



**ASSEMBLY AMENDMENT 1,
TO 1995 ASSEMBLY BILL 1000**

March 25, 1996 – Offered by COMMITTEE ON GOVERNMENT OPERATIONS.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 1, line 3: after “immigration,” insert: “eliminating all regulation of
certain wooden vessels known as firkins,”.

3 **2.** Page 2, line 2: after that line insert:

4 “SECTION 2d. 132.04 (1) of the statutes is amended to read:

5 132.04 (1) Any person who is the owner of cans, tubs, ~~firkins~~, boxes, bottles,
6 casks, barrels, kegs, cartons, tanks, fountains, vessels or containers with his or her
7 names, brands, designs, trademarks, devices or other marks of ownership stamped,
8 impressed, labeled, blown in or otherwise marked thereon, may file with the
9 secretary of state and record with the register of deeds of any county in which the
10 person has his or her principal place of business, a written statement or description
11 verified by affidavit of the owner or his or her agent, of the names, brands, designs,
12 trademarks, devices or other marks of ownership used by him or her, and of the
13 articles upon which they are used, or if the principal place of business is outside the
14 state, then a written statement or verified description may be recorded with the
15 register of deeds of any county. The statement shall be published as a class 3 notice,

1 under ch. 985, in the county, and a copy of the publication, proved as provided in s.
2 985.12, shall also be filed with the secretary of state and recorded with the register
3 of deeds.

4 **SECTION 2h.** 132.05 of the statutes is amended to read:

5 **132.05 Sale of receptacle by other than owner prohibited.** It is unlawful
6 for any person, without the written consent of the owner or the owner's agent, to keep
7 for sale any can, tub, ~~firkin~~, box, bottle, cask, barrel, keg, carton, tank, fountain,
8 vessel or container that is marked or distinguished as described in s. 132.04, a
9 description of which is filed, or recorded and published as provided in s. 132.04, or
10 to use or fill any similar substance, commodity or product as originally contained for
11 the sale of the substance, commodity or product any such can, tub, ~~firkin~~, box, bottle,
12 cask, barrel, keg, carton, tank, fountain, vessel or container or to receive, take, buy,
13 sell, or dispose of or traffic in any such can, tub, ~~firkin~~, bottle, box, cask, barrel, keg,
14 carton, tank, fountain, vessel or container, or to deface, erase, obliterate, cover up or
15 otherwise remove or conceal any such name, brand, design, trademark, device or
16 other mark thereon, for the purpose of destroying or removing the evidence of the
17 ownership of such article.

18 **SECTION 2p.** 132.06 of the statutes is amended to read:

19 **132.06 Use of receptacle by other than owner; as to junk dealers.** The
20 use by any person, other than the owner or the owner's agent, of any can, tub, ~~firkin~~,
21 box, bottle, cask, barrel, keg, carton, tank, fountain, vessel or container, as described
22 in s. 132.04, for the sale of any substance, commodity or product, other than that
23 originally contained, or the buying, selling, or trafficking in any such can, tub, ~~firkin~~,
24 box, bottle, cask, barrel, keg, carton, tank, fountain, vessel or container, or the fact
25 that any junk dealer in cans, tubs, ~~firkins~~, boxes, bottles, casks, barrels, kegs,

1 cartons, tanks, fountains, vessels or containers, shall have in his or her possession
2 any can, tub, ~~firkin~~, box, bottle, cask, barrel, keg, carton, tank, fountain, vessel or
3 container that is marked or stamped as described in s. 132.04, a description of which
4 is filed, recorded and published as provided in s. 132.04, is prima facie evidence that
5 such using, buying, selling or trafficking in or possession of is unlawful within the
6 meaning of ss. 132.04 to 132.08.

7 **SECTION 2t.** 132.08 of the statutes is amended to read:

8 **132.08 Rights of owner to injunction.** Every such person or corporation
9 having complied with ss. 132.04 to 132.08, may proceed by suit to enjoin any other
10 person or corporation from filling with any substance, commodity or product for the
11 sale therein of such substance, commodity or product any can, tub, ~~firkin~~, box, bottle,
12 cask, barrel, keg, carton, tank, fountain, vessel or container, so marked or
13 distinguished as aforesaid or from buying, selling, using or disposing of or trafficking
14 in the same, or from defacing, erasing, obliterating, covering up or otherwise
15 removing any such name, brand, design, trademark, device or other marks of
16 ownership thereon, for the purpose of destroying or removing the evidence of the
17 ownership of such article, and all courts having equity jurisdiction shall have power
18 to grant injunctions according to the course and principles of courts of equity, to
19 restrain such filling for sale or such buying, selling, giving away, using or disposing
20 of, or trafficking in or such defacing, erasing, obliterating, covering up, or otherwise
21 removing or the violation of any right acquired under ss. 132.04 to 132.08, and upon
22 a decree being rendered in any such case against the defendant, the complainant
23 shall be entitled to recover the damages the complainant may have sustained by

1 reason of the said acts of the defendant and the court shall assess the same or cause
2 the same to be assessed under its direction.”.

3 (END)