

him in his official capacity or employment, or in any public or official service, or who shall make any contract or pledge, or contract any indebtedness or liability, or do any other act in his official capacity, or in any public or official service not authorized or required by law, or who shall make any false statement, certificate, report, return or entry in any book of accounts or of records in respect to anything done or required to be done by him officially, or in any public or official service, or who shall ask, demand, or exact for the performance of any service or duty imposed upon him by law any greater fee than is allowed by law for the performance of such service or duty, shall be punished by imprisonment in the county jail not more than one year, or in the state prison not more than five years, or by fine not exceeding five hundred dollars; but the provisions of this section shall not apply to the designation of public depositories for public funds, nor to the publication of legal notices required to be published by any town, village or county, or by any town, village or county officer, at a rate not higher than that prescribed by law, nor to contract for the sale of printed matter or any other commodity, not exceeding one hundred dollars in any one year, *nor to any notes, orders, warrants or other instruments representing an interest in, or secured by, any fund consisting in whole or part of taxes in the process of collection, tax sale certificates or tax titles, when such notes, orders, warrants or other instruments shall have been issued in payment of salary or other obligations due to such officer, agent or employe.* Any contract, to which the state or any county, city, village, town or school district is a party, entered into in violation of the provisions of this section, shall be absolutely null and void and the state, county, city, village, town or school district shall incur no liability whatever thereon.

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

Approved June 9, 1933.

No. 251, A.]

[Published June 10, 1933.

### CHAPTER 225.

AN ACT to repeal subsections (1) and (3) of section 168.097; to renumber subsections (2) and (4) thereof to be respectively subsections (4) and (5) of said section; and to create subsections (1), (2), (3) and (6) of section 168.097 of the statutes,

relating to liquid fuels, lubricating oils, greases and similar products, and providing a penalty.

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

SECTION 1. Subsections (1) and (3) of section 168.097 of the statutes are repealed.

SECTION 2. Subsections (2) and (4) of section 168.097 of the statutes are renumbered to be respectively subsections (4) and (5) of said section.

SECTION 3. Four new subsections are added to section 168.097 of the statutes to be numbered and to read: (168.097) (1) It shall be unlawful for any person to:

(a) Store, sell, expose for sale, or offer for sale, any liquid fuels, lubricating oils, greases, or other similar products, in any manner whatsoever which deceives, tends to deceive, or has the effect of deceiving the purchaser as to the nature, quality, or identity of the product so sold or offered for sale; or

(b) Store, keep, expose for sale, offer for sale, or sell, in or from any container, tank, pump, or other distributing device or equipment, any other liquid fuels, lubricating oils, greases, or other similar products, than those manufactured or distributed by the manufacturer or distributor, indicated by the name, trade name, symbol, sign, or other distinguishing mark or device, appearing upon the tank, container, pump, or other distributing equipment in which the same are sold, offered for sale, or distributed; or

(c) Imitate the design, symbol, emblem, color scheme, trade name, trade-mark or markings of any buildings or equipment of any other marketer of liquid fuels, lubricating oils, greases or other similar products, except with the written consent of such marketer, where such imitation may deceive, tend to deceive, or have the effect of deceiving the purchaser as to the nature, source, quality, or identity of the product sold, or offered for sale; or

(d) Expose for sale, offer for sale, or sell under any trade-mark, trade name, or name or other distinguishing mark, any liquid fuels, lubricating oils, greases, or other like products, other than those manufactured or distributed by the manufacturer or distributor marketing liquid fuels, lubricating oils, greases, or other like products, under such trade-mark, trade name, or name or other distinguishing mark; or

(e) Mix, blend, or compound the liquid fuels, lubricating oils, greases or similar products of a manufacturer or distributor with the product of any other manufacturer or distributor or adulterate the same and expose for sale, offer for sale, or sell the same under the trade-mark, trade name, name or other distinguishing mark of either of said manufacturers or distributors or as the unadulterated product of such manufacturers or distributors; provided, however, that nothing herein shall be construed to prevent the lawful owner thereof from applying its own trade-mark, trade name, or symbols to any product or material; or

(f) Aid or assist any other person in the violation of the provisions of this section by depositing or delivering into any tank, receptacle, or other container, any liquid fuels, lubricating oils, greases, or like products, other than those intended to be stored therein and distributed therefrom, as indicated by the name of the manufacturer or distributor or the trade-mark, trade name, or distinguishing mark, of the product displayed on the container itself, or on the pump, or other distributing device used in connection therewith, or by any other means aid or assist another in the violation of any of the provisions of this section.

(2) Any person violating any provisions of subsection (1) shall be deemed guilty of a misdemeanor, and upon conviction thereof for a first offense, shall be punished by a fine of not more than two hundred dollars or by imprisonment for not more than thirty days, or both, and for a second or subsequent offense, by a fine of not less than two hundred dollars nor more than five hundred dollars, or by imprisonment for not more than one year, or by both such fine and imprisonment.

(3) The term "person" as used in this section shall include every natural person, firm, copartnership, association or corporation. If any firm, copartnership, association or corporation shall commit a misdemeanor according to the provisions of this section, every director, officer, agent, employee or member participating in, aiding, or authorizing the acts constituting such misdemeanor shall also be guilty of having committed a misdemeanor hereunder and shall be subject to the punishments herein provided for.

(6) If any subsection or paragraph of this section or its application to any person or circumstances shall be held unconstitutional, such decision shall not affect the constitutionality of any other subsection or paragraph, or its application to other persons or circumstances.

SECTION 4. This act shall take effect upon passage and publication.

Approved June 8, 1933.

No. 295, A.]

[Published June 10, 1933.

### CHAPTER 226.

AN ACT to amend sections 4, 5 and 7 of chapter 127 of the laws of 1927, relating to criminal jurisdiction of justices of the peace of Marathon county.

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

SECTION 1. Sections 4, 5 and 7 of chapter 127 of the laws of 1927 are amended to read: (Chapter 127 laws of 1927) Section 4. Any party to an action in said county court desiring that the issues therein be tried by jury shall be entitled to a jury either of six or twelve upon demand in writing designating which, provided that in civil actions the party so demanding a jury shall first pay to the judge a jury fee of one dollar for each juror demanded. When a jury is demanded the court shall cause eighteen names to be drawn if a jury of six is demanded and twenty-four if a jury of twelve is demanded, from a box containing the names of \* \* \* *fifty* jurors selected by the circuit court jury commissions from citizens residing within the city of Wausau, and each party shall exercise six strikes in the manner provided by law for obtaining juries in justices' courts. If any of such jurors so chosen shall not attend at the time so summoned to appear or in case there should be legal objections raised to any of those who shall appear the judge may cause additional names to be drawn and jurors summoned to supply the deficiency. If trial by jury, to consist of either six or twelve members, shall not be demanded, the right of such trial by jury shall thereby be deemed waived. Such jurors shall receive four dollars for each day's actual attendance upon said court, and said county judge, whenever such a juror shall be discharged or within ten days thereafter, shall cause a certificate to be made out to each juror attending the court, certifying the number of days' attendance, and the amount of compensation due him, and thereupon the county treasurer shall pay the amount thereof out of the county treasury.

SECTION 5. All jurisdiction, power and authority in criminal actions and proceedings now possessed by justices of the peace of