

92.05 History: 1937 c. 341; Stats. 1937 s. 92.05; 1939 c. 323; 1961 c. 40.
See note to 66.34, citing 48 Atty. Gen. 263.

92.06 History: 1937 c. 341; Stats. 1937 s. 92.06; 1939 c. 323; 1945 c. 559; 1955 c. 652; 1957 c. 672; 1961 c. 40.

92.07 History: 1937 c. 341; Stats. 1937 s. 92.07; 1939 c. 323.

92.08 History: 1937 c. 341; Stats. 1937 s. 92.08; 1955 c. 334; 1957 c. 685; 1961 c. 40; 1963 c. 476; 1969 c. 276 s. 603 (7).

92.09 History: 1937 c. 341; Stats. 1937 s. 92.09; 1939 c. 323; 1961 c. 40; 1967 c. 193; 1969 c. 276 s. 603 (7).

92.10 History: 1937 c. 341; Stats. 1937 s. 92.10; 1939 c. 323.

92.11 History: 1937 c. 341; Stats. 1937 s. 92.11.

92.12 History: 1937 c. 341; Stats. 1937 s. 92.12; 1939 c. 323; 1961 c. 40; 1965 c. 252; 1967 c. 193; 1969 c. 276 s. 603 (7), (8).

92.13 History: 1937 c. 341; Stats. 1937 s. 92.13.

92.14 History: 1937 c. 341; Stats. 1937 s. 92.14; 1939 c. 323.

92.15 History: 1937 c. 341; Stats. 1937 s. 92.15; 1939 c. 323; 1961 c. 40; 1969 c. 276 s. 603 (7).

92.16 History: 1939 c. 323; Stats. 1939 s. 92.16; 1955 c. 334; 1961 c. 40.

92.17 History: 1937 c. 341; Stats. 1937 s. 92.16; 1939 c. 323; Stats. 1939 s. 92.17.

92.18 History: 1961 c. 427; Stats. 1961 s. 92.18; 1969 c. 353.

92.20 History: 1965 c. 511; Stats. 1965 s. 92.20; 1969 c. 276 s. 603 (7).

CHAPTER 93.

Department of Agriculture.

93.01 History: 1921 c. 571 s. 2; Stats. 1921 s. 1495—1; 1923 c. 152 s. 218; 1923 c. 366 s. 1; 1923 c. 449 s. 47; Stats. 1923 s. 99.01; 1935 c. 550 s. 2; Stats. 1935 s. 93.01; 1945 c. 446; 1955 c. 660; 1959 c. 516; 1961 c. 622; 1963 c. 172; 1965 c. 252; 1969 c. 276 ss. 355, 583 (1).

93.02 History: 1929 c. 479 s. 2; Stats. 1929 s. 99.02; 1931 c. 67 s. 167; 1935 c. 550 s. 3; Stats. 1935 c. 93.02; Spl. S. 1937 c. 9; 1939 c. 85, 124; 1939 c. 413 s. 2, 4; 1943 c. 229; 1947 c. 332; 1949 c. 405; 1951 c. 97; 1951 c. 247 s. 37; 1951 c. 319 s. 231; 1955 c. 221 s. 30; 1957 c. 35; 1969 c. 276.

93.03 History: 1929 c. 479 s. 2; Stats. 1929 s. 99.03; 1935 c. 550 s. 4; Stats. 1935 s. 93.03; 1943 c. 229; 1965 c. 249.

93.06 History: Stats. 1933 s. 96.61 (3), 99.07 to 99.09, 99.17, 99.18; 1935 c. 550 s. 7; Stats. 1935 s. 93.06; 1943 c. 401; 1951 c. 105, 516; 1955 c. 24, 377, 652; 1955 c. 696 s. 25A; 1959 c. 628, 658.

Administration of marketing laws of Wisconsin. Reis, 9 MLR 131.

93.07 History: 1935 c. 550 s. 8; 1935 c. 551; Stats. 1935 s. 93.07; 1939 c. 360; 1943 c. 179, 229, 385; 1945 c. 20, 446; 1947 c. 9 s. 31; 1947 c. 591; 1951 c. 279, 345, 516, 548; 1951 c. 713 s. 1, 2; 1955 c. 24, 109; 1955 c. 146 s. 16; 1955 c. 204; 1957 c. 161, 212; 1959 c. 659 s. 79; 1961 c. 33 s. 45; 1961 c. 149; 1963 c. 6, 112, 172, 343, 445, 572; 1965 c. 141, 583; 1969 c. 276 ss. 358, 359, 583 (2), 602 (1); 1969 c. 392, 459.

The state department of agriculture is an agency of the state, the duties of the commissioner being clearly defined by statute. In the expenditure of public moneys the commissioner is limited to the sums appropriated by the legislature for a given purpose; and every person transacting business with the department must take cognizance of these facts. *Clas v. State*, 196 W 430, 220 NW 185.

The question of whether the duty of the commissioners required them to circulate oleomargarine dealers' lists was within the jurisdiction of the circuit court to determine in a proceeding for punishment as a civil contempt the violation of the temporary injunction. *John F. Jelke Co. v. Beck*, 208 W 650, 242 NW 576.

There is no statute requiring separation of live stock transported in trucks. If nonseparation constitutes cruel treatment prosecution may be had under 343.47, Stats. 1935. 24 Atty. Gen. 501.

93.07 (1) and 97.34, Stats. 1949, delegate broad authority to the department in the field of dairy farm sanitation. The department may promulgate a regulation requiring a milk house under such delegation of authority. Whether the specific regulation in question is void for uncertainty may be determined by a declaratory ruling under 227.06, and subsequent review by the circuit court as one of several available methods. 42 Atty. Gen. 46.

93.08 History: Stats. 1933 s. 96.34 (2), 98.35 (2), 99.20 (3), (4), 352.15 (2) part; 1935 c. 550 s. 9; Stats. 1935 s. 93.08; 1943 c. 229; 1951 c. 309.

Supreme court decisions regarding the right of prohibition officers to search private automobiles are not applicable to the statutes conferring on entomologists and deputies the right to inspect orchards, etc. 12 Atty. Gen. 275.

93.09 History: 1921 c. 571 s. 2; Stats. 1921 s. 1495—10; 1923 c. 152 s. 227; 1923 c. 366 s. 1; 1923 c. 449 s. 47; Stats. 1923 s. 99.10; 1935 c. 550 s. 10; Stats. 1935 s. 93.09; 1943 c. 229; 1955 c. 221 s. 31; 1955 c. 606; 1969 c. 276 s. 583 (1).

See note to 140.05, regarding cooperation with the state board of health as to its regulations concerning sanitary production of milk, cream, etc., citing 27 Atty. Gen. 516.

93.10 History: 1921 c. 571 s. 2; Stats. 1921 s. 1495—11; 1923 c. 152 s. 228; 1923 c. 366 s. 1; 1923 c. 449 s. 47; Stats. 1923 s. 99.11; 1935 c. 550 s. 11; Stats. 1935 s. 93.10.

93.11 History: 1921 c. 571 s. 2; Stats. 1921 s. 1495—12; 1923 c. 152 s. 229; 1923 c. 366 s. 1, 2;

1923 c. 449 s. 47; Stats. 1923 s. 99.12; 1935 c. 550 s. 12; Stats. 1935 s. 93.11; 1963 c. 224.

93.14 History: Stats. 1933 s. 94.34, 94.49, 96.47 part, 99.19; 1935 c. 550 s. 15; Stats. 1935 s. 93.14; 1943 c. 229.

93.15 History: 1921 c. 571 s. 2; Stats. 1921 s. 1495—20 subs. 1, 2, 5; 1923 c. 152 s. 237; 1923 c. 366 s. 3; 1923 c. 449 s. 47; Stats. 1923 s. 99.20 (1), (2), (5); 1935 c. 550 s. 16; Stats. 1935 s. 93.15; 1943 c. 229.

93.16 History: 1921 c. 571 s. 2; Stats. 1921 s. 1495—21; 1923 c. 152 s. 238; Stats. 1923 s. 99.21; 1935 c. 550 s. 17; Stats. 1935 s. 93.16.

93.17 History: 1921 c. 571 s. 2; Stats. 1921 s. 1495—22; 1923 c. 152 s. 239; Stats. 1923 s. 99.22; 1935 c. 550 s. 18; Stats. 1935 s. 93.17.

The immunity granted by 93.17, Stats. 1949, to a retail grocer, who was subpoenaed and examined in a proceeding before the state department of agriculture, does not prevent the state from examining him in other proceedings; such immunity statute prohibits prosecuting or subjecting him to any penalty or forfeiture, but does not grant immunity from an injunction sought by the state under 100.30 (5). *State v. Ross*, 259 W 379, 48 NW (2d) 460.

93.18 History: 1921 c. 571 s. 2; Stats. 1921 s. 1495—24; 1923 c. 152 s. 241; 1923 c. 366 s. 3; 1923 c. 449 s. 47; Stats. 1923 s. 99.24; 1935 c. 550 s. 19; Stats. 1935 s. 93.18; 1939 c. 213; 1943 c. 401; 1953 c. 44; 1955 c. 221 s. 33 to 35; 1969 c. 276 s. 583 (2).

For service by registered mail, the 10 days allowed to persons complained against is reckoned from the date of the return receipt. *Dairy Distributors v. Dept. of A. & M.* 228 W 418, 280 NW 400.

93.19 History: 1921 c. 571 s. 2; Stats. 1921 s. 1495—26; 1923 c. 152 s. 243; 1923 c. 366 s. 3; 1923 c. 499 s. 47; Stats. 1923 s. 99.26; 1935 c. 550 s. 20; Stats. 1935 s. 93.19; 1943 c. 401; 1955 c. 221 s. 36.

See note to 100.20, citing *State ex rel. Waldorf v. Hill*, 217 W 59, 258 NW 361.

93.21 History: Stats. 1933 s. 98.03 (2), 99.07 (6) part, 99.29, 352.44; 1935 c. 550 s. 22; Stats. 1935 s. 93.21; 1951 c. 223; 1953 c. 61, 223.

See note to 59.47, citing 35 Atty. Gen. 282.

93.22 History: Stats. 1933 s. 98.02 part, 99.30; 1935 c. 550 s. 23; Stats. 1935 s. 93.22; 1943 c. 229; 1945 c. 446; 1969 c. 33; 1969 c. 276 s. 583 (1).

The dairy and food commissioner is under no duty to enforce general criminal statutes not embodied in dairy and food laws, though in individual cases violations of such statutes may occur in connection with manufacture or sale of food. 12 Atty. Gen. 133.

CHAPTER 94.

Plant Industry.

94.01 History: 1879 c. 151; 1887 c. 8; Ann. Stats. 1889 s. 1459b; 1895 c. 148; 1897 c. 239; Stats. 1898 s. 1459; 1901 c. 320 s. 1; 1903 c. 259 s. 1; 1905 c. 412 s. 1; Supl. 1906 s. 1459; 1907 c.

408; 1913 c. 772 s. 66; 1923 c. 152 s. 11; Stats. 1923 s. 93.08; 1935 c. 550 s. 26; Stats. 1935 s. 94.01.

The state horticultural society cannot invest funds in bonds to provide income to carry along life members. 18 Atty. Gen. 363.

The state horticultural society may expend money to purchase liability insurance to cover its employes. 24 Atty. Gen. 329.

94.02 History: 1879 c. 151; 1887 c. 14; 1889 c. 526; Ann. Stats. 1889 s. 1459a subs. 1, 4 to 6; Stats. 1898 s. 1459a; 1913 c. 772 s. 66; 1923 c. 152 s. 12; Stats. 1923 s. 93.09; 1935 c. 535; 1935 c. 550 s. 27; Stats. 1935 s. 94.02; 1943 c. 229; 1969 c. 276 s. 583 (1).

94.03 History: 1856 c. 73 s. 1 to 4; 1858 c. 53 s. 1; R. S. 1858 c. 80 s. 8 to 11; 1871 c. 45 s. 1; 1877 c. 65 s. 1; R. S. 1878 s. 1460; Stats. 1898 s. 1460; 1923 c. 152 s. 14; Stats. 1923 s. 93.11; 1935 c. 550 s. 28; Stats. 1935 s. 94.03.

The mere recording of articles of a proposed agricultural society, with a certificate of the election of officers, is insufficient. Where articles and certificate were recorded in the proper office, but did not remain on file, and were returned, those who organized the society were liable as partners. *Bergeron v. Hobbs*, 96 W 641, 71 NW 1056.

The same reasons for the making of a public record of the original articles of the association apply to the recording of amendments increasing the capital stock or changing the time of the annual meeting, and although the statute is silent as to recording of such amendments they must be recorded in the office of the register of deeds. *Columbia County F. Asso. v. Shanks*, 192 W 242, 212 NW 667.

See note to 181.76, citing 44 Atty. Gen. 43.

94.04 History: 1858 c. 53 s. 1; R. S. 1858 p. 519; 1871 c. 45 s. 1; 1876 c. 155; R. S. 1878 s. 1461; Stats. 1898 s. 1461; 1923 c. 152 s. 15; Stats. 1923 s. 93.12; 1935 c. 550 s. 29; Stats. 1935 s. 94.04.

Agricultural associations have no power to issue nonassessable shares of stock. 6 Atty. Gen. 163.

94.05 History: 1887 c. 47; Ann. Stats. 1889 s. 1461a; Stats. 1898 s. 1461a; 1923 c. 152 s. 16; Stats. 1923 s. 93.13; 1935 c. 550 s. 30; Stats. 1935 s. 94.05.

In order that shares of stock shall be subject to the power of assessment there must have been a proper valuation of the property of the association, a dividing of such valuation into equal shares, and an issuing of stock based upon such valuation. An assessment should be proportionately upon each share of stock as the unit rather than upon the individual member of the association as the unit. *Columbia County Fair Asso. v. Shanks*, 192 W 242, 212 NW 667.

94.06 History: 1858 c. 53 s. 2; R. S. 1858 c. 80 s. 12; 1877 c. 65 s. 1; R. S. 1878 s. 1462; Stats. 1898 s. 1462; 1923 c. 152 s. 17; Stats. 1923 s. 93.14; 1935 c. 550 s. 31; Stats. 1935 s. 94.06; 1965 c. 252.

94.07 History: 1856 c. 74 s. 8, 9; 1858 c. 8 s. 2; R. S. 1858 c. 80 s. 15, 16; 1867 c. 164 s. 1, 2; R. S. 1878 s. 1467; Stats. 1898 s. 1467; 1923 c.