

No. 424, S.]

[Published May 15, 1901.

## CHAPTER 359.

AN ACT authorizing the governor to put a new ventilation plant in the capitol building and making an appropriation therefor.

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

**Appropriating \$25,000.** SECTION 1. The governor of the state of Wisconsin is hereby authorized and empowered to procure and install a new, modern and efficient system of ventilation in the capitol and to make all necessary contracts therefor, at a cost not to exceed twenty-five thousand dollars. There is hereby appropriated out of the general fund for the purpose of this act the sum of twenty-five thousand dollars or so much thereof as may be necessary.

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

Approved May 13, 1901.

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No. 414, S.]

[Published May 16, 1901.

## CHAPTER 360.

AN ACT to provide for registration of trade marks and other marks of ownership and to prevent the unlawful use and disposal of articles marked therewith.

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

**Filing of description with secretary of state; publication of; fees.** SECTION 1. Any and all persons or corporations who may be the owners of cans, tubs, firkins, boxes, bottles, casks, barrels, kegs, cartons, tanks, fountains, vessels or contain-

ers with his, her, its or their names, brands, designs, trade marks, devices or other marks of ownership stamped, impressed, labelled, blown in or otherwise marked thereon, may file with the secretary of state and also with the register of deeds of any county in which any such person or persons or corporations may have his, her, its or their principal place of business, a written statement or description verified by affidavit of such owner or his, her or its agent, of the names, brands, designs, trade marks, devices or other marks of ownership so used by him, her, it or them, and of the said article or articles upon which the same are used, or if such principal place of business shall be without the state, then such written statement or description so verified may be filed with the register of deeds of any county of this state. Said statement shall be published once a week for three successive weeks in a newspaper printed in the English language and of general circulation in said county, a copy of which publication, proved in the same manner as proof of publication is now required to be made by law, when no special mode of proving the same is provided, shall also be filed with the secretary of state and with such register of deeds. All such written statements or descriptions and all such certificates of publication so filed with the register of deeds shall be recorded at large by him in a book to be kept by him and such book shall be subject at all reasonable hours to the inspection of all persons who may choose to inspect the same. The secretary of state and the register of deeds shall deliver to any person who may apply therefor copies of all such written statements or descriptions of names, brands, designs, trademarks, devices, or other marks of ownership and of all certificates of publication so filed with them, duly certified to by them in the usual manner, and such certified copies shall be admissible in evidence in all prosecutions under this act, and shall be prima facie evidence that the provisions of this section have been complied with, and of the title of the owner or owners named therein, to the property upon which the name, brand, design, trade-mark, device or other marks of ownership of such owner or owners may appear as described therein. The secretary of state and the register of deeds shall each receive a fee of one (1) dollar for each statement and certificate of publication filed and also a fee of one (1) dollar for each certified copy of such statement and certificate of publication, to be paid for by the person filing or applying for the same.

**Sale of receptacle by other than owner prohibited.** SECTION 2. It is hereby declared to be unlawful for any person or persons or corporation without the written consent of the owner or owners thereof, to hereafter keep for sale any can, tub, firkin, box, bot-

tle, cask, barrel, keg, carton, tank, fountain, vessel or container so marked or distinguished as aforesaid, of which a description shall have been filed and published as provided in section 1 of this act, or to use or fill with any similar substance, commodity or product as originally contained therein for the sale of such substance, commodity or product any such can, tub, firkin, box, bottle, cask, barrel, keg, carton, tank, fountain, vessel or container or to receive, take, buy, sell, or dispose of or traffic in any such can, tub, firkin, box, bottle, cask, barrel, keg, carton, tank, fountain, vessel or container, or to deface, erase, obliterate, cover up or otherwise remove or conceal any such name, brand, design, trade mark, device or other mark thereon, for the purpose of destroying or removing the evidence of the ownership of such article.

**Use of receptacle by other than owner; as to junk dealers.** SECTION 3. The using by any person or persons or corporation other than the owner or owners thereof, or his, her, its or their agent, of any such can, tub, firkin, box, bottle, cask, barrel, keg, carton, tank, fountain, vessel or container, for the sale therein of any substance, commodity or product, other than that originally therein contained, or the buying, selling, or trafficking in any such can, tub, firkin, box, bottle, cask, barrel, keg, carton, tank, fountain, vessel or container, or the fact that any junk dealer or dealers in cans, tubs, firkins, boxes, bottles, casks, barrels, kegs, cartons, tanks, fountains, vessels or containers, shall have in his or her possession any such can, tub, firkin, box, bottle, cask, barrel, keg, carton, tank, fountain, vessel or container, so marked or stamped, and a description of which shall have been filed and published as provided in section 1 of this act, shall be, and it hereby is, declared to be, prima facie evidence that such using, buying, selling or trafficking in or possession of is unlawful within the meaning of this act.

**Forfeitures for violation.** SECTION 4. Any person or persons or corporation or any officer or agent of any corporation acting for or in the name of such corporation who shall violate any of the provisions of this act, shall forfeit not less than five dollars (\$5.00) nor more than fifty dollars (\$50.00) for the first offense, and not less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200.00) for each subsequent offense. All forfeitures collected under the provisions of this act shall be paid into the common school fund.

**Rights of owner to injunction.** SECTION 5. Every such person or corporation having complied with the provisions of this act as aforesaid, may proceed by suit to enjoin any other person or

corporation from filing [filling] with any substance, commodity or product for the sale therein of such substance, commodity or product any can, tub, firkin, box, bottle, cask, barrel, keg, carton, tank, fountain, vessel or container, so marked or distinguished as aforesaid, or from buying, selling, using, or disposing of or trafficking in the same, or from defacing, erasing, obliterating, covering up or otherwise removing any such name, brand, design, trade mark, device or other marks or ownership thereon, for the purpose of destroying or removing the evidence of the ownership of such article, and all courts having equity jurisdiction shall have power to grant injunctions according to the course and principles of courts of equity, to restrain such filing [filling] for sale or such buying, selling, giving away, using or disposing of, or trafficking in or such defacing, erasing, obliterating, covering up, or otherwise removing or the violation of any right acquired under the provisions of this act, and upon a decree being rendered in any such case against the defendant, the complainant shall be entitled to recover the damages the complainant may have sustained by reason of the said acts of the defendant and the court shall assess the same or cause the same to be assessed under its direction.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved May 13, 1901.

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No. 413, S.]

[Published May 16, 1901.]

## CHAPTER 361.

AN ACT to amend section 2 of chapter 356 of the laws of Wisconsin for 1899, relating to negotiable instruments.

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

**Correcting an error.** SECTION 1. Section 2, of chapter 356 of the laws of Wisconsin for 1899 is hereby amended by striking out the figures "4143" found in the fourth line of said section 2, and substituting in each place thereof the figures "4193," so that said section 2 shall, when so amended, read as follows: