

presiding officer thereof. No assignment, modification or change of the contract, or change in the work covered thereby, nor any extension of time for completion of the contract shall release the sureties on said bond.

(289.53) (1) Any person, firm or corporation furnishing any materials, *to be used or consumed in making such public improvement or performing such public work, including without limitation because of specific enumeration fuel, lumber, building materials, gasoline and other motor oil, lubricating oil, and greases*, apparatus, fixtures, machinery or labor, including the premiums for workmen's compensation insurance, to any contractor for public improvements in this state, except in cities of the first class, however organized, shall have a lien on the money, or bonds, or warrants due or to become due such contractor for such improvements; providing, such person, firm or corporation shall, before the payment is made to such contractor, notify the officials of the state, county, township, city, or municipality, whose duty it is to pay such contractor, of his claim by written notice. It shall be the duty of such officer so notified to withhold a sufficient amount to pay such claim until it is admitted or established as provided in subsection (3) of this section and thereupon to pay the amount thereof to such person and such payment shall be a credit on the contract price to be paid such contractor. Any officer violating the duty hereby imposed upon him shall be liable on his official bond to the person serving such notice for the damages resulting from such violation which may be recovered in an action at law in any court of competent jurisdiction. There shall be no preference between the persons serving such notice, but all shall be paid pro rata in proportion to the amount under their respective contracts.

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

Approved April 20, 1933.

No. 177, S.]

[Published April 21, 1933.

CHAPTER 84.

AN ACT to amend subsection (1) of section 111.09 of the statutes, relating to sale of frozen fish.

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

SECTION 1. Subsection (1) of section 111.09 of the statutes is amended to read: (111.09) (1) It shall be unlawful to sell, or offer for sale, any article of food which has been held for a period of forty days or over in cold storage either within or without the state, except as and for "cold storage goods", and without notifying persons purchasing, or intending to purchase the same, that it has been so held. When articles of food which have been held in cold storage for a period of forty days or over are displayed for sale in any store or other place where such articles are sold, a placard, plainly and conspicuously marked "cold storage goods" shall be displayed on the bulk mass of said articles of food, and if articles of food which have been held in cold storage for a period of forty days or more are sold in any store or other place but not exposed to view, a placard setting forth the kind of goods and the fact that they are cold storage shall be conspicuously displayed in the place of sale. It shall be unlawful to sell, offer for sale, represent or advertise as fresh any article of food which has been in cold storage for a period of forty days or over. It shall be unlawful to sell or to offer for sale, to display, advertise, or to represent in any manner whatsoever for the purpose of selling, any eggs other than cold storage that have been held for a period of forty days or over, either within or without the state, without notifying the persons purchasing or intending to purchase the same, that they are held eggs. *Provided, however, that this subsection shall not apply to fish in so far that such article of food may be sold without the label "cold storage" but shall be labeled in lieu thereof, "frozen fish".*

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

Approved April 20, 1933.

No. 221, S.]

[Published April 21, 1933.

CHAPTER 85.

AN ACT authorizing counties during a limited period to use state highway allotments for certain purposes with approval of the emergency board.

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

SECTION 1. Until June 30, 1935, whenever it appears upon the application of any county to the emergency board that such county