

said rights-of-way in order to insure the protection and safety of the public and in case of failure to agree the matter in dispute shall be submitted to the Railroad Commission of Wisconsin for final determination.

SECTION 4. That the compensation hereinbefore provided for shall be immediately available to the regents of the University to pay for the cost of repairing, restoring, moving or altering any building, structure, road, trees or other improvements made necessary by the granting of said rights-of-way and also to purchase real estate between Charter street on the north, University avenue and the Chicago, Milwaukee & St. Paul Railway Company's right-of-way on the south and the present Box Elder drive on the west, said purchase to be made in accordance with the law applicable thereto.

SECTION 5. The compensation determined by the committee appointed under section 2 shall be paid into the state treasury by January 1, 1919, and title to such rights-of-way shall pass, subject to the provisions of this section, when such compensation is so paid, and the line of interurban railway shall be completed and in operation to Prairie du Sac, as provided in section 1, by January 1, 1921. Otherwise said rights-of-way shall revert to the state of Wisconsin together with all moneys paid therefor.

SECTION 6. This act shall take effect upon passage and publication.

Approved June 26, 1917.

No. 359, S.]

[Published June 28, 1917.

CHAPTER 492

AN ACT to create section 1668m of the statutes, relating to standard grades for apples grown in the state, and providing a penalty.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new section is added to the statutes to read: Section 1668m. 1. The standard grades for apples grown in this state when packed in closed packages shall be as follows:

First: "Wisconsin Standard Fancy" shall consist of hand picked, properly packed apples of one variety, which are well grown specimens, normal in shape, uniform in size, of good color for the variety, and which are free from dirt, insect injury, fungous disease, bruises and other defects, except such

as are necessarily caused in the operation of packing. "Uniform in Size" shall be construed to mean that apples contained in any one package shall not vary more than one-half inch in diameter.

Second: "Wisconsin Standard A" shall consist of hand picked, properly packed apples of one variety, which are well grown specimens, normal in shape, of not less than fifty per centum of good color for the variety, and which are practically free from dirt, insect injury, fungous disease, bruises and other defects, except such as are necessarily caused in the operation of packing.

Third: "Wisconsin Standard B" shall consist of hand picked, properly packed apples of one variety, which are well grown and practically free from insect injury and fungous disease; provided, that apples having healed over insect punctures, small scab or blotch infections, fruit spots, or other defects which, taken singly or collectively, do not materially deform or discolor the fruit or injure its keeping quality, shall be admitted to this grade.

Fourth: "Wisconsin Unclassified" shall consist of apples which do not conform to the foregoing specifications of grade, or which though conforming are not branded in accordance therewith; provided, that if more than ten per centum of the apples are badly deformed or badly discolored by scab, blotch, insect injury or other defects, the package containing them shall be marked "Culls" in addition to the other marks or brands required by this section.

2. In the interpretation of this section a tolerance of five per centum below the standard shall be allowed in the Standard Fancy grade, ten per centum in the Standard A grade, and fifteen per centum in the Standard B grade; provided that not more than half the foregoing tolerance values shall be allowed on any single grade specification or defect. Such tolerance shall apply to size, color, and other grade specifications and shall be computed by counting or weighing the specimens which are judged to be below the standard for the grade in any respect, and those which are found to be smaller than the minimum size marked on the package.

3. In all of the grades specified in this section, the apples included in the face or shown surface shall fairly represent the size and quality of the apples in the package.

4. Every closed package containing apples grown in the state of Wisconsin which is sold, offered or exposed for sale, packed

for sale, or shipped for sale, shall bear upon the outside of one end in plain letters or figures, or both, the name and address of the person by whose authority the apples were packed, the true name of the variety, the grade of the apples therein contained when packed or repacked, and the minimum size or the numerical count of the fruit in the package, provided that apples packed in boxes may be branded Extra Fancy in lieu of Standard Fancy; Fancy in lieu of Standard A; "C" in lieu of Standard B. If the true name of the variety is not known to the packer or the person by whose authority the apples are packed or branded, then such variety shall be designated as "unknown". Every package of apples which is repacked shall bear the name and address of the person by whose authority it is repacked. The letters and figures used in marking or branding closed packages of apples under the provisions of this section shall be of a size not less than thirty-six point Gothic.

5. The marks and brands prescribed in this section may be accompanied by any additional marks or brands which are not inconsistent with or do not in any way obscure the marks and brands required by this act. Apples packed and branded in accordance with the United States apple grading law approved August third, nineteen hundred and twelve, shall be exempt from the provisions of this section.

6. The minimum size of the fruit in all grades, shall be determined by taking the transverse diameter of the smallest fruit in the package. Minimum sizes shall be stated in variations of one-fourth of an inch, as two inches, two and one-fourth inches, two and one-half inches, two and three-fourth inches, and so on.

7. No person may pack for sale, ship for sale, offer or consign for sale, or sell, in closed packages, any apples grown in this state which are not graded, packed and marked or branded in accordance with the provisions of this section and the regulations made hereunder, or closed packages of apples bearing any false statement, design, or devise regarding such apples within the meaning of this act.

8. Any person who violates any of the provisions of this section, or of the regulations promulgated hereunder, shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than fifty dollars for the first offense and not more than one hundred dollars for each subsequent offense; provided, that no person shall be prosecuted under this section who can establish by satisfactory

evidence that no part of the packing or branding of the apples concerned was done by him or under his authority and that he had no knowledge that they were not packed and branded in accordance with said provisions and said regulations.

9. The provisions of this section shall not apply to apples in closed packages which are held, stored or shipped to storage within the state, until the same are packed for sale, offered or consigned for sale, or shipped for sale.

10. The word "person" as used herein shall be construed to include individuals, corporations, partnerships and associations. The act, omission or failure of any official or employe of any person, when such official or employe is acting within the scope of his employment or office, shall, in every case, be deemed also the act, omission or failure of the person, as well as of the official or employe. The words "closed package" shall mean a box, barrel or other package, the contents of which cannot be easily inspected when such package is closed.

11. The enforcement of the provisions of this section shall be vested in the commissioner of Agriculture, and his officers, employes and agents are authorized to enter upon the premises of any person within this state for the purpose of inspecting packages of apples and securing evidence of violation of this section. and the said commissioner of Agriculture is hereby authorized and empowered to make, promulgate, and enforce such regulations as may be necessary for interpreting the grade specifications prescribed in this section, and for otherwise enforcing its provisions; provided, however, that any grades or classes of apples packed in closed packages, or any requirements for marking closed packages containing apples, mandatory as applying to interstate commerce which may hereafter be established by the authority of the congress of the United States shall forthwith, as far as applicable, be established and promulgated by the commissioner of Agriculture as the official grades, classes and marks for apples packed in closed packages in the state of Wisconsin.

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

Approved June 26, 1917.