

as provided in section 1463 of the statutes, the claim of the Glenwood Inter-County Fair Association for state aid for the year 1910, and shall audit the claim of said fair association for state aid each year hereafter that said fair association shall comply with the provisions of said section 1463.

2. There is appropriated out of any moneys in the state treasury not otherwise appropriated an amount sufficient to cover the amount of the claims of said fair association.

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

Approved July 5, 1911.

No. 614, S.]

[Published July 7, 1911.

CHAPTER 565.

AN ACT relating to the conference of governors, and making an appropriation therefor.

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

SECTION 1. The governor of the state of Wisconsin is hereby authorized to attend and represent the state of Wisconsin at any and all conferences of governors, and to make such arrangements as he may deem necessary for the state of Wisconsin to bear its share of the expenses of such conferences.

SECTION 2. A sum sufficient to carry out the provisions of this act is hereby appropriated out of any money in the state treasury not otherwise appropriated, not exceeding the sum of one thousand dollars.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved July 5, 1911.

No. 113, S.]

[Published July 7, 1911.

CHAPTER 566.

AN ACT to amend sections 1658, 1659, 1660, and 1661; repeal sections 1662 and 1664; create new sections 1662 and 1664; amend sections 1665 and 1666; create new sections 1666a and 1666b; amend sections 1668 and 4432; and create section 1670b of the statutes, all relating to weights and measures, and making an appropriation therefor.

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

SECTION 1. Sections 1658, 1659, 1660, and 1661 of the statutes are amended to read: Section 1658. The weights and

measures and the scales and beams, received from the United States under a resolution of congress, approved June 14th, 1836, and such new weights and measures and scales and beams in addition thereto or in renewal thereof, and such as shall be made under the direction of the new state * * * superintendent of weights and measures in conformity therewith, and certified to by the national bureau of standards * * *, shall * * * be the * * * state standards.

Section 1659. 1. * * * The dairy and food commissioner shall be * * * ex officio state * * * superintendent of weights and measures. The superintendent may appoint, subject to the rules of the state civil service commission a chief inspector of weights and measures, who shall receive an annual compensation of sixteen hundred dollars, and necessary traveling expenses, and one stenographer for the office of weights and measures, with an annual salary of twelve hundred dollars. The dairy and food commissioner may appoint not more than five additional dairy and food inspectors, at a salary of not to exceed twelve hundred dollars per year and necessary traveling expenses.

2. He shall take charge of the standards adopted by section 1658 as the standards of the state; cause them to be kept in a fire-proof building belonging to the state, from which they shall not be removed except for repairs or for certification; and take all other necessary precautions for their safe-keeping. He shall maintain the state standards in good order and shall submit them once in ten years to the national bureau of standards for certification. He shall keep a seal which shall be so formed as to impress the letters "Wis." upon the weights and measures, scales, and beams sealed by him, * * * and he shall correct the standards of the several cities, and as often as once in five years, compare the same with those in his possession, and shall seal the same when tried and proved to be in conformity to the state standards * * *.

3. He shall have and keep a general supervision of the weights and measures and the weighing and measuring devices of the state, and in use in the state. He or his inspectors by his directions shall, upon the written request of any citizen, firm, or corporation, or educational institution of the state, test or calibrate weights, measures, weighing or measuring devices, and instruments or apparatus used as standards in this state.

4. He, or his inspectors by his direction, shall at least once annually test all scales, weights, and measures used in checking the receipt or disbursement of supplies in every institution under the jurisdiction of the state board of control. And he shall report in writing his findings to such board of control and to the

executive officer of the institution concerned; and at the request of such officer, the superintendent of weights and measures shall appoint in writing one or more employces, then in the actual service of such institution, who shall act as special deputies for the purpose of checking the receipt and disbursement of supplies.

5. He shall keep a complete record of the standards, balances, and other apparatus belonging to the state and take receipt for same from his successor in office. He shall annually, during the second week of January, make to the governor a report of the work done by his office. The state superintendent, or his deputy or inspectors by his direction, shall inspect all the standards used by the cities at least once in each two years and shall keep a record of the same.

6. He, or his inspectors by his direction, shall at least once in each two years visit the various cities of the state in order to inspect the work of the local sealers; and in the performance of such duties, he or his inspectors by his direction may inspect the weights, measures, balances, or any weight or measuring appliance of any person, firm, or corporation and shall have the same powers as the local sealer of weights and measures. The superintendent of weights and measures shall issue from time to time, regulations for the guidance of all sealers, and the said regulations shall govern the procedure to be followed by the aforesaid officers in the discharge of their duties. In said regulations he shall prescribe the amount of tolerance to be allowed.

7. He shall be provided with necessary postage and shall be provided by the superintendent of public property with a suitable room or rooms, necessary office and laboratory furniture and appliances, supplies, stationery, books, and periodicals. * * *

Section 1660. The * * * common council of each city appointing a sealer under section 1661 shall procure at the expense of the * * * city and shall keep at all times a complete set of weights and measures, scales, and beams in exact conformity to the state * * * standards, except that they may be made of such * * * materials as * * * the superintendent of weights and measures may direct; all such weights and measures, scales, and beams having been tried and accurately proved by him shall be sealed and certified to by the state * * * superintendent of weights and measures, and shall then be deposited with and preserved by the * * * city sealer as public standards * * *. Whenever the * * * common council of such city shall neglect for six months so to do, the * * * city clerk, on notification and request by the * * * superintendent of weights and measures, shall

provide such standards and cause the same to be so tried, proved, sealed, certified, and deposited at the expense of the * * * city.

Section 1661. 1. * * * *There shall be * * * a city * * * sealer of weights and measures * * * in all cities having a population of more than five thousand inhabitants according to the last official state or United States census. who shall be appointed by the mayor from a list to be furnished by the state or local civil service board and under the rules of said board. He shall be paid a salary to be fixed by the board or body authorized to fix the salaries of city officials, and shall be provided with suitable office quarters in said city, and no fees shall be charged by him or by the city for inspection or testing of weights, measures, or weighing or measuring devices.*

2. *Where not otherwise provided by law, the city sealer shall within his city inspect, test, try, and ascertain if they are correct, all weights, scales, beams, measures of every kind, instruments, or mechanical devices for measurement, and tools, appliances, or accessories connected with any or all such instruments or measurements, used or employed within the city by any proprietor, agent, lessee, or employee in determining the size, quantity, extent, area, or measurement of quantities, things, produce, articles for distribution, or consumption, offered or submitted by such person or persons for sale, for hire, or award.*

3. *He shall, at least once in each year or as much oftener as he may deem necessary, see that all weights, measures, and weighing and measuring apparatus used in the city are correct. He may for the purpose above mentioned, and in the general performances of his official duties, with or without formal warrant, enter or go in or upon any stand, place, building, or premises; or may stop any vendor, peddler, junk dealer, coal wagon, ice wagon, or any dealer whatsoever, for the purpose of making the proper tests.*

4. *Whenever the city sealer finds a violation of the statutes relating to weights and measures, he shall cause the violator to be prosecuted. Whenever the sealer compares weights and measures and finds that they correspond or causes them to correspond with the standards in his possession, he shall seal or mark the same with appropriate devices to be approved by the state superintendent of weights and measures. The sealer shall condemn and seize and may destroy incorrect weights and measures and weighing or measuring instruments which can not be repaired; and such as are incorrect and yet may be repaired, he shall mark or tag as "condemned for repairs" in a manner prescribed by the state superintendent of weights and measures.*

5. *The city sealer shall keep a complete record of the work done by him and shall make an annual report to the mayor, and an annual report duly sworn to, not later than the first of December to the state superintendent of weights and measures.*

6. *The city sealer of weights and measures shall forthwith on his appointment give a bond, with surities to be approved by the appointing power, for the faithful performance of the duties of his office and for the safety of the local standards and appliances for verification as are committed to his charge and for the surrender thereof immediately to his successor in office or to the person appointed by the proper authority to receive them.*

(Am. 1911, ch. 664, s. 123.)

7. *Nothing contained in sections 1658 to 1670a, inclusive, shall be construed as prohibiting cities subject to the provision of this section from enforcing ordinances regulating weights and measures, heretofore or hereafter enacted not in conflict with said sections or the regulations of the superintendent of weights and measures issued in pursuance thereof.*

SECTION 2. Sections 1662 and 1664 of the statutes are repealed.

SECTION 3. There are added to the statutes two new sections to read: Section 1662. In all territory within this state, except cities subject to the provisions of section 1661, the inspectors of weights and measures appointed under subsection 1 of section 1659 and such assistant dairy and food commissioners and such cheese factory, dairy and food inspectors and such creamery and dairy and food inspectors as may from time to time be designated by the superintendent of weights and measures shall act, *ex officio*, as sealers of weights and measures, with like authority, powers, and duties as prescribed for city sealers in subsections 2 to 5, inclusive, of section 1661.

Section 1664. 1. There is hereby conferred upon the state superintendent of weights and measures, his inspectors, and all sealers of weights and measures, police power; they shall be provided by the superintendent of weights and measures with suitable badges or insignia of authority and in the exercise of their functions shall exhibit the same, upon demand, to any person questioning their powers, and they are hereby empowered and authorized to make arrests, with or without formal warrant, of any person or persons violating the provisions of any statute relating to weights and measures.

2. Whoever in any manner whatsoever impersonates or hinders the state superintendent of weights and measures or any inspector or any sealer of weights and measures, in the perform-

ance of their official duties shall be punished by a fine of not less than ten nor more than one hundred dollars.

SECTION 4. Sections 1665 and 1666 of the statutes are amended to read: Section 1665. 1. * * * *Whenever any of the articles or commodities mentioned in this section shall be sold by the bushel, or fractional part thereof, and no special agreement as to * * * weight thereof made shall be made in writing, the measure thereof shall be ascertained by avoirdupois weight, and shall be computed as follows:*

2. Sixty pounds for a bushel of wheat, peas, potatoes, clover seed, or beans;

3. Fifty-seven pounds for a bushel of onions;

4. Fifty-six pounds for a bushel of Indian corn, rye, lima beans, wrinkled peas, flax-seed, * * * rutabagas, or tomatoes;

5. Fifty-four pounds for a bushel of sweet potatoes;

6. Fifty pounds for a bushel of corn meal, rape seed, millet seed, beets, green cucumbers, apples, rye meal, carrots, buckwheat, hickory nuts, or fine salt;

7. Forty-eight pounds for a bushel of barley or Hungarian grass seed;

8. *Fourteen pounds for a bushel of blue grass seed or red top seed;*

9. *Forty-six pounds for a bushel of castor beans;*

10. Forty-five pounds for a bushel of timothy seed or rough rice;

11. Forty-four pounds for a bushel of hemp seed, parsnips, or sea island cotton seed;

12. Forty-two pounds for a bushel of turnips;

13. *Thirty-five pounds for a bushel of cranberries;*

14. Thirty-four pounds for a bushel of barley malt;

15. Thirty-three pounds for a bushel of dried peaches;

16. Thirty-two pounds for a bushel of oats;

17. Thirty pounds for a bushel of upland cotton seed;

18. Twenty-five pounds for a bushel of dried apples;

19. Twenty pounds for a bushel of bran or shorts;

20. Seventy pounds for a bushel of coarse salt or lime;

21. Eighty pounds for a bushel of unslaked lime;

22. Eight pounds for a bushel of plastering hair;

23. And two thousand two hundred pounds for a cord of hemlock bark;

24. *For a fractional part of a bushel a like fractional part of the above weights shall be required.*

25. *All dry commodities not otherwise specified in this act shall be bought or sold only by standard dry measures, standard*

weight, or numerical count except where parties otherwise agree in writing.

(Am. 1911, ch. 664, s. 123.)

Section 1666. The bushel in * * * *struck* measure shall contain two thousand one hundred fifty and forty-two hundredths cubic inches. The half bushel and the parts thereof shall correspond in capacity to that of the bushel and shall be the standard measure for fruits, *vegetables*, and other dry commodities customarily sold by heaped measure; and in measuring such commodities, the half bushel or other smaller measure shall be heaped as high as may be without special effort or design.

SECTION 5. There are added to the statutes two new sections to read: Section 1666a. I. Bottles used for the sale of milk and cream shall be of the capacity of half gallon, three pints, one quart, one pint, half pint, one gill, filled full to the bottom of the lip. The following variations on individual bottles or jars may be allowed, but the average contents of not less than twenty-five bottles selected at random from at least four times the number tested must not be in error by more than one-quarter of the tolerances: six drams above and six drams below on the half gallon; five drams above and five drams below on the three-pint; four drams above and four drams below on the quart; three drams above and three drams below on the pint; two drams above and two drams below on the half pint; two drams above and two drams below on the gill. Bottles or jars used for the sale of milk shall have clearly blown or otherwise permanently marked in the side of the bottle, the capacity of the bottle and the word "Sealed" and in the side or bottom of the bottle the name, initials or the trade mark of the manufacturer and designating number, which designating number shall be different for each manufacturer and may be used in indentifying the bottles. The designating number shall be furnished by the state superintendent of weights and measures upon application by the manufacturer, and upon filing by the manufacturer of a bond in the sum of one thousand dollars with sureties to be approved by the attorney general, conditioned upon their conformance with the requirements of this section. A record of the bonds furnished, the designating numbers, and to whom furnished, shall be kept in the office of the superintendent of weights and measures.

2. Any manufacturer who sells milk or cream bottles to be used in this state that do not comply as to size and markings with the provisions of this section shall suffer the penalty of five hundred dollars, to be recovered by the attorney general in an action against the offender's bondsmen, to be brought in the

name of the people of the state. Any dealer who uses, for the purpose of selling milk or cream, jars or bottles purchased after this law takes effect that do not comply with the requirements of this section as to markings and capacity, shall be deemed guilty of using false or insufficient measure.

3. Sealers of weights and measures are not required to seal bottles or jars for milk or cream marked as in this section provided, but they shall from time to time make tests on individual bottles used by the various firms in the territory over which they have jurisdiction, in order to ascertain whether the above provisions are being complied with, and they shall report violations found immediately to the superintendent of weights and measures.

(Am. 1911, ch. 664, s. 123.)

Section 1666b. It shall be unlawful to sell or offer to sell in this state any coal, charcoal, or coke in any other manner than by weight. No person, firm, or corporation shall deliver any coal, charcoal, or coke without each such delivery being accompanied by a delivering ticket and a duplicate thereof, on each of which shall be in ink, or other indelible substance, distinctly expressed in pounds, the gross weight of the load, the tare of the delivery vehicle, and the quantity, or quantities of coal, charcoal, or coke, contained in the cart, wagon, or other vehicle used in such deliveries, with the name of the purchaser thereof, and the name of the dealer from whom purchased. One of these tickets shall be surrendered to the sealer of weights and measures upon his demand, for his inspection, and this ticket or weight slip issued by the sealer when the sealer desires to retain the original shall be delivered to said purchaser of said coal, or his agent or representative, at the time of the delivery of the fuel; and the other ticket shall be retained by the seller of the fuel. When the buyer carries away the purchase, a delivery ticket showing the actual number of pounds delivered over to the purchaser must be given to the purchaser at the time the sale is made.

SECTION 6. Section 1668 and 4432 of the statutes are amended to read: Section 1668. 1. A barrel shall contain thirty-one and one-half gallons, and the hogshead two barrels;

* * *

2. A liquid gallon, two hundred thirty-one cubic inches;

3. A barrel of flour measured by weight shall contain one hundred ninety-six pounds;

4. A barrel of potatoes, one hundred and seventy-two pounds.

5. A barrel of unslaked lime, two hundred pounds.

6. *The standard barrel for * * * apples or pears or other fruit * * *, unless otherwise specifically defined, shall have an interior capacity of seven thousand and fifty-six cubic inches, and shall not be less than twenty-six inches between the heads inside; the diameter of the heads shall be seventeen and one-eighth inches, including the beveled edge; the outside bilge or circumference shall be not less than sixty-four inches, the thickness of the staves being four-tenths of an inch; provided, however, that any barrel of a different form but of an interior capacity of seven thousand and fifty-six cubic inches shall be a legal barrel.*

7. *The * * * standard barrel for cranberries shall measure not less than twenty-five and one-quarter inches between the heads inside; the diameter of the head shall be sixteen and one quarter inches, including the beveled edge; the outside bilge, or circumference, shall measure not less than fifty-eight and one-half inches, the thickness of the staves being four-tenths of an inch. But any barrel of different form, but of the same interior capacity shall be considered a legal * * * barrel.*

* * *

8. *A bushel crate for apples, pears, plums, peaches, and other fruits not secondarily contained in quart or other boxes within such crate, shall have an interior capacity of one bushel heap measure.*

9. *A bushel crate of cranberries or blueberries shall have an interior capacity of one bushel struck measure.*

10. *All sales of blackberries, blueberries, cranberries, currants, gooseberries, raspberries, cherries, strawberries, and similar berries in packages of less than one bushel shall be by the quart, pint, or half-pint dry measure, and all berry boxes sold, used, or offered for sale within the state shall be of the interior capacity of not less than one quart, pint, or half pint dry measure. Any person violating the provisions of this paragraph shall be punished by a fine of not less than five nor more than fifty dollars and by confiscation of the illegal boxes or packages and of the fruit therein contained.*

11. ** * * Every manufacturer of apple barrels or cranberry barrels shall stamp or brand his name with the letters "W. S." on the outside in plain and conspicuous letters, at least two inches in height, to indicate that such barrel is of the Wisconsin standard size of barrel.*

12. *Any person selling apples, pears, cranberries, or other fruit in barrels of less capacity than is herein provided for shall be liable to the purchaser in damages * * * for three times*

the amount of the shortage therein; and any person who shall stamp or brand * * * any such barrel of less capacity than is herein prescribed, with the letters "W. S." shall forfeit not less than five, nor more than twenty-five dollars for each offense.

13. All contracts for the sale of *apples, pears, cranberries, or other fruits* by the barrel or crate, unless it is otherwise * * * * expressly stipulated shall be construed to mean barrels or crates of the capacity herein prescribed.

14. *It shall be and is hereby declared unlawful for any person or persons to bring, transport, or convey into the state, or to sell, offer to sell, or otherwise dispose of for profit, any apples, pears, plums, blackberries, blueberries, cherries, cranberries, gooseberries, raspberries, strawberries, or other fruits, except the first sale within the state in the original packages, unless the crates, boxes, barrels, or packages wherein the same are contained shall be of the full interior capacity required for sale in the state to comply with all the provisions of this section as fully and completely as if the said packages had been packed, and the said fruit grown in Wisconsin. Any person violating the provision of this paragraph shall be punished by a fine of not less than twenty-five nor more than fifty dollars and by confiscation of the illegal crates, boxes, barrels, or packages and of the fruit therein contained.*

Section 4432. Any person, who, *by himself or by his servant or agent or as the servant or agent of another, shall * * * use or retain in his possession any false weight or measure or any weight or measure or weighing or measuring device to be used in the buying or selling of any commodity or thing which has not been sealed by a scaler of weights and measures within one year * * * ; or any person who, by himself or by his servant or agent or as the servant or agent of another, shall sell or offer or expose for sale or keep for the purpose of sale, less than the quantity he represents; or who by himself, or by his servant or agent or as the servant or agent of another, shall use any false weight or measure in buying or selling any commodity or thing, or shall sell or offer or expose for sale or keep for the purpose of sale any commodity in a manner contrary to law; or any person, who, by himself or by his servant or agent or as the servant or agent of another, shall sell or offer to sell or have in his possession for the purpose of selling, any device or machine to be used or calculated to falsify any weight or measure, shall be punished by imprisonment in the county jail not more than three months or a fine of not more than two hundred dollars, upon a first conviction; but, upon a second or subsequent*

conviction, he shall be punished by imprisonment in the county jail not more than one year, or by a fine of not more than five hundred dollars, or both in the discretion of the court; or any person who wilfully with intent to cheat or defraud the buyer or seller of electric current, gas, water, or steam shall make or cause to be made or aid in the making of any electric conductor, gas pipe, water pipe, steam pipe, or other instrument or contrivance or any connection as to conduct or supply or intended to conduct or supply electric current, gas, water, or steam to any lamp or motor or machine or burner or orifice or appliance from which such electricity, gas, water, or steam may be consumed or utilized without passing through or being registered by a meter, or any person who shall wilfully use a false meter for the measurement of electric current, gas, water, or steam in the buying or selling of the same, or who shall wilfully obstruct or interfere with the working of any meter used for such purposes, so as to cause or be intended to cause a false registration of the amount of electric current, water, gas, or steam consumed with the intent to cheat or defraud the seller or buyer of such electric current, gas, water, or steam, shall be punished by imprisonment in the county jail not more than one year or by a fine not exceeding five hundred dollars; but in case the amount of damages occasioned by such cheat or fraud shall not exceed twenty dollars, he shall be punished by imprisonment in the county jail not more than three months or by fine not exceeding one hundred dollars, and in computing the amount of damages occasioned, the value of such electric current, water, gas, or steam shall be the regular current price therefor, charged to the consumer by the seller thereof. *But nothing contained in sections 1658 to 1670, inclusive, shall prohibit the use by any person, or by his servant or agent in good faith, of any unsealed weight or measure or weighing or measuring device purchased or acquired by such person after the last visit of a sealer to such person for the purpose of inspection and sealing of weights and measures or any sealed weight or measure or weighing or measuring device in his possession after the expiration of one year next after the last inspection and sealing thereof, provided the said person shall have notified the city sealer in cities subject to the provisions of section 1661, or the superintendent of weights and measures, respectively, in writing, signed by said person, of the fact that he has such weight or measure or weighing or measuring device, giving the number thereof and a general description of the same, and the place where the same may be found for the purpose of inspection, and shall have received a written acknowledgement*

of said notice, signed by such city sealer or superintendent of weights and measures.

(Am. 1911, ch. 664, s. 123.)

SECTION 7. There is added to the statutes a new section to read: Section 1670b. Except as otherwise provided by law there is hereby appropriated out of any money in the state treasury not otherwise appropriated a sum sufficient to carry out the provisions of sections 1658 to 1670a, inclusive, such expenditure to be audited under proper vouchers duly certified by the superintendent of weights and measures; but the salaries and expenses of city sealers shall be paid from the city treasuries, respectively.

SECTION 8. Until the first day of January, nineteen hundred and twelve, nothing contained in this act shall prevent the use, sale, or disposal of crates, boxes, barrels, cream jars and bottles, or packages heretofore lawfully purchased or acquired but not conforming to the standards fixed by section 1668 of the statutes as herein amended.

SECTION 9. Nothing contained in section three of this act shall interfere with present incumbents of any office in a department of bureau of weights and measures heretofore created and presently existing in any city of the first class.

(Am. 1911, ch. 664, s. 123.)

SECTION 10. This act shall take effect and be in force from and after its passage and publication.

Approved July 5, 1911.

No. 472, S.]

[Published July 7, 1911.

CHAPTER 567.

AN ACT to create the Wisconsin memorial park commission; to authorize the setting aside of a portion of Camp Randall to be used as a memorial park; and to make an appropriation therefor.

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

SECTION 1. The governor shall, on or before the fifteenth day of July, A. D. 1911, appoint three commissioners, each of whom shall have served in the civil war, who shall constitute a commission to be known as the Wisconsin memorial park commission.

SECTION 2. It shall be the duty of, and said commission is authorized to set aside a portion of Camp Randall to be used as a memorial park. Such park shall include a portion of Camp Randall not to exceed twenty-five rods square and shall be lo-