

No. 332, A.]

[Published July 10, 1917.]

## CHAPTER 593

AN ACT to amend sections 1494c, 1494d, 1494e, 1494x—10, 1494x—12, 1494x—13, 1494x—16, 1494—13, 1494—14, 1494—15, 1494—18, 1494—31, 1494—32, 1494—32m, the first paragraph of subsection 1 and subsection 2 of section 1494—33, 1494—35, 1494—37, 1494—38, and 1494—38m; to create section 1494—19: to repeal paragraph (g) of subsection (3) of section 20.41, and subsections (3), (4) and (5) of section 20.60: and to create subsections (3) and (4) of section 20.60 of the statutes, transferring certain functions from the University of Wisconsin to the department of agriculture, and making appropriations.

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

SECTION 1. Sections 1494c, 1494d, 1494e, 1494x—10, 1494x—12, 1494x—13, 1494x—16, 1494—13, 1494—14, 1494—15, 1494—18, 1494—31, 1494—32, 1494—32m, the first paragraph of subsection 1 and subsection 2 of section 1494—33, 1494—35, 1494—37, 1494—38 and 1494—38m of the statutes are amended to read: Section 1494e. Every person who shall, in this state, sell or expose for sale any commercial fertilizer or any material used for fertilizing purposes, the price of which exceeds ten dollars per ton, shall affix to every package of such fertilizer or material, in a conspicuous place on the outside thereof, a plainly printed statement clearly and truly certifying the number of net pounds therein, name or trade-mark under which the article is sold, name of the manufacturer or shipper, place of manufacture, place of business of the manufacturer and of the following fertilizing constituents, namely: The percentage of nitrogen in an available form, of potash soluble in water and of available phosphoric acid, soluble and reverted, as well as total phosphoric acid. Every such person shall also file with the \* \* \* *commissioner of agriculture*, in the month of December in each year, a certified copy of such statement for every such fertilizer or material bearing a distinguishing brand or trade-mark and which he sells or exposes for sale, which copy shall, when required by such \* \* \* *commissioner*, be accompanied by a sealed glass jar or bottle containing at least one pound of such fertilizer or material, and an affidavit that such sample corresponds, within reasonable limits, to the fertilizer or material which it represents in the percentage of the aforesaid constituents, which affidavit shall apply to the remaining portion of the then calendar year. Additional brands of such fertilizer or ma-

terial may be offered for sale during the year, provided samples and affidavits are so filed at least one month before they are offered, in which case an analysis fee of double the usual amount must be paid. A deposit of the sample of *the* fertilizer shall be required by said \* \* \* *commissioner* unless the person selling or offering for sale a fertilizer or material within this section shall certify that its composition for the succeeding year is to be the same as given in the last previously certified statement, in which case the furnishing of a sample shall be at the discretion of said \* \* \* *commissioner*.

Section 1494d. Said \* \* \* *commissioner* shall analyze or cause to be analyzed all such samples and publish the results of such analyses in a bulletin or report on or before the first day of the next succeeding April. Every manufacturer, importer, agent or seller of any such fertilizer or material shall pay annually to said \* \* \* *commissioner* for each brand thereof sold within this state the sum of twenty-five dollars, and upon doing so and complying with the other provisions of law shall receive from him a certificate of such compliance, which shall be a license for the sale of each brand thereof within the state for the calendar year for which such fee is paid. \* \* \* Any person who shall sell or expose for sale any commercial fertilizer or material used for fertilizing purposes which is within the provisions of \* \* \* section 1494c without complying with the foregoing provisions or which contains a substantially smaller percentage of fertilizing constituents than are indicated by the printed statement thereon shall be punished by a fine of one hundred dollars for the first offense and of two hundred dollars for each subsequent offense.

Section 1494e. Said \* \* \* *commissioner* shall annually analyze or cause to be analyzed at least one sample of every fertilizer or material used for fertilizing purposes sold or exposed for sale under the two preceding sections and enforce their provisions by prosecuting or causing the prosecution of every person who shall violate them. He may in person or by deputy, on tendering the value thereof, take a sample, not exceeding two pounds, for said analysis from any lot or package of fertilizer or any material used for fertilizing purposes which may be in the possession of any manufacturer, importer, agent or dealer in this state; said sample shall be drawn in the presence of the person from whom taken or his representative, be taken from a parcel or a number of packages which shall not be less than ten per centum of the whole lot sampled, be thoroughly mixed and divided into two equal samples, placed in glass vessels and care-

fully sealed and a label placed on each, stating the name or brand of the fertilizer or material sampled, the name of the party from whose stock the sample was drawn, the time and place of such taking; said label shall be signed by the \* \* \* *commissioner* or his deputy and such person or his representative at the drawing and sealing of said samples; one of said duplicate samples shall be retained by the \* \* \* *commissioner* and the other by the party whose stock was sampled; the sample retained by the \* \* \* *commissioner* shall be for comparison with the certified statement named in section 1494c. The result of the analysis of the sample or samples so procured shall be reported to the person requesting the analysis and be published in a report or bulletin to be issued within a reasonable time.

Section 1494x—10. The enforcement of sections 1494x—1 to 1494x—16, inclusive, is hereby placed in the \* \* \* *department of agriculture* under the supervision of the \* \* \* *commissioner* and he is hereby empowered to appoint such inspectors and assistants as may be necessary to execute its provision.  
\* \* \*

Section 1494x—12. Samples of seed collected in the open market by the inspector and his assistants shall be tested as herein provided and the results of all such tests shall be published in bulletins of the \* \* \* *department of agriculture*, together with the names and post-office addresses of the persons, firms or corporations from which such samples were obtained.  
\* \* \*

Section 1494x—13. Guarantees of purity and viability shall be based upon tests made by the \* \* \* *department of agriculture* or by seed dealers or their agents, subject to retest and ratification by the \* \* \* *department of agriculture*, when it shall deem necessary. Dealers who are testing their own seeds shall be required to submit samples thereof to the \* \* \* *department of agriculture* for retesting upon demand of the inspector. Should the guarantees shown on the dealer's label not be substantially equivalent to the actual value of the seed, as determined by the \* \* \* *department of agriculture*, the dealer shall be subject to prosecution and penalty, as defined in section 1494x—15.

Printed standards of purity and germination of agricultural seeds and directions for making analyses of seeds shall be furnished by the \* \* \* *department of agriculture* upon request.

Section 1494x—16. A fee of twenty-five cents shall be paid

for each sample of seed sent to the \* \* \* *department of agriculture* for testing under the provisions of sections 1494x—1 to 1494x—16, inclusive. \* \* \*

Section 1494—13. Before any manufacturer, company or person shall sell, offer or expose for sale in this state any concentrated commercial feeding stuffs, he or they shall for each and every feeding stuff bearing a distinguishing name or trademark, file annually during the month of December with the \* \* \* *commissioner of agriculture* a certified copy of the statement specified in \* \* \* section 1494—12, said certified copy to be accompanied, when the \* \* \* *commissioner* shall so request, by a sealed glass jar or bottle containing at least one pound of the feeding stuff to be sold or offered for sale, and the company or person furnishing said sample shall also submit a satisfactory affidavit that said sample corresponds within reasonable limits to the feeding stuff which it represents, in the percentage of protein and fat which it contains.

Section 1494—14. Each manufacturer, importer, agent or seller of any concentrated commercial feeding stuffs, shall pay annually to the \* \* \* *commissioner of agriculture* a license fee of twenty-five dollars. Whenever a manufacturer, importer, agent or seller of concentrated commercial feeding stuffs desires at any time to sell such material and has not paid the license fee therefor in the preceding month of December, as required by this section, he shall pay the license fee prescribed herein before making any such sale. \* \* \* *The commissioner* shall report annually to the \* \* \* *state board of public affairs* the amount received and the expense incurred for salaries, laboratory expenses, chemical supplies, traveling expenses, printing and other necessary matters. Whenever the manufacturer, importer or shipper of concentrated commercial feeding stuffs shall have filed the statement required by section 1494—12, and paid the license fee as prescribed in this section, no agent or seller of such manufacturer, importer or shipper shall be required to file such statement or pay such fee.

Section 1494—15. The \* \* \* *commissioner of agriculture* shall annually analyze or cause to be analyzed, at least one sample to be taken in the manner hereinafter prescribed, of every concentrated commercial feeding stuff sold or offered for sale under the provisions of sections 1494—11 to 1494—18, inclusive. Said \* \* \* *commissioner* shall cause a sample to be taken, not exceeding two pounds in weight, for said analysis, from any lot or package of such commercial feeding stuff which may be in the possession of any manufacturer, importer, agent

or dealer in this state but said sample shall be drawn in the presence of the parties in interest, or their representatives and taken from a parcel or number of packages, which shall not be less than ten per centum of the whole lot sampled, and shall be thoroughly mixed, and then divided into equal samples, and placed in glass vessels, and carefully sealed and a label placed on each, stating the name of the party from whose stock the sample was drawn and the time and place of drawing, and said label shall also be signed by the person taking the sample, and by the party or parties in interest or their representative at the drawing and sealing of said samples; one of said duplicate samples shall be retained by the \* \* \* *commissioner* and the other by the party whose stock was sampled; and the sample or samples retained by the \* \* \* *commissioner* shall be for comparison with the certified statement named in section \* \* \* 1494—13. The result of the analysis of the sample or samples so procured, together with such additional information as circumstances advise, shall be published in reports or bulletins from time to time.

Section 1494—18. Whenever the \* \* \* *commissioner* aforesaid becomes cognizant of the violation of any of the provisions of sections 1494—11 to 1494—18, inclusive, he shall report such violations to the district attorney for the county in which such violation has occurred and said district attorney shall prosecute the party or parties thus reported; but there shall be no prosecution in relation to the quality of any concentrated commercial feeding stuff if the same shall be found substantially equivalent to the certified statement in section 1494—12.

Section 1494—31. No person, firm or company shall use or offer for use for public service in this state any stallion unless and until he shall have caused the name, description and pedigree of such stallion to be enrolled by the department of \* \* \* *agriculture*, and shall have procured a certificate of such enrollment from said department. The word "stallion" wherever used in this act shall be construed to include the word "jack."

Section 1494—32. 1. In order to obtain the enrollment certificate provided for in sections 1494—31 to 1494—39, inclusive, the owner of each stallion shall have the said stallion examined in a careful and thorough manner by a legally qualified veterinarian who shall charge for this service a just and reasonable fee not in excess of five dollars for each stallion examined, and shall forward to the department of \* \* \* *agriculture*, two dollars and an affidavit of soundness signed by the said legally qualified veterinarian, on a blank form furnished by said department, together with the original stud book certificate of registry

of the pedigree of the said stallion and any other necessary papers required to prove his breeding, identity and ownership. It is further provided that in cases of emergency the department of \* \* \* *agriculture* is authorized to grant temporary certificates of enrollment without a veterinarian's affidavit upon receipt of the owner's affidavit of soundness, on a blank form furnished by said department. Temporary enrollment certificates shall be valid only until a veterinary examination can reasonably be made.

2. The presence of any one of the following named diseases shall disqualify a stallion or jack for public service:

Cataract; amaurosis (glass eye); periodic ophthalmia (moon blindness).

Laryngeal hemiplegia (roaring or whistling).

Pulmonary emphysema (heaves, broken wind).

Chorea (St. Vitus' dance, crampiness, shivering, stringhalt).

Bone spavin; ringbone; sidebone; navicular disease.

Bog spavin; curb, with curby formation of hock.

Glanders, farcy; maladie du coit; urethral gleet; mange; melanosis; and the department of \* \* \* *agriculture* is hereby authorized to refuse its certificate of enrollment to any stallion or jack affected with any one of the diseases hereby specified and to revoke the previously issued enrollment certificate of any stallion or jack found on investigation by the department to be so affected.

Section 1494—32m. When a specific complaint signed by three responsible parties is made to the department of \* \* \* *agriculture* that a stallion is unsound and, on investigation an examination is by the department deemed necessary, such examination shall be made by a legally qualified graduate veterinarian deputized by the department; but the owner of the stallion shall have the right to employ a legally qualified and reputable graduate veterinarian to act with the veterinarian representing the department, and in case these two shall fail to agree they shall appoint a third graduate veterinarian to act as referee, and his decision shall be final.

(Section 1494—33) 1. The officers of the \* \* \* *department of agriculture* whose duty it shall be to examine and pass upon the merits of each pedigree submitted, shall use as their standard for action:

(Section 1494—33) 2. The said department of \* \* \* *agriculture* shall accept as pure bred and entitled to a license certificate as such, each stallion or jack for which a pedigree registry certificate is furnished bearing the signatures of the duly

authorized officers of one of the above-named American associations, societies, or companies.

Section 1494—35. 1. The enrollment certificate issued for a stallion whose sire and dam are of pure breeding and the pedigree of which is registered in a studbook recognized by the department of \* \* \* agriculture shall be in the following form:

\* \* \*

*Department of Agriculture*

CERTIFICATE OF PURE BRED STALLION, NO.....

The pedigree of the (breed)-----, stallion (name and number)-----owned by-----, P. O.----- Co.-----, (color and marks)-----, foaled in the year-----, has been examined by the department of \* \* \* agriculture and it is hereby certified that the said stallion is of pure breeding, and is registered in a studbook recognized by the said department.

The above-named stallion has been examined by-----, a legally qualified veterinarian, and by him found to be sound. Not good unless countersigned by

(Signature)

(Signature)

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*Commissioner of Agriculture*

*Director of Stallion*

*Enrollment Division*

Dated at Madison, Wisconsin, this----day of-----, 19----

2. The enrollment certificate issued for a stallion whose sire or dam is not of pure breeding shall be in the following form:

\* \* \*

*Department of Agriculture*

CERTIFICATE OF GRADE STALLION, NO.....

The pedigree of the grade (breed)----- stallion (name)-----, owned by-----, P. O.-----, Co.-----, (color and marks)-----, foaled in the year-----, sire or dam (name and number)-----, has been examined by the department of \* \* \* agriculture and it is found that the said stallion is not of pure breeding and is, therefore, not eligible for registration in any studbook recognized by the said department.

The above-named stallion has been examined by-----

a legally qualified veterinarian, and by him found to be sound.  
 Not good unless countersigned by

(Signature) (Signature)

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*Commissioner of Agriculture*

*Director of Stallion  
 Enrollment Division*

Dated at Madison, Wisconsin, this\_\_\_\_\_day of\_\_\_\_\_, 19\_\_

3. The enrollment certificate issued for a stallion whose sire and dam are pure bred, but not of the same breed, shall be in the following form:

• • •

*Department of Agriculture*

CERTIFICATE OF CROSS BRED STALLION, NO.\_\_\_\_\_

The pedigree of the (breed)\_\_\_\_\_, crossbred stallion (name)\_\_\_\_\_, owned by\_\_\_\_\_, P. O.\_\_\_\_\_ Co.\_\_\_\_\_, (color and marks)\_\_\_\_\_, foaled in the year\_\_\_\_\_, has been examined by the department of \* \* \* *agriculture* and it is found that his sire is registered in the \_\_\_\_\_ and his dam in the\_\_\_\_\_, and the said stallion is, therefore, not eligible for registration in any studbook recognized by the said department.

The above-named stallion has been examined by\_\_\_\_\_, a legally qualified veterinarian, and by him found to be sound.  
 Not good unless countersigned by

(Signature) (Signature)

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*Commissioner of Agriculture*

*Director of Stallion  
 Enrollment Division*

Dated at Madison, Wisconsin, this\_\_\_\_\_day of\_\_\_\_\_, 19\_\_

4. The enrollment certificate issued for a "nonstandard bred" stallion shall be in the following form:

• • •

*Department of Agriculture*

CERTIFICATE OF NONSTANDARD BRED STALLION,  
 NO.\_\_\_\_\_

The pedigree of the nonstandard (breed)\_\_\_\_\_, stallion (name) \_\_\_\_\_, owned by\_\_\_\_\_, P. O. \_\_\_\_\_, Co.\_\_\_\_\_, (color and marks)\_\_\_\_\_, foaled in the year\_\_\_\_\_, has been examined by the department of \* \* \* *agriculture* and it is found that the said stallion



is not eligible to registration as standard bred, and for the purposes of this certificate is not pure bred, although recorded in the nonstandard department of the American trotting register.

The above-named stallion has been examined by-----, a legally qualified veterinarian, and by him found to be sound. Not good unless countersigned by  
(Signature) (Signature)

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\* \* \*

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\* \* \*

*Commissioner of Agriculture*

*Director of Stallion  
Enrollment Division*

Dated at Madison, Wisconsin, this-----day of-----, 19--

5. The enrollment certificate for a stallion that has neither sire nor dam of pure breeding shall be in the following form:

\* \* \*

*Department of Agriculture*

CERTIFICATE OF MONGREL OR SCRUB STALLION,  
NO.-----

The breeding of the stallion (name)-----, owned by-----, P. O.-----, Co.-----, (color and marks)-----, foaled in the year-----, has been examined by the department of \* \* \* *agriculture* and it is found that the said stallion is of mongrel or scrub breeding and is therefore not eligible for registration in any studbook recognized by the said department.

The above-named stallion has been examined by-----, a legally qualified veterinarian, and by him found to be sound. Not good unless countersigned by  
(Signature) (Signature)

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\* \* \*

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*Director of Stallion  
Enrollment Division*

*Commissioner of Agriculture*

Dated at Madison, Wisconsin, this-----day of-----, 19--

Section 1494—37. A fee of two dollars shall be paid to the department of \* \* \* *agriculture* for the examination and enrollment of each pedigree and for the issuance of a certificate of enrollment, in accordance with the breeding of the stallion as above provided; and all enrollment certificates shall expire on the first of January of each year, following date of issuance, and must be renewed annually before the first of April following, and a fee of fifty cents shall be paid to the department of \* \* \* *agriculture* for said renewal of certificates. \* \* \*

Section 1494—38. Upon a transfer of the ownership of any stallion or jack enrolled under the provisions of sections 1494—31 to 1494—39, inclusive, the certificate of enrollment may be transferred to the transferee by the department of \* \* \* agriculture upon submittal of satisfactory proof of such transfer and upon payment of the fee of fifty cents; and a fee of fifty cents shall be paid for a duplicate license certificate issued where proof is given of loss or destruction of the original certificate.

Section 1494—38m. The department of \* \* \* *agriculture* shall keep an account of all moneys received and disbursed and shall make an annual report thereof *to the state board of public affairs.* \* \* \*

SECTION 2. A new section of the statutes is created, to be numbered 1494—19, and to read: Section 1494—19. The laboratories of the seed, feed, and fertilizer inspection services shall be located and maintained at the agricultural experiment station in the buildings occupied by the allied departments of the college of agriculture.

SECTION 3. Paragraph (g) of subsection (3) of section 20.41 and subsections (3), (4) and (5) of section 20.60 of the statutes are repealed.

SECTION 4. Two new subsections are added to section 20.60 of the statutes, to be numbered subsections (3) and (4) thereof, and to read: (20.60) (3) Annually, beginning July 1, 1917, four thousand five hundred dollars for seed inspection, as provided in sections 1494x—1 to 1494x—15, inclusive; and all inspection fees received by said department pursuant to said sections shall be paid within one week after receipt into the general fund, and are appropriated therefrom and added to this appropriation.

(20.60) (4) All moneys accruing to the state, or collected or received by any person for or in behalf of the department of agriculture in the execution of the several functions specified below, shall be paid within one week after receipt into the general fund, and are severally appropriated therefrom for the execution of said functions, respectively, viz.:

(a) For the examination and licensing of veterinarians as provided in sections 1492e—7 to 1492e—20, inclusive.

(b) For the regulation and inspection of nurseries and plants, as provided in sections 1494—1 to 1494—10i, inclusive.

(c) For the inspection, examination and analysis of insecticides and fungicides, as provided in sections 1494—10o to 1494—10w, inclusive.

(d) For the inspection of commercial fertilizers, and the licensing of dealers therein, as provided in sections 1494c, 1494d, and 1494e.

(e) For the inspection, examination and analysis of concentrated commercial feeding stuffs, and the licensing of dealers therein, as provided in sections 1494—11, 1494—11m, 1494—12, and 1494—13 to 1494—18, inclusive.

(f) For the regulation of the public service of stallions, as provided in sections 1494—31 to 1494—39, inclusive.

(g) For inspection and tuberculin testing of cattle for interstate shipment, as provided in subsection 4 of section 1492em.

(h) For furnishing inspection tags for cattle inspected for tuberculosis, as provided in subsection 8 of section 1492em.

SECTION 5. This act shall take effect on July 1, 1917.

Approved July 7, 1917.

No. 474, A.]

[Published July 10, 1917.]

## CHAPTER 594

AN ACT to repeal subdivision 4 of section 19 of chapter 549 of the laws of 1909 as amended by section 12 of chapter 425 of the laws of 1911; to create subdivisions 4, 5, and 6 of section 15, subdivision 3 of section 21, and subdivisions 3 and 4 of section 27 of chapter 549 of the laws of 1909; to amend of chapter 549 of the laws of 1909 subdivision 2 of section 5 as amended by section 1 of chapter 425 of the laws of 1911, subdivision 2 of section 15, subdivision 1 of section 19 as amended by section 10 of chapter 425 of the laws of 1911 and section 2 of chapter 320 of the laws of 1913, subdivisions 2 and 2n of section 19 as amended by section 11 of chapter 425 of the laws of 1911, subdivision 1 of section 21 as amended by section 13 of chapter 425 of the laws of 1911, subdivision 1 of section 24 as amended by section 2 of chapter 320 of the laws of 1913, subdivision 1 of section 27 as amended by section 19 of chapter 425 of the laws of 1911 and section 2 of chapter 320 of the laws of 1913, subdivision 2 of section 27, subdivision 1 of section 28 as amended by section 20 of chapter 425 of the laws of 1911 and section 2 of chapter 320 of the laws of 1913 and subdivision 2 of section 13, relating to the civil court of Milwaukee county.

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

SECTION 1. Subdivision 2 of section 5 of chapter 549 of the laws of 1909 as amended by section 1 of chapter 425 of the