The sale of food. 12 Atty. Gen. not embodied in dairy and food laws, though no duty to enforce general criminal statutes Stats. 1898 s. 1459; Stats. 1889 s. 1459b; 1895 c. 148; 1897 c. 239; s. 1; in individual cases violations of such statutes reckoned from the date of the return receipt. allowed to persons complained against is proceedings; 1935 s. 93.21; 1951 c. 223; 1953 c. 61, 223.

The dairy and food commissioner, does not prevent the state from from an injunction sought by the state to a retail grocer, who was subpoenaed and examined in a proceeding before the state department of agriculture, does not prevent immunity statute See note to 59.47, citing 35 Atty. Gen. 282. The immunity granted by 93.17, Stats. 1949, (6) part, 99.29, 352.44; 1935 c. 100.30 (2d) 98.01 History: Stats. 1933 s. 94.01. 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. Ass. v. Shanks, 192 W 342, 212 NW 607. See note to 181.76, citing 44 Atty. Gen. 43.

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

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 member, a dividing of such valuation into shares of stock. 18 Atty. Gen. 363.

The state horticultural society may expend money to purchase liability insurance to cover its employees. 34 Atty. Gen. 332.

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. Ass. v. Shanks, 192 W 342, 212 NW 607. See note to 181.76, citing 44 Atty. Gen. 43.

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

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 Ass. v. Shanks, 192 W 242, 212 NW 667.

The state horticultural society may expend money to purchase liability insurance to cover its employees. 34 Atty. Gen. 332.

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. Ass. v. Shanks, 192 W 342, 212 NW 607. See note to 181.76, citing 44 Atty. Gen. 43.

Agricultural associations have no power to issue nonassessable shares of stock. 6 Atty. Gen. 163.
Patrolmen must destroy noxious weeds in right of way by proceeding in the manner possible. 7 Atty. Gen. 413.

When no agreement has been made between landlord and tenant in relation to the removal of wild mustard from the farm leased to the tenant, he cannot recover from the landlord the value of his labor devoted to such removal, because that duty rests on the occupant as landlord and tenant in relation to the removal of wild mustard from the farm leased to the tenant. He may be prosecuted for failure to destroy such weeds; but if the weed commissioner destroys such weeds under the provisions of 96.03, none of the costs thereof can be assessed upon the owner, whose land does not extend into the highway. 14 Atty. Gen. 377.

In the absence of actual knowledge as to who is the owner, the weed commissioner may serve the written notice on the holder of the record title. 39 Atty. Gen. 67.

The rights granted to cranberry growers by secs. 1472-1478, Stats. 1917, are subordinate to the rights involving public health or welfare. Cranberry Creek D. Dist. v. Elm Lake C. Co. 170 Wis. 332, 174 NW 554.

Where a land owner constructs or maintains an artificial drainage ditch for the benefit of his own land and such ditch crosses an existing highway, the land owner is liable for construction and maintenance of a bridge over such ditch. Liability extends to the grantee of the person who constructed the ditch if the grantee continues the ditch. If the land owner fails to meet his obligations the authorities charged with maintenance of highways may, upon due notice, make necessary repairs and collect the cost from the land owner. 30 Atty. Gen. 44.

Dams across navigable waters for the purpose of aiding in cranberry culture may not be constructed without the permission of the public service commission. 45 Atty. Gen. 38.
An owner of cranberry lands may not divert water from a navigable lake under 94.26 without a permit under 90.18. 54 Atty. Gen. 24.

94.27 History: 1967 c. 80 s. 4; 1967 c. 31 s. 11; R. S. 1878 s. 1473; Stats. 1898 s. 1473; 1923 c. 152 s. 100; Stats. 1923 s. 96.06; 1925 c. 550 s. 52; Stats. 1935 s. 94.27.

One who floods land cannot refuse to join in the selection of arbitrators, and, when suit is brought, defend on the ground that the only remedy of the plaintiff is by arbitration. Ramsdale v. Foote, 55 W. 557, 13 NW 557.

94.28 History: 1967 c. 40 s. 5, 6, 10; R. S. 1878 s. 1474; Stats. 1898 s. 1475; 1923 c. 152 s. 101; Stats. 1923 s. 96.07; 1925 c. 550 s. 53; Stats. 1935 s. 94.28.

The expense of printing the annual report of the association may not be paid out of appropriations for public printing. 94.33. Stats. 1935 s. 94.33.

94.34 History: 1895 c. 87 s. 3 to 5; 1913 c. 758 s. 6; 1917 c. 593, 595; 1921 c. 515 s. 1; 1923 c. 152 s. 129; Stats. 1923 s. 96.30; 1935 c. 550 s. 66; Stats. 1935 s. 94.34.

The expense of printing the annual report of the association may not be paid out of appropriations for public printing. 94.35 History: 1921 s. 550 s. 66; Stats. 1935 s. 94.35.

94.36 History: 1906 c. 194 s. 1 to 5; Supp. 1906 c. 1481a to 1481c; 1911 c. 363 s. 294; 1923 c. 152 s. 108 to 112; Stats. 1923 s. 96.14; 1935 c. 550 s. 61; Stats. 1935 s. 94.36.

The expense of printing the annual report of the association may not be paid out of appropriations for public printing. 94.37 History: 1923 c. 230; Stats. 1923 s. 444a s. 1. 1825 c. 4; Stats. 1925 s. 343.441 (1); 1925 c. 550 s. 62; Stats. 1935 s. 94.37.

94.38 History: 1965 c. 589; Stats. 1965 s. 94.38; 1969 c. 32.

94.39 History: 1965 c. 589; Stats. 1965 s. 94.39; 1969 c. 31.

94.40 History: 1965 c. 589; Stats. 1965 s. 94.40; 1906 c. 270 s. 583 (1).

94.41 History: 1965 c. 589; Stats. 1965 s. 94.41.

94.42 History: 1965 c. 589; Stats. 1965 s. 94.42.
An insecticide is misbranded if the label does not warn that it harms the plants when they are wet. A disclaimer of all liability on the label does not prevent recovery since this is a criminal statute. Perry Creek C. Corp. v. Hopkins Ag. Chem. Co. 29 W (2d) 487.

Allegations in the instant complaint, that the defendant seller had bought pork livers from a processor and mixed them with other ingredients for sale to the plaintiff, that the mixture was unsafe, contaminated, and diseased, and that the plaintiff lost mink as a result of feeding the mixture, were sufficiently ascertainable as an averment that the mixture was "injurious to the health of livestock" so as to state a cause of action against such defendant seller for violation of 94.72 (14) (b).

Cohan v. Associated Fur Farms, Inc. 261 W 584, 53 NW (2d) 788.

Botulinic toxin is not a natural part of the feed itself, but is an injurious substance produced by a bacteria which is foreign to the feed, and the presence of such toxin in feed constitutes an adulteration, so that when the feed so adulterated is sold 94.72 (14) (b) is violated, the wrongful act which is prohibited by the statute being the sale of the adulterated feed and not the act of mixing or adulterating the feed with an injurious substance. Arndt Brothers Minkery v. Medford Fur Foods, 274 W 627, 80 NW (2d) 776.

A buyer of animal feed can recover damages for the sale of contaminated feed despite a contract agreeing to hold the seller harmless from tort or contract liability. Metz v. Medford Fur Foods, 4 W (2d) 96, 98 NW (2d) 106.

Since plaintiff rancher would be potentially liable to a second rancher for negligence under 94.72 (14) (b) because of selling adulterated animal feed, the plaintiff could include in his claim for damages against defendant original seller the potential claim which the second rancher might make against him, although plaintiff's action against the original seller was one for breach of warranty with consequent no privity of contract between the original seller and the second mink rancher. (Arndt Brothers Minkery v. Medford Fur Foods, 274 W 627, distinguished.) Tri City Fur Foods v. Ammerman, 7 W (2d) 149, 96 NW (2d) 495.

A license to sell concentrated feed is not transferrable. Payment of a license fee by one person will not protect another person succeeding to the same business. 3 Atty. Gen. 552.
A veterinarian employed by the U.S. department of agriculture cannot be employed by the state unless he has qualified under the civil service law of the state. 4 Atty. Gen. 261.

95.18 History: 1885 s. 467; 1887 s. 76; Ann. Stats. 1889 s. 1492a subs. 6, 7; Stats. 1890 s. 1492c; 1901 c. 440 s. 4; Supl. 1906 s. 1492c; 1909 c. 543; 1911 c. 637; Stats. 1911 s. 1492c sub. 4; 1917 c. 592 s. 5; Stats. 1917 s. 1492ab sub. 5b; 1923 c. 152 s. 27; Stats. 1923 s. 49.05; 1935 c. 550 s. 126; Stats. 1935 s. 95.18.

95.19 History: 1917 c. 548 s. 2; Stats. 1917 s. 1492ab sub. 5c; 1921 c. 491; 1923 c. 152 s. 26; Stats. 1923 s. 49.06; 1935 c. 550 s. 127; Stats. 1935 s. 95.19; 1955 c. 24; 1959 c. 262.

Independently of statute a vendor of animals is not liable for damages sustained by the communication of a disease to those sold to other animals owned by the vendee because he had information that tuberculosis had shown itself in the herd of which those sold were part, at a former time. If he did not know or have reasonable ground for believing that they or some of them were infected with a contagious disease at the time of sale. The provisions of ch. 467, Laws 1885, do not apply to an administrator who sells cattle under the order of the county court. Newell v. Clapp, 97 W. 104, 72 NW. 366.

95.20 History: 1885 s. 467; 1887 s. 76; Ann. Stats. 1889 s. 1492a subs. 6, 7; Stats. 1890 s. 1492c; 1901 c. 440 s. 4; Supl. 1906 s. 1492c; 1909 c. 543; 1911 c. 637; Stats. 1911 s. 1492c sub. 1; 1917 c. 592 s. 2; 1917 c. 592 s. 5; Stats. 1917 s. 1492ab sub. 5g; 1923 c. 152 s. 25; 1923 s. 391 s. 1; Stats. 1923 s. 49.03; 1935 s. 550 s. 126; Stats. 1935 s. 95.20.

95.21 History: 1910 c. 117; Stats. 1919 s. 1492ab sub. 5f; 1923 c. 152 s. 34; Stats. 1923 s. 49.05; 1935 s. 550 s. 109; 129; Stats. 1935 s. 95.31; 1937 c. 244; 1953 s. 386.

Sec. 95.21, Stats. 1890, does not apply to the removal of dogs or to from a district quarantined for rabies. 30 Atty. Gen. 131.

95.22 History: 1885 s. 467; 1887 s. 76; Ann. Stats. 1889 s. 1492a subs. 6, 7; Stats. 1890 s. 1492c; 1901 c. 440 s. 4; Supl. 1906 s. 1492c; 1909 c. 543; 1911 c. 637; Stats. 1911 s. 1492c sub. 1; 1917 c. 592 s. 2; 1923 c. 152 s. 34; Stats. 1923 s. 49.29; 1935 c. 550 s. 130; Stats. 1935 s. 95.22; 1955 c. 24.

95.23 History: 1885 s. 467; 1887 s. 76; Ann. Stats. 1889 s. 1492a subs. 6, 7; Stats. 1890 s. 1492c; 1901 c. 440 s. 4; Supl. 1906 s. 1492c; 1909 c. 543; 1911 c. 637; Stats. 1911 s. 1492c sub. 1; 1917 c. 592 s. 7; 1919 c. 592 s. 5; 1923 c. 152 s. 54; Stats. 1923 s. 49.30; 1935 c. 550 s. 131; Stats. 1935 s. 95.23; 1945 c. 229; 1957 c. 212; 1959 c. 262.

Sec. 94.30, Stats. 1923, authorizes the commissioner of agriculture and other members of his department or delegated authorities to examine and test herds without previous application for an area test of the county or a herd test by the owner; if, upon such test, infected animals are found, general provisions of the statutes relating to disposition of such animals apply. 12 Atty. Gen. 464.