

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 20, 1909.

No. 167, A.]

[Published May 22, 1909.

CHAPTER 173.

AN ACT to create sections 1494x—1 to 1494x—16, inclusive, of the statutes, and to repeal sections 1494—11n, 1494—11o and 1494—11p of the statutes, relating to impurities in seeds and making an appropriation.

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

SECTION 1. There are added to the statutes sixteen new sections to read: Section 1494x—1. No person, firm or corporation shall, by himself, his agent, or representative of any other person, firm or corporation, sell or offer for sale or distribution within the state for seeding purposes any lot or package of agricultural seeds exceeding one pound in weight unless the same, when put up in either open or closed packages, shall have attached thereto a label on which is plainly printed or written, in the English language, the following:

(1). Name and kind of seed.

(2). Full name and address of seedsman, importer, agent or dealer.

(3). Statement of purity of the seed contained therein. (Impurities defined in sections 1494x—3, 1494x—4 and 1494x—5 hereof.)

(4). Germinating power of seed.

(5). Locality where seed was grown, if known.

Section 1494x—2. For the purposes of this act the term "agricultural seeds" shall include seed of the red clover (either medium or mammoth), white clover, alsike clover, alfalfa, timothy, orchard grass, Kentucky blue grass, red top, bromis inermis, oat grass, rye grass, the fescues, the millets, other grass and forage plant seeds, flax, rape and cereals.

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, which contain in greater numbers than one to one thousand of the seed under examination the seeds of the following named noxious weeds: Canada thistle (*caduus arvensis* L.), Russian thistle (*salsola tragus* L.), couch, quack or quitch grass (*agropyron repens* L.), clover dodder (*cuscuta epithimum* L.), field dodder (*cuscuta arvensis*

L.), English charlock or wild mustard (*brassica arvensis* L.); wild oats (*avena fatua* L.), corn cockle (*lychnis githago*), ox-eye daisy (*chrysanthemum leucanthemum*), butter and eggs, (*linaria linaria*), sow thistle (*sonchus arvensis*), ribwort or English plantain (*plantago lanceolata*), velvet weed (*abutilon abutilon* L.), or star thistle (*centaurea calcitrapa* L.).

2. Where the seeds of the weeds herein mentioned are present in fewer numbers than one to one thousand of the seed being examined, a statement shall be so made on the label attached to the package naming the weed seeds present therein.

Section 1494x—4. 1. The seeds of the following named weeds shall be classed as impurities in agricultural seeds, as defined in section 1494x—2 of the statutes: Sheep sorrel (*rumex acetosella*), green fox-tail (*chaetochloa viridis* L.), yellow fox-tail, or pigeon grass (*chaetochloa glauca* L.), night flowering catch-fly (*silene noctiflora* L.), black seeded plantain (*plantago rugelii*), common plantain (*plantago major*), curled dock (*rumex crispus*), pig-weed (*amaranthus retroflexus* L.), lamb's quarters (*chenopodium album* L.), lady's thumb or smart weed (*polygonum persicaria*), yellow trefoil (*trifolium agrarium* L.), burr clover (*medicago denticulata*), sweet clover (*melilotus alba* and *officinalis*), chickweed (*cerastium vulgatum*), orange hawkweed (*hieracium aurantiacum* L.), black bindweed (*polygonum convolvulus* L.), ragweed (*ambrosia artemisaefolia* L.).

2. When such impurities, or any of them, are present in quantity exceeding two per cent of said agricultural seeds, the approximate percentage of each shall be plainly stated on the tag attached as specified in section 1494x—1 of the statutes.

Section 1494x—5. Sand, dirt, sticks, broken seeds, other seeds than those mentioned in sections 1494x—3 and 1494x—4 of the statutes, or any other foreign matter shall be considered as impurities when mixed with agricultural seeds sold, offered or exposed for sale in this state for seeding purposes. When such impurities are present in seed exceeding the standard of purity and germination, as defined in section 1494x—4 of the statutes, the name and approximate percentage of each shall be stated in the label as specified in section 1494x—1 of the statutes.

Section 1494x—6. Seeds shall be considered mixed or adulterated within the meaning of this act:

(1) When orchard grass seed (*dactylis glomerata* L.) contains ten or more per cent by weight of meadow fescue (*festuca elatior pratensis* L.) seed, Italian rye grass (*lolium italicum* L.), seed, or English rye grass (*lolium perenne* L.) seed.

(2) When June grass or Kentucky blue grass (*poa pratensis* L.) seed contains five per cent or more by weight of Canadian blue grass (*poa compressa* L.), seed, chaff red top (*agrostis alba* L.) seed, or any other seed or foreign substance.

(3) When red clover (*trifolium pratense*) seed, mammoth red clover (*trifolium pratense* var.) seed, or alfalfa (*medicago sativa* L.), contains five or more per cent by weight of yellow trefoil (*medicago lupulina* L.) seed or burr clover (*medicago denticulata* L.) seed.

(4) When seed of rape (*brassica rapa* L.) contains five or more per cent of common mustard (*brassica arvensis* L.); or black mustard (*brassica nigra* L.).

Section 1494x—7. Within the meaning of this act seed shall be misbranded:

(1) When meadow fescue (*festuca elatior pratensis* L.), English rye grass (*lolium perenne* L.), or Italian rye grass (*lolium italicum* L.) is sold or labeled as orchard grass (*dactylis glomerata* L.).

(2) When Canadian blue grass (*poa compressa* L.) chaff red top, red top (*agrostis alba* L.) seed or any other seed not Kentucky blue grass seed is labeled or sold as Kentucky blue grass (*poa pratensis* L.) seed.

(3) When sweet clover (*melilotus alba* L.), burr clover (*medicago denticulata* L.), or yellow trefoil (*medicago lupulina* L.) is sold, as red clover (*trifolium pratense*) under any of its various names.

(4) When seeds are not true to the name or label under which they are sold.

Section 1494x—8. The provisions of this act shall not be construed as applying to:

(1) Any person growing, possessing for sale, or selling seeds for food purposes only.

(2) Persons selling seed containing impurities except as defined in section 1494x—3 of the statutes, providing such seeds are sold to merchants to be recleaned before exposing for sale upon the general market.

(3) Seed that is in store for the purpose of recleaning, and which is not possessed, sold or offered for sale for seed purposes.

(4) Cereals grown or sold and delivered from the farm by the owner thereof, buyer himself, to use the seed for seeding purposes only, unless the purchaser obtain a certificate at the time of sale stating that the seed is sold subject to the provisions of this act.

(5) Mixture of seeds for lawn 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-9. For the purpose of this act seed shall be deemed pure when it contains no seed of any kind except the one being examined.

Section 1494x-10. The enforcement of this act is hereby placed in experiment station under the supervision of the director and he is hereby empowered to appoint such inspectors and assistants as may be necessary to execute its provision.

Section 1494x-11. It shall be the duty of the inspectors and assistants to collect samples of agricultural seeds in the open market and analyze the same in conformity with the standards fixed in section 1494x-8 of the statutes and they are vested with all necessary powers for the proper execution of their duties to note all violations of any provisions of this act and to bring action in the proper court or tribunal for prosecution of such violation.

Section 1494x-12. The results of all tests of seed made by the experiment station shall be published in bulletins of the station, together with the names and post office address of the persons, firms or corporations from whom all samples tested were obtained.

Section 1494x-13. Guarantees of purity and viability shall be based upon tests made by the experiment station or by seed dealers or their agents, subject to re-test and ratification by the experiment station, when it shall deem necessary.

Section 1494x-14. For the purposes of this act a sample of agricultural seed, as defined in section 1494x-2 of the statutes, shall consist of not more than four or less than two ounces of the seed to be examined.

Section 1494x-15. Whoever violates any of the provisions named in any section of this act, or who shall attempt to interfere with the inspectors or assistants in the discharge of the duties named herein, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than ten nor more than fifty dollars for each and every offense.

Section 1494x-16. A fee of twenty-five cents shall be collected for each sample of seed tested under the provisions of this act and paid into the state treasury to constitute a special fund. All expenses in carrying out the provisions of this act shall be paid out of said special fund upon the approval by the director of the experiment station and audited by the secretary of state as other expenses are audited and paid.

SECTION 2. Sections 1494-11n, 1494-11o and 1494-11p of the statutes are repealed.

SECTION 3. This act shall take effect and be in force from and after July first, 1909.

Approved May 21, 1909.

No. 99, A.]

[Published May 22, 1909.

CHAPTER 174.

AN ACT to authorize the commissioners of public lands to loan a portion of the trust fund of the state, to Portage county, and authorizing the county of Portage to borrow said funds.

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

SECTION 1. The commissioners of public lands are authorized to loan a portion of the trust funds of this state, not exceeding one hundred thousand dollars, to the county of Portage, state of Wisconsin; and the said county is authorized to borrow of said commissioners the said amount, and to issue to said commissioners, certificates of the indebtedness so contracted. The said indebtedness shall bear interest at the rate of three and one-half per cent per annum payable annually, and the said indebtedness shall be paid in ten equal annual payments; the first payment falling due on the first day of July of the next succeeding year after said indebtedness shall have been created.

SECTION 2. Each and every year, until the entire loan is repaid, the secretary of state shall, when he apportions the state tax among the several counties of the state, and certifies the same to the county clerk, add to the state tax which would be properly chargeable to the county of Portage, the annual interest due the state on such loan, together with the amount of the principal sum so loaned falling due on the first day of the following July. It shall be the duty of the county clerk of Portage county, on receiving a certified statement of the amount so due from the county of Portage, to include said amounts in his apportionment of the state taxes to said county, and the same shall be levied and collected out of the taxable property of said county, and paid over to the county treasurer of the county of Portage, and by him to the state treasurer, in the same way and at the same time as other state taxes are collected and paid.

SECTION 3. It is provided that said county of Portage shall never, during the period for which said loan shall remain unpaid, become indebted or contract debts for a greater amount,