

elevators and warehouses located in said city which are required to take out licenses under the provisions of this act. For the purpose of making such inspection, weighing and grading of grain, said commission shall have the power, and it shall be their duty to appoint a chief inspector and one or more deputy inspectors, a weighmaster and one or more deputy weighmasters, and to adopt and publish rules and regulations governing the inspection, weighing and grading of grain delivered into or shipped out of any and all such elevators and warehouses in said city. And there is further granted to said commission full power and authority to make such further regulations as will enable them to fully comply with all the provisions of this act, including the granting of licenses to elevators and warehouses hereinafter provided for, and the establishment and collection of charges and fees for the inspection, weighing and grading of the grain.

2. *The commission may, upon request, enforce reasonable regulations for the weighing of cars of coal offered for shipment in carload lots and may direct any deputy weighmaster to weigh coal in carload lots on the docks within the territory under its jurisdiction, except coal shipped by any person, firm or corporation for its own use or consumption, and issue weighing certificates therefor, and to inspect and supervise scales therefor. The commission shall fix a fee for any such services, and such fee and all expenses incurred by the commission in complying with such request shall be paid by the person, firm or corporation making the request therefor.*

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

Approved May 1, 1913.

No. 77. A.]

[Published May 5, 1913.]

## CHAPTER 165.

AN ACT to create sections 1791n—9, 1791n—10, 1791n—11 and 1791n—12 of the statutes, relating to discrimination in the selling and buying of commodities, and providing a penalty.

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

SECTION 1. There are added to the statutes four new sections to read: Section 1791n—9. 1. Any person, firm, or corporation, foreign or domestic, doing business in this state and engaged in the production, manufacture or distribution of any commodity in general use, that shall intentionally, for the purpose of destroying the competition of any regular, established

dealer in such commodity or to prevent competition of any person who, in good faith, intends or attempts to become such dealer, discriminate between different sections, communities, or cities of this state, by selling such commodity at a lower rate in one section, community, or city, or any portion thereof, than such person, firm, or corporation, foreign or domestic, charges for such commodity in another section, community, or city, after making due allowance for the difference, if any, in the grade or quality and in the cost of transportation from the point of production, if a raw product, or from the point of manufacture, if a manufactured product, shall be deemed guilty of unfair discrimination, which is hereby prohibited and declared unlawful.

2. Any person, firm, company, association or corporation, and any officer, agent or receiver of any firm, company, association or corporation, or any member of the same, or any individual violating any of the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than two hundred dollars, nor more than five thousand dollars for each offense, or by imprisonment in the county jail not to exceed one year, or by both such fine and imprisonment.

Section 1791n—10. 1. Any person, firm, company, association or corporation, foreign or domestic, doing business in this state and engaged in the business of collecting or buying any product, commodity or property of any kind, that shall intentionally, for the purpose of injuring or destroying the business or trade of a competitor in any locality, or to prevent competition by any person who in good faith intends or attempts to engage in such business, discriminate between the different sections, communities, or cities of this state, or between persons, firms, associations or corporations in any locality, by buying any product, commodity or property of any kind, and paying therefor a higher rate or price in one section, community, or city, or to any person, firm, association or corporation than is paid for the same kind of product, commodity or property by said person, firm, company, association or corporation, foreign or domestic, in another section, community or city, or to another person, firm, association or corporation, after making due allowance for the difference, if any, in the grade or quality and in the actual cost of the transportation from the point where the same is purchased to the market where it is sold, or intended to be sold, shall be deemed guilty of unfair discrimination, which is hereby prohibited and declared unlawful.

2. Any person, firm, company, association or corporation, and any officer, agent or receiver of any firm, company, association

or corporation, or any member of the same, or any individual violating any of the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than two hundred dollars nor more than five thousand dollars for each offense, or by imprisonment in the county jail not to exceed one year, or by both such fine and imprisonment.

Section 1791n—11. The attorney-general shall institute, manage, control, and direct, by himself, his deputy or any of his assistants, in the proper county, all prosecutions for violations of sections 1791n—9 and 1791n—10 and for such purpose shall have and exercise all powers conferred upon district attorneys in such cases. It shall be the duty of the district attorney in the county in which any such prosecution may be instituted or pending to cooperate with and assist the attorney-general in such prosecution.

Section 1791n—12. If complaint shall be made to the attorney-general that any corporation is guilty of unfair discrimination, as defined by the provisions of section 1791n—9 or 1791n—10, he shall investigate such complaint and for that purpose he may subpoena witnesses, administer oaths, take testimony and require the production of books or other documents, and, if in his opinion sufficient grounds exist therefor, he may prosecute an action in the name of the state in the proper court to annul the charter or revoke the permit of such corporation, as the case may be, and to permanently enjoin such corporation from doing business in this state, and if in such action the court shall find that such corporation is guilty of unfair discrimination, as defined by the provisions of said section 1791n—9 or 1791n—10, such court shall annul the charter or revoke the permit of such corporation, and may permanently enjoin it from transacting business in this state.

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

Approved May 2, 1913.

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