered for sale, a statement of the name and kind of seed, and in case of corn and alfalfa the state or locality where it was grown.

SECTION 5. A new subsection is added to section 1494x—2 of the statutes to be numbered and to read: (Section 1494x—2) 4. For the purpose of sections 1494x—1 to 1494x—16, inclusive, on and after July 1, 1917, the term "agricultural seeds" shall also include all packages of vegetable seeds irrespective of size or weight; but section 1494x—1 shall not apply to any package of vegetable seeds unless it falls more than five per cent below the standard of germination for such seeds respectively as fixed by the department of agriculture; and the department is hereby empowered and directed from time to time to fix such standards; but vegetable seeds shall not in any event be subject to the requirements for purity tests defined in section 1494x—1.

SECTION 6. Section 1494—17 of the statutes is amended to read: Section 1494—17. Any person who shall adulterate any kind of meal or ground grain or other feeding stuff with milling or manufacturing offals, or any other substance whatsoever, for the purpose of sale, unless the true composition, mixture or adulteration thereof is plainly marked or indicated upon the package containing the same, or in which it is offered for sale; or any person who sells or offers for sale any meal, ground grain or other feeding stuff which has been so adulterated unless the true composition, mixture, or adulteration is plainly marked or indicated upon the package containing

the same, or in which it is offered for sale; or any person who shall sell or offer for sale any concentrated feeding stuff under a misleading or false name shall be \* \* \* *punished by a fine of not less than five hundred nor more than one thousand dollars, or by imprisonment in the county jail not more than one year, or by both such fine and imprisonment.*

SECTION 7. A new paragraph is added to subsection (4) of section 20.60 of the statutes, to be lettered and to read: (20.60) (4) (i) For the regulation and licensing of manufacturers and distributors of agricultural limes, as provided in sections 1494c, 1494d, and 1494e.

SECTION 8. Paragraph (d) of subsection (4) of section 20.60 of the statutes is amended to read: (20.60) (4) (d) For the inspection of commercial fertilizers, *except agricultural limes*, and the licensing of dealers therein, as provided in sections 1494c, 1494d, and 1494e.

SECTION 9. This act shall take effect July 1, 1917.

Approved July 7, 1917.

No. 698, A.]

[Published July 10, 1917.

## CHAPTER 596

AN ACT to amend paragraph (a) of subsection (11) of section 20.61 of the statutes, relating to state aid to agricultural associations and legalizing certain payments of aid heretofore made.

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

SECTION 1. Paragraph (a) of subsection (11) of section 20.61 of the statutes is amended to read: (20.61) (11) (a) To each such organized agricultural society, association, or board in the state, eighty per cent of the total amount of premiums paid by it at its annual fair upon live stock, articles of production, educational exhibits, agricultural implements and tools, domestic manufactures, mechanical implements and productions, for which published premiums have been offered; but no one premium so paid shall exceed the sum of \* \* \* *thirty-five* dollars; and the amount of state aid so payable shall not exceed five thousand dollars each to the Northern Wisconsin state fair or the La Crosse interstate fair association, three thousand dollars to the Walworth county agricultural society comprising the counties of Walworth, Racine, Kenosha and Waukesha, or two thousand five hundred dollars each to the Glenwood intercounty fair association, Oconto Falls intertown-