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1917a

Illinois

Department of Agriculture

GENERAL INFORMATION

AND

LAWS

Effective July 1, 1917



Compiled by

EDWARD J. BRUNDAGE,

Attorney General

Springfield



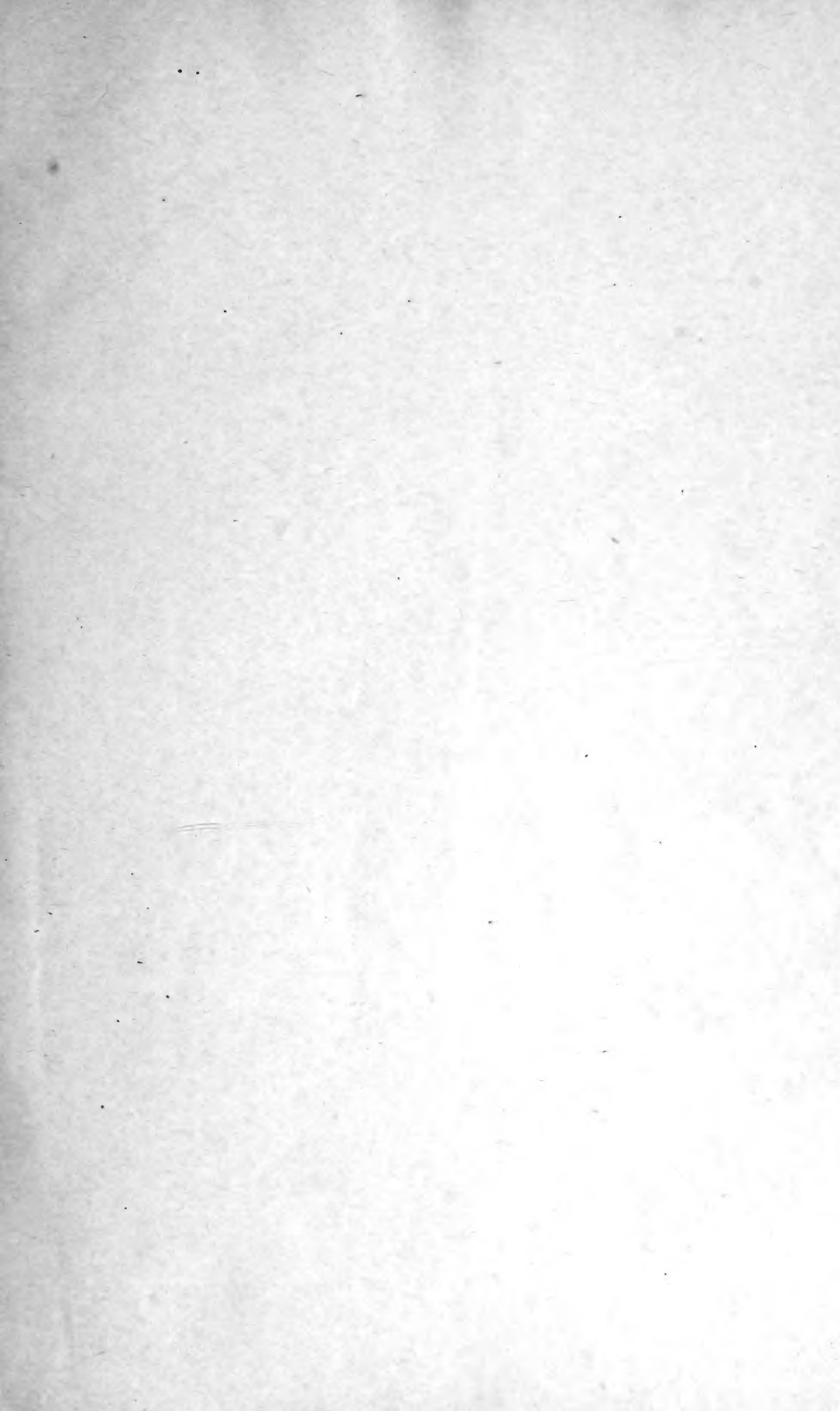
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NOTE.

The object of this pamphlet is to provide for the Department of Agriculture and those who are interested in its administration an outline and summary of the organization, powers and duties of said department under the Civil Administrative Code. For this purpose, the Civil Administrative Code has been carefully analyzed, and the matter relating to the Department of Agriculture is here presented in a form to facilitate ready reference. A compilation of the laws, and parts of laws, which the Department of Agriculture will be called upon to recognize or enforce is here included. To this has been added annotations showing the validity and the application of these laws.



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DEPARTMENT OF AGRICULTURE.¹

I. ORGANIZATION AND MANAGEMENT.

1. *Executive Officers.*

The Department of Agriculture is composed of executive and non-executive officers. The executive officers are: a Director, an Assistant Director, a General Manager of the State Fair, a Superintendent of Foods and Dairies, a Superintendent of Animal Industry, a Superintendent of Plant Industry, a Chief Veterinarian, a Chief Game and Fish Warden and a Food Standard Commission, consisting of the Superintendent of Foods and Dairies and two food standard officers, one of whom to be a representative of the Illinois food manufacturing industries and the other to be an expert food chemist of known reputation. (Secs. 4, 5, 7, Code.)

2. *Non-Executive Officers.*

The advisory or non-executive officers are: Fifteen persons as a Board of Agricultural Advisors, composed of persons engaged in agricultural industries, including representatives of the agricultural press and of the State Agricultural Experiment Station; and nine persons as a Board of State Fair Advisors. (Secs. 5, 6, 7, Code.)

3. *Seal.*

Departments are required to adopt and authenticate their acts by an official seal. (Sec. 19, Code.)

4. *Central and Branch Offices.*

Each department is required to maintain a central office at the Capitol. Branch offices for the conduct of a particular function of the department may be established and maintained at other places by the Director with the approval of the Governor. (Sec. 17, Code.)

5. *Employees, Civil Service.*

From those who are in the classified civil service of the State on July 1, 1917 in the office, board, commission or institution coming under the supervision and control of the department, each employee is to be assigned to a position in the department, having so far as possible duties equal to his former office or employment, provided no more are employed than are necessary to the proper performance of the functions of the department. (Sec. 24, Code.)

Departments have power, subject to civil service laws, to employ all other necessary employees and fix their compensation, when their compensation has not been theretofore determined by law. (Sec. 20, Code.)

6. *Rules and Regulations.*

It is the duty of the Director to prescribe rules and regulations for the government of his department, the conduct of its employees, the distribution and performance of its business and the custody, use and preservation of the property, records and documents. (Sec. 16, Code.)

¹ The State Board of Agriculture is abolished by the repeal of "An Act to revise the law in relation to the department of agriculture, agricultural societies and agricultural fairs, and to provide for

reports of the same," approved June 23, 1883, in force July 1, 1883; which repeal is not to take effect until January 1, 1919 (Sec. 65, Code).

7. *Cooperation, Coordination and Efficiency.*

The Director is to devise a practical system of cooperation and coordination of the work of the department to eliminate all duplication and overlapping of functions, and to economize, whenever practicable, in the use of quarters and equipment. With the consent of the superior officer of the employee, the Director may require an employee of another department to perform any duty that is required of his own employees. (Sec. 26, Code.)

8. *Moneys, Disposition.*

All State funds or moneys received by a department must be turned over to the State treasury within ten days of receipt, without any deduction whatsoever. (Sec. 27, Code.)

9. *Expenditures.*

Departments are forbidden to make expenditures except in consequence of an appropriation duly made and upon the warrant of the Auditor of Public Accounts. (Sec. 27, Code.)

10. *Reports.*

In addition to the semi-annual and biennial reports provided for by the Constitution, the Director is required to make on or before December annually to the Governor, and whenever otherwise requested, written report concerning the condition, management and financial transactions of the department. (Sec. 25, Code.)

II. POWERS AND DUTIES.

11. *Generally.*

This department is vested with the power to

- Prevent fraud in the manufacture and sale of fertilizers;
- Promote and improve the methods of conducting agriculture, horticulture, live stock industry, dairying, poultry, bee keeping, forestry, fishing, the production of wool and other allied industries;
- See that the places where live stock is confined, housed or fed, such as stockyards, breweries, distilleries and like places, are properly cared for;
- Collect and publish statistics relative to production and marketing of crops, beef, pork, poultry, fish, mutton, wool, butter, cheese and other agricultural products;
- Encourage the planting of trees, shrubs and improvement of farm homes;
- Manufacture biological products for distribution at cost to live stock producers;
- Investigate the causes and the means of prevention and cure of contagious, infectious and communicable diseases among domestic animals;
- Preserve, distribute, introduce and restore fish, game birds and other wild birds;
- Have the custody of and maintain the fair grounds, buildings and property, and police the same;
- Hold annual State fairs, and adopt rules and regulations governing the same;
- Promote the organization of farmers' institutes, horticultural and agricultural societies, hold fairs, stock shows and other exhibits and see that moneys appropriated for them are faithfully applied; and
- Generally to exercise the rights, powers and duties vested in the following former officers, boards and commissions: Live Stock Commissioners (except under the act regulating the practice of veterinary, medicine and surgery); State Veterinarian; Stallion Registration Board; Inspector of Apiaries; Game and Fish Commission; State Food Commissioner; and State Entomologist. (Sec. 40, Code.)

12. Live Stock (Commissioners).

The duties of the former Board of Live Stock Commissioners and the State Veterinarian² now devolved upon this department with reference to domestic animals are to

- ³Investigate all cases, or alleged cases, of communicable diseases among domestic animals within this State;
- Prevent the spread⁴ of communicable diseases and provide for the extirpation thereof;
- Order strict quarantine of diseased animals, or such as have been exposed to contagion after examination has been made pursuant to notice of owner or person having charge of animals whose duty it is to notify State officers of suspected cases;
- Prescribe quarantine regulations sufficient to prevent infection;
- ⁵Order the slaughter of diseased or exposed animals to prevent infection or spreading of the disease;
- Order the destruction of infected barns, stables, premises, fixtures, furniture, and personal property when the same cannot be properly disinfected;
- Order disinfection of cars, boats, or other conveyances used in transporting animals, having or being exposed to communicable diseases;
- Order the disinfection of yards, pens and schuts used in handling diseased or exposed animals;
- Agree with owner upon the value of the animals or the property to be destroyed, or appoint three disinterested appraisers to appraise the animals or property in case no agreement be possible;
- Destroy infected animals or property when owner fails to destroy them (Sec. 2, Animals' Contagious Diseases Act);
- ⁶Report to the Governor existence of communicable diseases among domestic animals in the particular municipality, district or in any other state, province or country, and the necessity for quarantine under proclamation (Secs. 3 and 4, *Ibid.*);
- ⁷Prescribes rules and regulations for the filing of claims arising from the slaughter of animals and determine amount to be allowed (Sec. 8, *Ibid.*);

² The scope of the State Veterinary Act of May 31, 1881, as amended in 1883, is fully covered by the Live Stock Commissioners' Act of June 14, 1909, as amended in 1915. The Veterinary Act is repealed because (1) the Live Stock Commissioners' Act is general, deals with the whole subject of contagious diseases and is a later act; (2) no legislative attention has been given the Veterinary Act since 1883; and (3) the only reason for its existence up to now was its provision for the appointment of a State Veterinarian, which reason no longer exists on account of the abolishment of that office.

³ In so far as this act permits the investigation of animals suspected of being affected with dangerously contagious and infectious diseases of a communicable character and provides a summary method for their killing it is a valid exercise of the police power of the State. *Durand v. Dyson* (1916), 271 Ill. 382, 390.

⁴ Contagious disease means one communicable by contact. *Pierce v. Dillingham* (1903), 203 Ill. 148, 158.

⁵ Authority to kill or destroy is given only in cases of contagion or infection; and when questioned in an action for damages, the officer who had ordered the killing or destroying of animals on account of their contagious or infectious character has the burden of establishing affirmatively the actual existence of the disease or the exposure; he cannot rely merely upon having acted in good faith, having had reasonable grounds for the belief of the existence of the disease or in the exposure and having made an honest and careful investigation to the best of his ability. *Pearson v. Zehr* (1891), 138 Ill. 48, 51.

⁶ Section 4 of the Animals' Contagious Diseases Act is penal in its nature and the power of the

officer acting thereunder will be restricted to some particular condition or emergency in respect to the live stock of the State. *Pierce v. Dillingham* (1903), 203 Ill. 148, 156, 157.

The report to the Governor is justified only when contagious or infectious diseases become epidemic; and the report must state that a particular disease exists in an epidemic form in a certain locality, that the stock in question come from that locality where the disease is epidemic, or that the cattle are in fact affected with it or that their condition is such that it might render them liable to convey the disease. *Pierce v. Dillingham* (1903), 203 Ill. 148, 158, 162.

⁷ Rules and regulations made to effectuate the purpose of the act must conform to fundamental principles of constitutional legislation. *Pierce v. Dillingham* (1903), 203 Ill. 148, 164.

Officers or agents who are charged with the enforcement of government rules and regulations have no power to relieve from the obligation to obey them. Thus an inspector of the Bureau of Animal Industry is not authorized to permit the substitution of crude petroleum for Beaumont crude petroleum in which to dip horses affected with the tick, under rules and regulations of the Department of Agriculture specifying Beaumont crude petroleum to be used, unless another method is approved by the Secretary of Agriculture, and no such approval is obtained; it being shown that the pores and the skins of horses and those of cattle differ, Chanute oil closing the pores in the skins of horses thereby obstructing the operation of the sweat glands and causing disease in the kidneys, which effect does not follow the use of such oil upon cattle. *McGilton v. St. Louis National Stock Yards* (1912), 254 Ill. 178, 182-184.

- Call on sheriffs and their deputies, constables, police officers, mayors, town marshals, and policemen for assistance to carry out provisions of the act (Sec. 9, *Ibid.*); and
- Cooperate with similar commissioners or officers of the United States in the suppression of contagious or infectious diseases among domestic animals (Sec. 10, *Ibid.*);
- Prescribe rules and regulations for the cleaning and disinfecting of cars or quarters used in transporting cattle from scheduled territory on account of the splenic or Texas fever (Sec. 2, Texas Fever Act);
- Prosecute, through State's attorneys, violations of the Texas Fever Act (Sec. 5, *Ibid.*);
- Inspect animals intended for human food and suspected of being afflicted with contagious or infectious disease;
- Take possession and control of animals found to be afflicted with contagious or infectious diseases, notify their owner, cause the killing of the animals, examine the carcasses after the killing and mark tags or labels "inspected and condemned," if carcasses are unfit for human food;
- Provide for accounting for the proceeds of carcasses found to be safe and sold for food purposes (Sec. 2, Meat Inspection Act).

13. Stallion Registration.

The Stallion Registration Act, vesting certain powers and duties in the former Stallion Registration Board, is repealed by a similar act of 1917, under which the Department of Agriculture has the following powers and duties, namely, to

- Enroll stallions for public service in this State (Sec. 1);
- Issue stallion license certificates, upon owner's or licensed veterinarian's affidavit that stallion is free from hereditary infectious, contagious or transmissible disease or unsoundness (Sec. 2);
- Collect an examination and enrollment fee of \$2.00, an annual or renewal fee of \$1.00 and transfer fee of 50 cents (Sec. 7);
- Keep records of enrolled stallions indicating whether stallion be "pure brood" or "grade," etc. (Sec. 4);
- Hear complaints and revoke licenses (Sec. 9);
- Prescribe forms for license certificates (Sec. 6);
- Report annually to the Governor concerning the department's activities under this act and financial condition (Sec. 12).

14. Stock Breeding.

Upon the filing of a verified statement, giving the name, age, description, pedigree and the terms and conditions under which the sire is advertised for service, the

Secretary (or the officer acting in his place under the new organization) of the Department of Agriculture is required to make two certificates reciting the specific information contained in said statement and stating that the law has been complied with; to issue one certificate to the owner for posting and a copy to be filed with clerk of the county where the sire is located; for which certificate a charge of \$2.00 is authorized. (Secs. 1, 2, and 6 Stock Breeders' Act.)

Department of Agriculture is to prepare annual reports containing data of special interest to live stock breeders and copies of certificates of pedigree and advise the Superintendent of Printing⁸ of the number of reports required. (Sec. 7, *Ibid.*)

⁸ In 1915 the Board of Commissioners of State Contracts and the office of Printer Expert were abolished, the entire regulations and control of

state contracts being placed in the hands of a Superintendent of Printing and the Governor. (L. 1915, p. 671.)

15. Apiaries, Inspector of.

The powers and duties devolved upon the former State Inspector of Apiaries are to

- Inspect any apiary believed to be infected by foul brood or other contagious disease;
- Notify in writing the owner or occupant of the infected premises concerning the exact condition found to exist and order its abatement within a specified time, according to printed directions served personally or by mail with the notice;
- Abate the nuisance if the owner or occupant fails to comply with notice and order;
- Certify the cost of abatement and enforce payment if not paid within 60 days (Sec. 2, Apiaries Act);
- Annually in December report to the Governor and also to the Illinois State Bee Keepers' Association the number of apiaries visited, the number of those diseased treated, the number of colonies of bees destroyed and the expense incurred (Sec. 3, *Ibid.*).

16. Game and Fish.

The general and specific powers and duties vested by the Game and Fish Act in the former State Game and Fish Commission are to

- Conserve and propagate the game, wild fowl, birds and fish of the State;
- Secure the enforcement of all of the State laws for the preservation and propagation of fish and game;
- Prosecute in the name of the people of the State all actions for violation or penalties (Secs. 1, 59, 61, Game and Fish Act);
- Provide blank applications for hunting license permits to ship game, stating name, age, occupation, place of residence and number of hunting license, that the game is not to be shipped for commercial purposes and will be consigned to one destination only;
- Issue permits to ship, etc., upon application expiring the succeeding April and collect a permit fee of \$1.00 (Sec. 9a, *Ibid.*);
- Grant certificates to be in force until June first following issue, authorizing the collection of birds and their nests for strictly scientific purposes and collecting a fee of \$5.00 for the privilege (Sec. 14, *Ibid.*);
- Grant upon application and bond certificates expiring June following date of issue, giving a right to breed and sell game and fish for propagation and scientific purposes, for which a license fee of \$2.00 is authorized (Sec. 59a, *Ibid.*);
- Make affidavit or complaint before a justice of the peace for search warrant to seize game, deer, wild fowl or birds, held unlawfully (Sec. 16, *Ibid.*);
- Provide blank applications to municipal authorities for hunting license, stating name, age, occupation, residence, place of birth, date of declaration of intention to become citizen or of naturalization papers and name of court issuing them if an alien or naturalized citizen, and similar information concerning naturalization of parents, if applicant is a minor (Sec. 21, *Ibid.*);
- Establish game and bird reservations or refuges for protection and propagation of game, lease land for such purpose and plant not to exceed five acres for each one thousand acres' reservation suitable grain for bird and game food (Sec. 21a, *Ibid.*);
- Furnish to the municipal authorities a uniform metal tag for fishing boats to be issued to those obtaining fishing licenses (Sec. 23, *Ibid.*);
- Seize and dispose of contraband fish, or fish that are of illegal kinds, sizes, or weights, or game unlawfully caught, taken or killed, etc. (Secs. 24, 48, *Ibid.*);

- Set aside waters as State Fish Preserves, post and publish notices to that effect, and issue permits to take fish of a designated kind (Sec. 25, *Ibid.*);
- Select suitable locations for State fish hatching and breeding establishments;
- Promote the propagation and increase of native and the introduction of new varieties of food fish into the waters of the State;
- Employ a practical and competent fish culturist (Secs. 25, 46, *Ibid.*);
- Seize under weight or under size fish and donate to public or charitable institutions (Sec. 42a, *Ibid.*);
- Seize mussels unlawfully caught and unlawful devices used (Sec. 58, *Ibid.*);
- Seize any unlawful devices for taking or killing fish and report the information to proper State's attorney (Sec. 47, *Ibid.*);
- Determine whether or not a fishway will endanger the permanent durability of a dam or impair its usefulness;
- Notify owner to repair or construct a fishway and in case of failure, let contract for its construction and sue for costs;
- Issue certificate that fishway is properly constructed or kept in repair (Sec. 49, *Ibid.*);
- Inspect and examine any fish whenever found in the State and to open boxes, barrels, or other packages for the purpose of inspection or examination (Sec. 52, *Ibid.*);
- Revoke license for violation of provisions of the act (Sec. 54, *Ibid.*);
- Keep a record of all licenses issued by the municipal authorities to fish or hunt game (Sec. 55, *Ibid.*);
- Prescribe areas from which mussels shall not be taken between certain periods, not to exceed five years;
- Publish all orders affecting mussels (Sec. 57, *Ibid.*);
- Furnish blanks for owners for licenses to catch or kill mussels to make written report stating the total weight of mussels taken, caught or killed, the names and locations of the waters in which this was done and the amount received for shells sold (Sec. 58, *Ibid.*);
- Serve and execute all warrants and legal process issued by justices of the peace, magistrates or courts;
- Arrest on sight without warrant any person violating the provisions of the Game and Fish Law; and
- Make proper complaint in case of violation of law (Sec. 59, *Ibid.*).

17. Food (Commissioner).

Under the Pure Food Law of 1907 as amended in 1915 and also in 1917, the State Food Commissioner is required to

- Issue bulletins of information whenever the interests of the State demand it;
- Make analyses and examinations for the State charitable institutions (Sec. 1);
- Examine raw material used in the manufacture of food products to determine whether filthy, decomposed or putrid substances are used in their preparation;
- Examine all premises, carriages or cars where food is manufactured, transported, stored, or served to patrons to determine the sanitary condition only and take samples of raw material and finished products found therein;
- Open any package,⁹ can or vessel containing any article manufactured, sold or exposed for sale in violation of law, inspect the contents thereof, and take samples therefrom (Sec. 2);

⁹ A package of a canning compound manufactured in another state enclosed in an envelope or covering and sold in this State for domestic use as a preservative is not an original package within

the doctrine of "original package." *People v. Price* (1913), 257 Ill. 587, 595, aff'd in *Price v. People* (1915) 238 U. S. 446, 455.

- Select two of sealed or unbroken packages or divide into two equal parts goods in bulk or broken package, identify them as samples in the presence of the person from whom the samples are taken, mark and seal each half or part of the sample with a paper seal, number each sample with the same number, write the name of the person taking the sample and the name of the dealer, have the person from whom the sample was taken write his name, at the same time give notice to him that the sample is obtained for examination by the State Food Commissioner tendering to him the value of the part to be taken, deliver to him the other part; take or send properly packed and boxed the part of the sample taken to the State Entomologist or other person for examination or analysis (Sec. 4);
- Provide blanks, examine applicants and issue or revoke license to operate milk or cream testers, the license to run for two years and a fee of \$1.00 to be collected and paid over to the State Treasurer (Sec. 20a);
- Furnish proper receptacles for mailing or expressing milk or cream tests of milk, etc., produced on a butter fat basis;
- Make analyses of all samples of milk or cream taken from producer's factory;
- Mail monthly on the 8th to the producer and on the 15th to the buyer the result of analyses (Sec. 21, as amended by act approved June 25, 1917, in force July 1, 1917);
- Seize, if necessary without warrant, any article of food suspected to be adulterated¹⁰ or misbranded, make an inventory thereof, give a copy of same to dealer, tag the article, notify the dealer to hold same until further notice, cause article to be examined, and conduct hearing if article be found to be adulterated or misbranded (Sec. 29);
- Inspect egg breaking establishments and equipment, ascertain if they comply with sanitary laws, rules and regulations, certify to the State Treasurer that they are entitled to license for the purpose of collecting fee, and issue license upon payment of said fee;
- Approve identification "strips" to be used for sealing of cases of "breaking stock" of eggs packed for shipment;
- Furnish egg breaking establishment identifying establishment number and promulgate rules prescribing manner of placing same on containers (Sec. 39b);
- Serve notice and copy of findings by registered mail upon party from whom samples of food have been taken and found to be contrary to law, the notice to specify the date, hour and place of hearing;

¹⁰ The word "adulterated" used in the title of the Pure Food Law includes the "adulteration" of an article manufactured contrary to the provisions of the act, although the article is not in itself harmful. *People v. Henning Co.* (1913), 260 Ill. 554, 564.

It is not alone the particular method of adulteration that existed at the time of the passage of the act, but any method of adulteration which is liable to mislead the public is prohibited by the statute. *People v. Henning Co.* (1913), 260 Ill. 554, 558.

Boric acid is by section 8 of the Pure Food Law declared unwholesome and injurious to health and cannot be used as an added ingredient to foods, and under section 22 of said act it also must not be made a part of any compound to be sold as a food preservative. *People v. Price* (1913), 257 Ill. 587, 593, aff'd in 238 U. S. 446, 451.

The legislative declaration that boric acid is unwholesome and injurious to health, although the injurious nature of boric acid is not universally

conceded, is binding upon the courts. *People v. Price* (1913), 257 Ill. 587, 594; aff'd in 238 U. S. 446, 452.

The mixing or combining of sugar vinegar and distilled vinegar in substantial proportions which results in a color similar to that of cider vinegar constitutes an adulteration within the meaning of section 11 of the Pure Food Law, notwithstanding the proper labeling of the mixture. *People v. Henning Co.* (1913), 260 Ill. 554, 558, 561.

The phrase "shall not be colored in imitation of cider vinegar" means a conscious imitation, in the manufacture, of the article forbidden. *People v. Henning Co.* (1913), 260 Ill. 554, 560.

The sale of unwholesome preservatives are within the legitimate scope of the title of this act. *People v. Price* (1913), 257 Ill. 587, 595.

The proper labeling of an adulterated article does not take that article out of the operation of the Pure Food Law. *People v. Henning Co.* (1913), 260 Ill. 554, 558.

"Prosecute all violations of act after that fact has been ascertained at a private hearing pursuant to notice (Sec. 40);

Make rules and regulations for carrying out provisions of the Pure Food Law (Secs. 38, 39b and 40).

With reference to the Sanitary Food Law, the State Food Commissioner is required to

Prescribe rules and regulations for hearings of violations of said law;

Enter and inspect premises and all utensils, fixtures, furniture, and machinery used for the production, preparation, manufacture, packing, storage, sale, distribution or transportation of food;

Issue written order to the person or corporation violating act to abate within reasonable time the condition or violation, or make changes or improvements to abate the same;

Serve notice of order to abate by delivering or sending copy thereof by registered mail;

Rescind, confirm or amend orders issued to abate conditions or violations after hearing pursuant to notice, enter final order and serve notice of such order when parties fail to appear;

Certify to proper State's attorneys failure to comply with final order to abate nuisance (Sec. 11).

By the provisions of the Stock Food Law, the State Food Commissioner is required to

Receive copies of statements of concentrated commercial feeding stuffs required to be filed annually in December (Sec. 1, Stock Food Law);

Enter premises where feed stuffs for commercial feed are sold, take samples, not to exceed two pounds, place same in a suitable vessel, attach label giving the name or brand of the feed stuffs or material sampled, the guaranty, the name of the manufacturer, importer or dealer, the name of the person, firm or corporation from whom the sample is taken, the date and place of taking it, and signed as State Food Commissioner or Deputy—which sample must be taken in duplicate, whenever request for same be made, carefully sealed and signed in the presence of the person interested, one to be retained by the person whose stock is sampled;

Cause to be made annually at least one analysis of each feed stuff collected and furnish the result of the analysis and other information of value regarding same to the Agricultural Experiment Station for publication in their bulletins or special circulars (Sec. 5, *Ibid.*);

Issue annual certificate or license to manufacturer, importer or dealer in concentrated commercial feeding stuffs (Sec. 8, *Ibid.*);

Prosecute violations of this act and employ experts to assist in such prosecution (Secs. 7 and 8, *Ibid.*).

18. *Cold Storage Warehousing.*

In the enforcement of the "Uniform Cold Storage Act," the Department of Agriculture is required to

Issue cold storage license upon written application, an examination of warehouse and payment of \$25 fee (Sec. 2);

Receive on or before the 5th of each month detailed reports from cold storage warehouses giving quantity of food stored and showing condition;

Summarize such reports for public inspection (Sec. 4);

Inspect food articles, supervise cold storage warehouses and appoint inspectors (Sec. 5);

¹¹ The intentional imitation is the gist of the action of debt for a violation of section 11 of the Pure Food Law, whether such an imitation is

produced by the addition of dye or by mixing of two ingredients. *People v. Henning Co.* (1913), 260 Ill. 554, 560.

- Prescribe forms for marking foods offered for storage (Sec. 6);
- Pass upon application for extension of time to keep food articles in storage;
- Order the removal for designated purposes food articles stored (Sec. 8);
- Prescribe rules and regulations for the enforcement of the act (Sec. 11).

19. Entomology.

Under the San Jose Scale Act which, except section 6, is in force, the State Entomologist is required to

- Inspect at least once a year between July 1 and September 15 nurseries and nursery premises in the State of Illinois, except florists' greenhouse plants and stock, to determine whether they are infected by dangerous insects or plant disease;
- Issue certificate of inspection to be effective one year stating that the nursery and premises are apparently free from dangerous insects and plant disease, if facts warrant the same;
- Prescribe such precautionary measures as the condition of the nursery may require;
- Revoke by written notice certificate of inspection for violation of act;
- Send annually not later than July 1 to all nurserymen in the State a list of official inspectors of other states and foreign countries whose inspection certificates may be accepted in this State for one year from date thereof;
- Receive and approve or pass upon sworn statements made by foreign nurserymen that their nursery stock had been duly inspected and were received with a valid official certificate of inspection or fumigation, and notify parties of approval or disapproval of statement;
- Inspect foreign nursery stock upon disapproval of statement of foreign nurserymen and issue certificate of inspection if found apparently free from dangerous insects and plant disease (Sec. 1, San Jose Scale Act);
- Inspect any nursery, orchard, fruit plantation, or other property or place in this State suspected to be infected by dangerous insects or plant disease and notify in writing the owner or occupant of the premises of the existence of the nuisance, including with such notice and served personally or by registered mail written directions explaining how to abate the nuisance and an order that the same be abated within a reasonable time;
- Abate nuisances when the owner or occupant has been ordered but has refused to abate them and certify to such owner the costs of the same, and if not paid within sixty days bring an action for said costs (Sec. 2, *Ibid.*);
- Inspect orchards or other fruit plantations upon request of owner and agreement to pay expenses of same, and issue certificate to him (Sec. 4, *Ibid.*);
- Furnish the State's attorneys information concerning violation of act (Sec. 5, *Ibid.*).

Under the Plant Inspection Act, the Department of Agriculture is required to

- Make annual inspection between July 1 and September 15 of all nurseries and nursery stock (Secs. 3, 6);
- Issue not later than October first, upon payment of inspection expenses, certificates of inspection and prescribe their uses (Secs. 6, 7);
- Inspect orchards, fruit or garden-plantation, field, park, cemetery, private premises or public places infested by insects, pests, or plant diseases (Secs. 4, 17);

- Inspect or reinspect nursery stock shipped into this State (Sec. 4);
- Prescribe precautionary measures to abate pests or plant diseases (Sec. 7);
- Approve agent's or dealer's certificates, upon filing affidavit (Secs. 9, 10);
- Mail annually not later than July first to all nurserymen in this State a list of the official inspectors of other states and foreign countries (Sec. 14);
- Notify the owner of affected premises to abate nuisances within a specified time according to prescribed methods, and upon owner's failure to comply, eradicate the disease (Sec. 16);
- Make inspections upon application of a municipality or of a florist and an agreement to pay expenses (Secs. 17, 18);
- Quarantine from insect pests or diseases existing in localities outside of this State (Sec. 19);
- Quarantine from insect pests or diseases prevailing in this State (Sec. 20);
- Require owners or lessees of premises infested by insect pests or diseases to arrest or prevent same (Sec. 21);
- Prescribe rules and regulations for review of the department's action (Sec. 22);
- Furnish State's attorneys or the Attorney General information concerning violation of act (Sec. 23).

20. *Commercial Fertilizers.*

* Under the act to prevent fraud in the manufacture and sale of commercial fertilizers, the

Secretary (or officer acting in his place under the Administrative Code) of the Department of Agriculture is required to keep on deposit a certified copy of the certificate required to be printed and affixed to every package of fertilizer of the size of one ton selling for over \$5.00, showing the number of net pounds in the package, the name of the manufacturer and his trade mark, the place of manufacture, and a chemical analysis stating the percentage of nitrogen and of phosphorus as well as the total phosphorus;

Secretary is also to keep on deposit a sealed glass jar containing not less than one pound of fertilizer accompanied by an affidavit that it is a fair average sample (Secs. 1 and 2 Commercial Fertilizers' Act);

Department of Agriculture is required to direct all analyses of commercial fertilizers, making at least one analysis annually, pay for the work out of license fees and publish an annual report of all analyses made, certificates filed, moneys received from license fees and fines and moneys expended for analyses and publication of report (Secs. 4 and 7, *Ibid.*);

Department of Agriculture is authorized to select from any package of commercial fertilizers exposed for sale not to exceed two pounds for analysis (Sec. 8, *Ibid.*);

Treasurer (or person acting in his place) of the Department of Agriculture is authorized to receive on or before May first an annual license fee of \$25.00 from manufacturers, importers or agents of commercial fertilizers offering for sale fertilizers in packages of more than \$5.00 per ton. He is also required to pay over into the State treasury surplus remaining in his hands from license fees and fines (Secs. 3 and 6, *Ibid.*);

Attorney General is authorized to bring all suits for the recovery of fines (Sec. 9, *Ibid.*).

21. Non-Executive Duties.

The general powers and duties of the advisory and non-executive officers are to

- Consider and study the entire field of the particular department;
- Advise the executive officers of the department upon their request;
- Recommend policies and practices upon their own initiative;
- Make recommendations and render advice to the Governor and to the General Assembly;
- Investigate the conduct of the work of the department;
- Adopt rules;
- Hold at least quarterly meetings;
- Notify the Governor and the Director of the department of the time and place of all meetings, and permit them to be present; and
- Keep public minutes, to be filed with the Director (Sec. 8, Code).

LAWS.

STATE HORTICULTURAL SOCIETY.

¹²AN ACT to reorganize the Illinois State Horticultural Society. Approved March 24, 1874, in force July 1, 1874. R. S. 1874, p. 133.

22. Public Corporation.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the organization heretofore chartered and aided by appropriations, under the name of the Illinois State Horticultural Society, is hereby made and declared a public corporation of the State.

23. Organization.

SEC. 2. The Illinois State Horticultural Society shall embrace, as hereinafter provided, three horticultural societies, to be organized in the three horticultural districts of the State, which shall be known as the Horticultural Society of Northern Illinois, now operating in the counties of Bureau, Boone, Cook, Carroll, DuPage, DeKalb, Henry, Grundy, JoDaviess, Kane, Kendall, Kankakee, Lake, Lee, LaSalle, McHenry, Ogle, Putnam, Rock Island, Stephenson, Whiteside, Winnebago and Will (23); the Horticultural Society of Central Illinois, operating in the counties of Adams, Brown, Cass, Champaign, Christian, Coles, DeWitt, Douglas, Edgar, Fulton, Ford, Iroquois, Hancock, Henderson, Knox, Logan, Livingston, McLean, McDonough, Marshall, Mason, Mercer, Menard, Morgan, Macon, Moultrie, Peoria, Pike, Piatt, Sangamon, Shelby, Schuyler, Scott, Stark, Vermilion, Tazewell, Warren, Woodford, (38); and the Horticultural Society of Southern Illinois, operating in the counties of Alexander, Bond, Clark, Clay, Crawford, Calhoun, Cumberland, Clinton, Edwards, Effingham, Fayette, Franklin, Greene, Gallatin, Hamilton, Hardin, Jasper, Jefferson, Jersey, Jackson, Johnson, Lawrence, Madison, Macoupin, Marion, Monroe, Montgomery, Massac, Perry, Pope, Pulaski, Richland, Randolph, St. Clair, Saline, Union, Wayne, White, Washington, Williamson and Wabash, (41).

24. Executive Board.

SEC. 3. The affairs of the Illinois State Horticultural Society shall be managed by an executive board, to consist of the president and secretary of said society and the president and one vice president from each of the three district horticultural societies: *Provided*, that the eligible officers now elect of the Illinois State and district horticultural societies shall be the first members of the executive board created by this act, and shall hold their office until their successors are elected, as herein provided for.

25. Powers, Meetings, Funds, etc.

SEC. 4. The executive board of the Illinois State Horticultural Society shall have the sole care and disposal of all funds that may be apportioned by the State of Illinois to sustain the Illinois State Horticultural Society, and shall expend the same in such manner as in their judgment will best promote the interest of horticulture and arboriculture in this State. They shall meet at Springfield on the second Tuesday after the first Monday in January, 1875, and biennially thereafter. They shall render to the Governor of the State a detailed statement of all funds received from the State and

¹² The scope and present effect of this act is the same as the Farmers' Institute Act.

all other sources, which statement shall, also, include all expenditures made by them, and the specific objects, in detail, for which said sums were expended. They shall make no appropriations without having funds in hand to meet the same, and if any debt is created, the members of the board shall be held severally and jointly liable for the payment of the same; and in no event shall the State of Illinois be held liable or responsible for any debt, obligation or contract made by the Illinois State Horticultural Society, or its executive board.

26. *Election of Officers.*

SEC. 5. The Illinois State and the three district horticultural societies shall hold annual meetings, at which their officers for the ensuing year shall be elected. Within one month after the annual meeting of the district societies, they shall forward to the secretary of the executive board a report of their transactions, including a list of officers elected at such meeting. The executive board shall publish annually, at the expense of said society, a report of its transactions and such other papers as they may deem of value to horticulture and arboriculture. Four members of the executive board shall constitute a quorum for the transaction of business.

27. *District Societies.*

SEC. 6. Members of the several district societies shall be entitled to all the privileges of the members of the State society, except that of voting for officers.

28. *By-Laws.*

SEC. 7. By-laws and rules that do not conflict with the laws of this State may be passed and enforced by the several societies herein mentioned.

ILLINOIS FARMERS' INSTITUTE.

¹³AN ACT creating the *Illinois Farmers' Institute*. Approved June 24, 1895, in force July 1, 1895. L. 1895, p. 1.

29. *Public Corporation.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That to assist and encourage useful education among the farmers and for developing the agricultural resources of the State that an organization under the name and style of "Illinois Farmers' Institute" is hereby created and declared a public corporation of the State.

30. *Delegates.*

SEC. 2. It shall consist of three delegates from each county of the State, elected annually at the farmers' institute for said county by the members thereof.

31. *Management.*

SEC. 3. The affairs of the Illinois Farmers' Institute shall be managed by a board of directors¹⁴ consisting of

- (1) State Superintendent of Public Instruction.
- (2) Professor of Agriculture of the University of Illinois.
- (3) President of the State Board of Agriculture.

¹³ By subdivision 20, section 40 of the Administrative code, the Department of Agriculture is required "to assist, encourage and promote the organization of farmers' institutes, horticultural and agricultural societies, the holding of fairs, fat stock shows, or other exhibits of the products of agriculture." The act creating an "Illinois Farmers' Institute" specifies two classes of powers, one in respect to the expenditure of appropriations and the other concerning the holding of annual public meetings. The first power has been limited by decision and legislative enactment (holding that

provisions of this character may be affected by the General Appropriation Act). The second power conflicts with the general scheme of the Administrative code and the powers vested by it in the Department of Agriculture.

¹⁴ None of the members and officers, except the Superintendent of Public Instruction, nor the employees of the Illinois Farmers' Institute, are officers nor in the service of the State, and necessarily are not subject to the State Civil Service Act. *Farmers' Institute v. Brady* (1915), 267 Ill. 98, 102.

(4) President of the State Horticultural Society.

(5) President of the State Dairymen's Association.

And one member from each congressional district of the State, to be selected by the delegates from the district present at the annual meeting of this organization: *Provided*, that the members first selected from the congressional districts of even numbers shall serve for one year, and the members first selected from the congressional districts of odd numbers shall serve for two (2) years, and that the members selected thereafter to fill expired terms of office, shall serve for a period of two (2) years.

32. *Directors, Powers.*

SEC. 4. The board of directors of the Illinois Farmers' Institute shall have sole care and disposal¹⁵ of all sums that may be appropriated by the State to sustain the organization, and shall expend the same in such manner as in their judgment will best promote the interests in useful education among farmers and develop the agricultural resources of the State. The Illinois Farmers' Institute shall make annual report to the Governor of its transactions, which report shall include papers pertaining to its work and addresses made at the annual meeting of the organization, and a statement of all moneys received and all expenditures made, and fifty thousand (50,000) copies of such report shall be printed and bound in cloth on or before September 1, of each fiscal year, three-fourths for use of the Illinois Farmers' Institute, and the remainder to the Secretary of State for distribution. It shall make no appropriation without funds in hand to meet the same, and the State of Illinois shall in no event be liable or responsible for debt, obligation or contract made by the Illinois Farmers' Institute or its board of directors. (As amended by act approved June 10, 1909, in force July 1, 1909. L. 1909, p. 5.)

33. *Annual Meeting.*

SEC. 5. There shall be held annually, under the direction of the board of directors, between October 1 and March 1 following, of each year, a public meeting of the delegates from county farmers' institutes and of farmers of this State at such time and place as may be determined by the board of directors of not less than three (3) days duration, which meeting shall be held for the purpose of developing the greater interest in the cultivation of crops, in the care and breeding of domestic animals, in dairy husbandry, in horticulture, in farm drainage, in improved highways, and general farm management, through and by means of liberal discussion of these and kindred subjects and any citizen may take part in these meetings, but only duly elected and accredited delegates from county farmers' institutes shall be permitted to vote in the election of the board of directors.

34. *Directors, Election and Duties.*

SEC. 6. The members of each new board of directors shall enter upon their duties the second Tuesday after their election and hold their offices for one or two years, as provided in section 3, or until their successors are elected and enter upon their duties.

The board of directors shall have power to fill vacancies in the board. It shall organize by the election of a president, vice president, treasurer and secretary, who shall hold their offices for one year, their term of office to begin July 1, following their election. It shall employ such superintendents, speakers and clerks as may be deemed proper for organizing and conducting the work of the Illinois Farmers' Institute and provide for their compensation by the rules of the board of directors.

The secretary and the treasurer may be other than members of the board of directors.

The salary of the secretary shall be two thousand dollars (\$2,000) a year, payable in monthly installments.

¹⁵ Section 4 of the act creating the Illinois Farmers' Institute and placing in the hands of the board of directors all sums appropriated to it does not prevent the Legislature from subsequently

requiring the board to furnish itemized bills showing expenditures of moneys. *Farmers' Institute v. Brady* (1915), 267 Ill. 98, 102.

The Auditor of Public Accounts is hereby authorized to draw his warrant on the State Treasurer monthly for the salary of the secretary of the Illinois Farmers' Institute, as herein provided, payable out of any fund in his hands not otherwise appropriated. (As amended by act approved May 15, 1903, in force July 1, 1903. L. 1903, p. 4.)

35. Quarters.

SEC. 7. Rooms in the Capitol building shall be assigned to the officers of this organization by the proper authority, which shall then be under the control of the board of directors.

36. By-Laws.

SEC. 8. The board of directors may make and enforce such rules and by-laws, not in conflict with the laws of this State, as will render its work most useful and efficient.

37. Appropriations.

SEC. 9. For the purpose mentioned in the preceding sections, said board of directors may use such sum as it may deem proper and necessary, not exceeding the amount appropriated therefor by the General Assembly, from the general fund for that purpose. *Provided, further, That the*

- (1) State Superintendent of Public Instruction.
- (2) Professor of Agriculture of the University of Illinois.
- (3) President of the State Board of Agriculture.
- (4) President of the State Horticultural Society.
- (5) President of the State Dairymen's Association.

And the present Congressional Representatives of the Illinois Farmers' Institute Association shall constitute the first board of directors of this organization, who shall have charge of the affairs of the same until their successors have been duly elected and enter upon their duties as provided in this act.

COUNTY FUNDS.

AN ACT to enable county boards of supervisors in counties under township organization and county commissioners in counties not under township organization, to appropriate county funds for use of county farmers' institutes. Approved June 5, 1911, in force July 1, 1911. L. 1911, p. 244.

38. Appropriation, Authority.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That it shall be lawful for county boards of supervisors in counties under township organization, and for county commissioners in counties not under township organization, to appropriate funds from the county treasury for use of county farmers' institutes in their efforts to promote the adoption of the latest approved methods of crop production, the improvement of live stock, the conservation of soil fertility, and the improvement of agricultural conditions generally: *Provided, that in no case shall it be lawful for a county board to appropriate more than three hundred dollars (\$300) in any one year for the above purposes.*

APIARIES.

AN ACT to prevent the introduction and spread in Illinois of foul brood among bees, providing for the appointment of a State inspector of apiaries and prescribing his powers and duties. Approved June 7, 1911, in force July 1, 1911. L. 1911, p. 47.

WHEREAS, The disease known as foul brood exists to a very considerable extent in various portions of this State, which, if left to itself, will soon exterminate the honey-bees; and,

WHEREAS, The work done by an individual bee-keeper or by a State inspector is useless so long as the official is not given authority to inspect and, if need be, to destroy the disease when found; and,

WHEREAS, There is a great loss to the bee-keepers and fruit growers of the State each year by the devastating ravages of foul brood;

39. *Inspector.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly: (Repealed by implication.)*

40. *Inspection, Nuisance, Notice.*

SEC. 2. It shall be the duty of every person maintaining or keeping any colony or colonies of bees to keep the same free from the disease known as foul brood and from every contagious and infectious disease among bees. All bee-hives, bee-fixtures or appurtenances where foul brood or other contagious or infectious diseases among bees exists, are hereby declared to be nuisances to be abated as hereinafter prescribed. If the inspector of apiaries shall have reason to believe that any apiary is infected by foul brood or other contagious disease he shall have power to inspect, or cause to be inspected, from time to time, such apiary, and for the purpose of such inspection he, or his assistants, are authorized during reasonable business hours to enter into or upon any farm or premises, or other building or place used for the purpose of propagating or nurturing bees. If said inspector of apiaries, or his assistants, shall find by inspection that any person, firm or corporation is maintaining a nuisance as described in this section, he shall notify in writing the owner or occupant of the premises containing the nuisance so disclosed of the fact that such nuisance exists. He shall include in such notice a statement of the conditions constituting such nuisance, and order that the same be abated within a specified time and a direction, written or printed, pointing out the methods which shall be taken to abate the same. Such notice and order may be served personally or by depositing the same in the post office properly stamped, addressed to the owner or occupant of the land or premises upon which such nuisance exists, and the direction for treatment may consist of a printed circular, bulletin or report of the inspector of apiaries, or an extract from same.

If the person so notified shall refuse or fail to abate said nuisance in the manner and in the time prescribed in said notice, the inspector of apiaries may cause such nuisance to be abated, and he shall certify to the owner or person in charge of the premises the cost of the abatement and if not paid to him within sixty days thereafter the same may be recovered, together with the costs of action, before any court in the State having competent jurisdiction.

In case notice and order served as aforesaid shall direct that any bees, hives, bee-fixtures or appurtenances shall be destroyed and the owner of such bees, hives, bee-fixtures or appurtenances shall consider himself aggrieved by said order, he shall have the privilege of appealing within three days of the receipt of the notice to the County Court of the county in which such property is situated. The appeal shall be made in like manner as appeals are taken to the County Court from judgments of justices of the peace. Written notice of said appeal served by mail upon the inspector of apiaries shall operate to stay all proceedings until the decision of the County Court, which may, after investigating the matter, reverse, modify or affirm the order of the inspector of apiaries. Such decision shall then become the order of the inspector of apiaries, who shall serve the same as hereinbefore set forth and shall fix a time within which such decision must be carried out.

41. *Report.*

SEC. 3. The inspector of apiaries shall, on or before the second Monday in December of each calendar year, make a report to the Governor and also to the Illinois State Bee Keepers' Association, stating the number of apiaries visited, the number of those diseased and treated, the number of colonies of bees destroyed and the expense incurred in the performance of his duties.

42. *Penalties.*

SEC. 4. Any owner of a diseased apiary or appliances taken therefrom, who shall sell, barter or give away any such apiary, appliance, queens or

bees from such apiary, expose other bees to the danger of contracting such disease, or refuse to allow the inspector of apiaries to inspect such apiary, or appliances, shall be fined not less than fifty dollars nor more than one hundred dollars.

ENTOMOLOGIST.

AN ACT to prevent the introduction and spread in Illinois of the San Jose scale and other dangerous insects and contagious diseases of fruits, and repealing a certain act therein named. Filed June 4, 1907, in force July 1, 1907. L. 1907, p. 558.

§3. Nurseries, Inspection, Certificate.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That it shall be the duty of the State entomologist of Illinois to inspect, or cause to be inspected by his duly appointed assistants, at least once each year between July 1 and September 15, all nurseries and nursery premises in the State of Illinois, as to whether they are infested by dangerous insects or infected by dangerous plant diseases. If upon the inspection of any nursery as above provided it shall appear that said nursery and its premises are free from dangerous insects and dangerous plant diseases, it shall be the duty of the State entomologist upon payment of the expenses of inspection, as certified by him to give or send to the owner of said nursery, or to the person in charge of the same, not later than October 1, a certificate of inspection stating that said nursery and premises are apparently free from such insects and diseases, and such certificate shall be valid, unless revoked for cause as hereinafter provided, for one year from the date of inspection, and no longer.

The provisions of this section shall not apply to florists' greenhouse plants nor to flowers or cuttings commonly known as greenhouse stock, and no certificate shall be required for the shipment of native stock collected in the United States and not grown in nurseries.

If the State entomologist shall find that part of a nursery is infested with dangerous insects or infected by contagious plant diseases and that the remainder of it is not so infested or infected, or if he shall have reason to believe that a nursery is liable, by reason of its proximity to infested or infected premises, to become so infested or infected before the next annual inspection, he may prescribe in writing such measures of precaution, or may make in writing such conditions as to the use of his certificate, as may in his judgment be necessary, and he may withhold his certificate until such conditions have been accepted in writing by the owner of said nursery; and the use of such certificate without taking such measures of precaution or observing such conditions shall subject the owner of said nursery to the penalties prescribed in section 5 for a violation of this act.

Whenever any nurseryman or seller of trees, shrubs, vines, plants, buds, or cuttings commonly known as nursery stock, shall ship or deliver any such stock he shall place and send on each car, box, bale, bundle, package, or piece, a true copy of a valid certificate of inspection, signed by the State entomologist of Illinois, or by another inspector duly approved by him, showing that the said stock has been carefully inspected and found apparently free from any dangerous insects or dangerous plant disease. Any person who shall deliver, ship, or consign for shipment nursery stock without such certificate attached, or who shall use such certificate in connection with nursery stock any and every part of which has not been inspected and certified as aforesaid, or who shall alter or deface such certificate, or who shall use an imperfect copy of such certificate, shall be liable to the penalties prescribed in section 5 for a violation of this act.

If the State entomologist shall find that his certificate of inspection has been used in violation of law, he shall have power to revoke and annul said certificate by written notice to the holder thereof, and such notice shall take effect forthwith, and the use of said certificate after it has been revoked and annulled, and before such revocation has been withdrawn by the State

entomologist, shall subject the holder of said certificate to the penalties provided in section 5 for a violation of this act.

It shall be the privilege of the nurseryman to ship, under the certificate issued to him, nursery stock grown for him elsewhere or purchased by him from other states or countries: *Provided*, that all such stock be received under a certificate satisfactory to the State entomologist stating that it has been inspected where grown and found to be apparently free from dangerous insects and dangerous plant diseases. The State entomologist shall send, once each year not later than July 1, to all nurserymen in the State known to him, a list of official inspectors of other states and foreign countries whose inspection certificates may be accepted in this State, for one year from the date thereof, as equivalent to his own certificate.

Every agent for a nursery outside of Illinois and every dealer not engaged in growing trees, shrubs, plants, or vines, in this State, for sale, who sells or delivers such stock in this State shall, before delivering the same, place on file in the office of the State entomologist a statement made under oath before an officer qualified to administer oaths in the locality where he may reside, or, if a nonresident of the State, in the locality where said stock is sold or delivered, that the said stock has been duly inspected and was received by him accompanied with a valid official certificate of inspection or fumigation, a copy of which certificate shall be filed by him with said statement for the approval of the State entomologist. Upon receipt of said statement and copy of the certificate of inspection the entomologist shall report to the sender his approval or disapproval of said certificate. If disapproved he shall inspect, or cause to be inspected, the nursery stock to which the said statement applies, and if he shall find said nursery stock to be apparently free from dangerous insects and dangerous plant diseases he shall give or send to the owner thereof, upon payment of the expenses of the inspection, a certificate to that effect, and the delivery of such stock without an accompanying certificate of inspection issued by the State entomologist or approved by him shall subject the agent, dealer, or other person selling or delivering the same to the penalties prescribed in section 5 for a violation of this act.

44. Injurious Insects, Nuisance, Inspection, Notice.

SEC. 2. That all gardeners, horticulturists, nurserymen, superintendents of public parks, and other growers of or dealers in plants of any kind upon their own lands, upon leased lands or premises, or upon public parks or highways shall free and keep freed all plants, shrubs, trees, vines, cuttings, scions, buds, stocks or other plant parts grown, cultivated, or dealt in by them, from all injurious insects and fungus pests, which are liable to spread from the plants or premises infested to other plants on the public highways or upon lands belonging to other owners, and all plants, shrubs, trees, or parts of such so infested are hereby declared to be a nuisance to be abated as hereinafter prescribed; and their maintenance, after notice as hereinafter set forth, is hereby declared a misdemeanor punishable as provided in section 5 of this act. If the State entomologist shall have reason to suppose that any nursery, orchard, fruit plantation, or other property or place in this State, is infested by dangerous insects or infected with contagious plant disease, he shall have power to inspect or to cause to be inspected, from time to time, such nursery, orchard, fruit plantation, or other property, and for the purposes of such inspection he and his assistants are authorized, during reasonable business hours, to enter into or upon any farm, orchard, nursery, garden, storehouse, or other building or place used for the growing, storage, packing or sale of trees, plants or fruits; and if the State entomologist shall find, by inspection as aforesaid, that any person, firm, or corporation is maintaining a nuisance as described in this section, he shall notify in writing the owner or occupant of the premises containing the nuisance so disclosed of the fact that such nuisance exists. He shall include in such notice a statement of the conditions constituting such nuisance, an order that the same be abated within a specified time, and a direction, written or printed, pointing out the methods which should be taken to abate the same.

Such notice or order may be served personally, or by depositing the same in the post office, properly stamped, addressed to the owner or occupant of the land or premises upon which such nuisance exists, and the direction for treatment may consist of a printed circular, bulletin, or report of the State entomologist or of the Agricultural Experiment Station, or an extract from the same. If the person so notified shall refuse or fail to abate said nuisance in the manner and within the time prescribed in said notice, the State entomologist may cause such nuisance to be abated, and he shall certify to the owner or person in charge of the premises the cost of abatement, and if not paid to him within sixty days thereafter the same may be recovered, together with the cost of action, before any court in the State having competent jurisdiction. In case the notice and order served as aforesaid shall direct that any growing plant, shrub, or tree shall be destroyed, and the owner or grower of such plant, shrub, or tree shall consider himself aggrieved by such order, he shall have the privilege of appeal, within three days of the receipt of the notice, to the County Court of the county in which said property is situated. The appeal shall be made in like manner as appeals are taken to the County Court from the judgments of justices of the peace. Written notice of such appeal served by mail upon the State entomologist shall operate to stay all proceedings until the decision of the County Court, who may, after investigating the matter, reverse, modify, or confirm the order of the State entomologist. Such decision shall then become the order of the State entomologist, who shall serve the same as hereinbefore set forth, and shall fix a time within which such decision must be carried out. Any person, firm or corporation failing to obey an order of the State entomologist, made and served as prescribed in this section, within the period of time therein specified, shall be deemed guilty of a misdemeanor and liable to punishment as prescribed in section 5 of this act. (As amended by act approved June 3, 1909, in force July 1, 1909. L. 1909, p. 420.)

45. Shipments, Certificate.

SEC. 3. Whenever any trees, shrubs, plants or vines are shipped from place to place in this State, or shipped into this State from another state, country or province, every car, box, bale, bundle, package or piece thereof shall be plainly labeled on the outside with the name of the consignor, the name of the consignee, and a certificate signed by a state or government inspector showing that the contents have been inspected by such inspector, or by his authority since the 1st day of July last preceding, and that the trees, vines, shrubs and plants, there present and therein contained, appear free from all dangerous insects and diseases. Whenever any trees, shrubs, vines, or plants arrive in this State without such certificate plainly fixed on the outside of the package, box or car containing the same, the facts must be reported within twenty-four hours to the State entomologist by the railroad, express or steamboat company, or other person or persons carrying the same, and it shall be unlawful to deliver any such property until it has been inspected by the State entomologist or his assistant and by him certified to be free from dangerous insects or contagious diseases. Any person receiving nursery stock brought into this State from outside this State, and not accompanied by a valid certificate as above prescribed, shall at once notify the State entomologist of that fact, and shall not allow such uncertified stock to leave his possession until it has been inspected and released by the State entomologist or his assistant. Any agent of any railroad, steamboat or express company or any other person or persons carrying such property as aforesaid, or any consignee of such property, who shall fail to give notice to the State entomologist as above required shall be deemed guilty of a violation of this act, and subject to the penalties prescribed in section 5. (As amended by act approved June 3, 1909, in force July 1, 1909. L. 1909, p. 420.)

46. Inspection, Application, Expenses.

SEC. 4. Any owner of an orchard or other fruit plantation in bearing condition may apply to the State entomologist for an inspection of the same

with reference to the presence of the San Jose scale or other dangerous insects or plant diseases liable to prevent the sale or lessen the value of his fruits, agreeing in his application to pay in full the expenses of the inspection, and upon receipt of such application and agreement, or as soon thereafter as may be conveniently practicable, the State entomologist shall comply with such request, and upon receipt of the expenses of the inspection he shall issue to the applicant a certificate [as] to the facts disclosed by the inspection.

47. *Penalty.*

SEC. 5. Any person who shall violate the provisions of this act with reference to the sale, shipment, delivery, receipt, or transportation of nursery stock, or with reference to the use, alteration, or defacement of a certificate of inspection relating to the same, or who shall remove, without the written permission of the State entomologist, infested or infected property concerning whose condition he has received official notice from the entomologist, or who shall maintain a nuisance as described in section 2 of this act, after notice by the State entomologist and direction for its abatement, or who shall offer any hindrance or resistance to the carrying out of this act, shall be adjudged guilty of a misdemeanor, and upon conviction before a justice of the peace shall be fined not less than twenty-five dollars and not more than one hundred dollars for each and every offense, together with all costs of the procedure, and shall stand committed until the same is paid. It shall be the duty of the State entomologist to furnish to the State's attorney all information in his possession concerning violations of this act, and the State's attorney shall prosecute such violations of this act, and amounts so recovered shall be paid into the treasury of the State. (As amended by act approved June 3, 1909, in force July 1, 1909. L. 1909, p. 420.)

SEC. 6. (Repealed.)

48. *Repeal.*

SEC. 7. An Act entitled, "An Act to prevent the introduction and spread in Illinois of the San Jose scale and other dangerous insects and contagious diseases of fruits," approved and in force April 11, 1899, is hereby repealed.

PLANT INSPECTION.

AN ACT to prevent the introduction into and the dissemination within this State of insect pests and diseases injurious to the plants and plant products of this State. Became a law June 29, 1917, in force July 1, 1917.

49. *Short Title.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* This act shall be known by the short title of "The Plant Inspection Act of 1917."

50. *Terms Defined.*

SEC. 2. For the purposes of this act, the following terms shall be construed, respectively, to mean:

Insect pests and diseases.—Insect pests and diseases injurious to plants and plant products of this State, including any of the stages of development of such insect pests and diseases.

Plants and plant products.—Trees, shrubs, vines, forage and cereal plants, and all other plants; cuttings, grafts, scions, buds, and all other parts of plants; and fruit, vegetables, roots, bulbs, seeds, wood, lumber, and all other plant products.

Nursery stock.—All field-grown trees, shrubs, vines, cuttings, grafts, scions, buds, fruit-pits, and other seeds of fruit and ornamental trees and shrubs, and other plants and plant products grown or kept for propagation, excepting field, vegetable and flower seeds, bedding plants, and other herbaceous plants, bulbs, and roots.

Nursery.—Any grounds or premises on or in which nursery stock is propagated and grown for sale, or any grounds or premises on or in which nursery stock is being fumigated, treated, packed or stored.

Nurseryman —Any person who owns, leases, manages, or is in charge of a nursery.

Dealer.—Any person not a grower of nursery stock in this State, who buys nursery stock for the purpose of reselling and reshipping independent of any control of the nurseryman.

Agents.—Any person selling nursery stock under the partial or full control of a nurseryman, or of a dealer or other agent. This term shall also apply to any person engaged with a nurseryman, dealer or agent in handling nursery stock on a cooperative basis.

Places.—Vessels, cars and other vehicles, buildings, docks, nurseries, orchards and other premises, where plants and plant products are grown, kept, or handled.

Persons.—Individuals, associations, partnerships and corporations.

Words used in the act shall be construed to import either the plural or the singular, as the case demands.

51. Annual Inspection.

SEC. 3. It shall be the duty of the Department of Agriculture to inspect once each year all nurseries and nursery stock in the State of Illinois as to whether they are infested or infected by insect pests and diseases.

52. Infected Premises or Stock, Inspection.

SEC. 4. The Department of Agriculture shall have authority to inspect any orchard, fruit- or garden-plantation, field, park, cemetery, private premises, or public place, and any place which might become infested or infected with insect pests or diseases. It shall also have authority to inspect or to reinspect at any time or place any nursery stock shipped in or into the State, and to treat it as hereinafter provided. For the purposes of inspection, the officers and employees of the Department of Agriculture shall have free access within reasonable hours to any field, orchard, garden, packing ground, building, cellar, freight or express office, warehouse, car, vessel, or other place where it may be necessary or desirable for them to enter in carrying out the provisions of this act. It shall be unlawful to deny such access to the officers and employees of the Department of Agriculture, or to hinder, thwart, or defeat such inspection by misrepresenting or concealing facts or conditions, or otherwise.

53. Nursery Stock, Inspection.

SEC. 5. Persons desiring to sell or ship nursery stock in this State shall make application in writing before July 1 of each year to the Department of Agriculture for the inspection of their stock, and any nurseryman failing to comply with this section shall be liable to extra charges to cover the expenses of a special trip by the officers or employees of the Department of Agriculture. Every person receiving directly or indirectly any nursery stock from a *foreign country* shall notify the Department of Agriculture of the arrival of such shipment, of the contents thereof, and of the name of the consignor, and shall hold such shipment unopened until duly inspected or released by such department.

54. Certificate of Inspection.

SEC. 6. It shall be the duty of the Department of Agriculture to cause to be inspected at least once each year between July 1 and September 15, all nurseries in the State of Illinois as to whether they are infested by insect pests or infested by diseases. If upon the inspection of any nursery as above provided it shall appear that said nursery and its premises are apparently free from insect pests and diseases, it shall be the duty of the Department of Agriculture, upon payment of the expenses of inspection, to give or to send to the owner of said nursery or the person in charge of the same, not later than October 1, a certificate executed by the Department of Agriculture

setting forth the fact of such inspection, and said certificate shall be valid not to exceed one year from the date thereof. The provisions of this section shall not apply to florist's greenhouse plants nor to flowers or cuttings commonly known as greenhouse stock. It shall be unlawful for any person to sell or to offer for sale or to remove or ship from a nursery or other premises any nursery stock until such stock has been officially inspected and a certificate or permit covering it has been granted by the Department of Agriculture; except that scions of fruit trees may be shipped from one place to another within this State without inspection, under a special permit of the Department of Agriculture, in which case they must be held unused by the person receiving them until they have been duly inspected and pronounced free from insect pests and diseases.

55. Certificate of Inspection, Withholding.

SEC. 7. If the Department of Agriculture shall find that part of a nursery is infested or infected with insect pests or plant diseases, and that the remainder of it is not so infested or infected, or if it shall have reason to believe that a nursery is liable, by reason of its proximity to infested or infected premises, to become so infested or infected before the next annual inspection, it may prescribe in writing such measures or precaution, or may make in writing such conditions as to the use of its certificate, as may in its judgment be necessary, and it may withhold a certificate until such conditions have been accepted in writing by the owner of said nursery; and the use of such certificate without taking such measures of precaution or observing such conditions shall subject the owner of said nursery to the penalties prescribed for a violation of this act.

56. Dealer's Certificate, Affidavit.

SEC. 8. Every dealer within the meaning of this act, located either within or without the State, engaged in selling nursery stock in this State shall secure a dealer's certificate, first furnishing an affidavit that he will buy and sell only stock which has been duly inspected and certified by the Department of Agriculture or inspector approved by the Federal horticultural board, and that he will maintain with the Department of Agriculture a list of all sources from which he secures his stock.

57. Agent's Certificate.

SEC. 9. Nurserymen, dealers or other persons residing or doing business outside the State desiring to solicit orders for nursery stock in this State, shall, upon filing a certified copy of their original State certificate with the Department of Agriculture, if said certificate is approved by the department, receive a certificate permitting such persons to solicit orders for nursery stock in this State.

58. Agents Certificate, Affidavit.

SEC. 10. All agents within the meaning of this act selling nursery stock or soliciting orders for nursery stock for any nursery man or dealer located within the State or outside the State, shall be required to secure and carry a dealer's certificate bearing a copy of the certificate held by the principal. Said agent's certificate shall be issued only by the Department of Agriculture to agents authorized by their principal or upon request of their principal. Every such agent or solicitor shall, before soliciting orders for nursery stock, furnish an affidavit to the Department of Agriculture that he will solicit orders only for the stock which has been duly inspected in accordance with the provisions of this act.

59. Misusing Certificate.

SEC. 11. If it shall be found at any time that a certificate of inspection issued or accepted pursuant to the provisions of this act is being used in connection with plants or plant products which are infested or infected with insect pests or diseases, or is being used in connection with plants or other property which have not been inspected and certified as aforesaid, its

further use may be prohibited, subject to such inspection and other disposition of the plants and plant products involved as may be provided for by the Department of Agriculture.

60. Shipping Information.

SEC. 12. It shall be unlawful for any person to bring or cause to be brought into this State any nursery stock unless there is plainly and legibly marked thereon or affixed thereto, or on or to the car or other vehicle carrying, or on the bundle, package, or other container of, the same, in a conspicuous place, a statement or a tag or other device showing the names and addresses of the consignors or shippers and the consignees or persons to whom shipped, the general nature of the contents, and the name of the locality where grown, together with a certificate of inspection of the proper official of the state, territory, district, or country from which it was brought or shipped, showing that such plant or plant product was found or believed to be free from insect pests and diseases.

61. Labeling, Uncertified Nursery Stock, Report.

SEC. 13. Every person who shall engage in the selling or shipping of nursery stock in this State is hereby required to attach to the outside of each package, box, bale or car-load shipped or otherwise delivered, a tag or poster on which shall appear an exact copy of his valid certificate. In case any nursery stock is shipped in this State or into this State from another state, country, or province without a valid certificate plainly affixed as aforesaid, the fact must be promptly reported to the Department of Agriculture by the person carrying the same, together with the names of the consignor and consignee and the nature of the shipment. Any person receiving nursery stock brought into this State from outside this State without a valid certificate approved by the Department of Agriculture affixed as aforesaid, shall at once notify the Department of Agriculture of the fact, and shall not allow such nursery stock to leave his possession until it has been inspected or released by the Department of Agriculture, and the expenses of such inspection shall be paid by the consignee before the said nursery stock is certified or released.

62. Nursery Stock, Sale.

SEC. 14. It shall be unlawful for any person to sell, give away, carry, ship, or deliver for carriage or shipment within this State any nursery stock unless such nursery stock has been officially inspected and a certificate issued by the Department of Agriculture stating that said nursery stock has been inspected and found free from insect pests and diseases. It shall, however, be the privilege of a nurseryman holding a valid certificate covering nursery stock grown by him to ship under said certificate nursery stock grown for him elsewhere or purchased by him from other states or countries, provided that all such nursery stock is received under an official certificate acceptable to the Department of Agriculture stating that it has been inspected where grown and found to be apparently free from insect pests and diseases. The Department of Agriculture shall send once each year not later than July 1 to all nurserymen in the State known to it a list of the official inspectors of other states and foreign countries whose inspection certificates may be accepted in this State for one year from the date thereof as equivalent to its own certificate.

63. Nuisance Defined.

SEC. 15. All gardeners, horticulturists, nurserymen or other growers of or dealers in plants of any kind upon their own lands or upon lands or premises leased by them and all public authorities having jurisdiction over highways, streets, parks and public places, on which plants, shrubs, trees, vines, cuttings, scions, stocks, or other plant parts are grown, cultivated, or brought in by them, shall keep the same free from insect pests and diseases which are liable to spread to other plants or places and all plants, shrubs or trees or places so infested or infected are hereby declared to be a nuisance.

64. *Nuisance, Notice, Abatement.*

SEC. 16. If the Department of Agriculture shall have reason to suppose that any property or place in this State is infested or infected by insect pests or diseases, it shall have power to inspect or to cause to be inspected from time to time such property or place, and if it shall find by inspection as aforesaid that any person is maintaining a nuisance, as described in section 15 of this Act, the Department of Agriculture shall give written notice of the facts to the owner or other person in possession or control of the place where found, which said notice shall contain a description of methods by which, and specify a time within which, said nuisance should be abated, and such owner or other person shall proceed to control, eradicate, or prevent the dissemination of, such insect pest or disease within the time and in the manner described by said notice, and shall remove, cut or destroy infested and infected plants and plant products, or things and substances used or connected therewith, if the same are incapable of effective treatment. Whenever such owner or other person can not be found, or shall fail, neglect, or refuse to obey the requirements of said notice, such requirements shall be carried out by the Department of Agriculture if, in the judgment of the department, it is practicable for them so to do, and the Department of Agriculture shall have and enforce a lien for the expense thereof against the place in or upon which such expense was incurred, in the same manner as liens are had and enforced against buildings and lots, wharves and piers, for labor and materials furnished by virtue of contract with the owner.

65. *Requested Inspection, Municipality.*

SEC. 17. Any municipality, park board, or other board or person in control of public grounds may apply to the Department of Agriculture for an inspection of the same with reference to the presence of insect pests or diseases, agreeing in the application to pay in full the expenses of the inspection; and upon receipt of such application and agreement, or as soon thereafter as may be conveniently practicable, the Department of Agriculture may comply with such request, and upon receipt of the expenses of the inspection it shall send to the applicant a statement as to the facts disclosed.

66. *Requested Inspection, Florist.*

SEC. 18. Any owner of florist's stock or other herbaceous plants which he wishes to ship into another state or country, may apply to the Department of Agriculture for an inspection of the same with reference to the presence of insect pests or diseases liable to prevent the acceptance of such plants in such state or country, agreeing in his application to pay in full the expenses of the inspection, and upon receipt of such application and agreement, or as soon thereafter as may be conveniently practicable, the Department of Agriculture may comply with such request, and upon receipt of the expenses of the inspection it shall issue to the applicant a certificate to the facts disclosed.

67. *Importation, Quarantine, Notice.*

SEC. 19. Whenever the Department of Agriculture shall find that there exists outside of this State any insect pest or disease, and that in order to safeguard plants and plant products in this State, its introduction into this State should be prevented, the Department of Agriculture shall give public notice thereof, specifying the plants and plant products infested or infected, or likely to become infested or infected therewith, and the movement of such plants or plant products into this State from the infested or infected locality designated in said public notice shall thereafter be prohibited until the Department of Agriculture shall find that the danger of the introduction into this State of such insect pests or diseases from such locality has ceased to exist, of which the Department of Agriculture shall give public notice.

68. *Quarantine, Notice.*

SEC. 20. Whenever the Department of Agriculture shall find that there exists in this State, or any part thereof, any insect pest or disease, and that its dissemination should be controlled or prevented, the Department of Agriculture shall give public notice thereof, specifying the plant and plant products infested or infected, or likely to become infested or infected therewith, and the movement, planting or other use of any such plant or plant product, or other thing or substance specified in such notice as likely to carry and disseminate such insect pest or disease, except under such conditions as shall be prescribed by the Department of Agriculture as to inspection, treatment and disposition, shall be prohibited within such area as shall be designated in said public notice until the Department of Agriculture shall find that the danger of dissemination of such insect pest or disease has ceased to exist, of which the Department of Agriculture shall give public notice: *Provided, however,* that before the Department of Agriculture shall promulgate the order of quarantine, as provided in this section, the Department of Agriculture shall, after due notice to the interested parties, give a public hearing under such rules and regulations as the department shall prescribe, at which hearing any interested person may appear and be heard, either in person or by attorney.

69. *Farm Crops, Preventive Measures.*

SEC. 21. If the Department of Agriculture shall find, at any time, in any county, township, or other geographical district, fields, crops or any property or place so infested by insect pests, or infected with plant diseases as to threaten increasing or serious injury to farm crops or other property, which injury might, in the judgment of the Department of Agriculture be restrained by reasonable measures of arrest and prevention, it shall require of all persons owning, leasing, managing, or occupying property infested by such insect pests, or infected by such diseases, within said district, that they shall take such measures of arrest and prevention as are prescribed by the Department of Agriculture for the protection of the property of others against injury; and it shall be the duty of every person so notified and instructed to perform the acts required of him by the instructions of the Department of Agriculture.

70. *Review of Action.*

SEC. 22. Any person affected by any rule or regulation made or notice given, pursuant to this act, may have a review thereof by the Department of Agriculture for the purpose of having such rule, regulation or notice modified, suspended, or withdrawn. Such review shall be allowed and considered and the costs thereof fixed, assessed, collected or paid in such manner and in accordance with such rules and regulations as may be prescribed by the Department of Agriculture.

71. *Penalties and Prosecution.*

SEC. 23. Any person who shall violate the provisions of this act with reference to the sale, shipment, delivery, receipt, labeling, transportation, or treatment of nursery stock, plants, plant products, or other property; or who shall fail to report the receipt of uncertified nursery stock as required in section 13 of this act; or who shall forge, counterfeit, deface, alter, destroy, or wrongfully use any certificate provided for in this act; or who shall use, plant, or remove, without permission of the Department of Agriculture, infested or infected property concerning whose condition he has received official notice; or who shall maintain a nuisance as described in this act, after notice by the Department of Agriculture; or who shall fail or neglect to take such reasonable measures for the arrest and prevention of injury by insect pests and diseases as are required of him by the Department of Agriculture under section 21 of this act; or who shall offer any hindrance or resistance to the carrying out of this act; shall be adjudged guilty of a misdemeanor, and upon conviction shall be punished by a fine of not

less than ten dollars or more than a hundred dollars for each and every offense, together with all costs of procedure. It shall be the duty of the Department of Agriculture to furnish to the State's attorney of the county in which an offense is committed, or to the Attorney General of the State, all information in its possession concerning violations of this act, and the officer so notified shall prosecute such violations of this act, and the amounts so received shall be paid into the treasury of the State.

72. *Official Omissions.*

SEC. 24. In construing and enforcing the provisions of this act, the act, omission or failure of any official, agent or other person acting for or employed by any association, partnership or corporation, within the scope of his employment or office, shall, in every case, also be deemed the act, omission or failure of such association, partnership or corporation, as well as that of the person.

73. *Commerce.*

SEC. 25. This act shall not be so construed or enforced as to conflict in any way with any act of Congress regulating the movement of plants or plant products in interstate or foreign commerce.

74. *Construction of Act.*

SEC. 26. If any section or part of a section of this act shall, for any cause, be held unconstitutional, such fact shall not affect the remainder of this act.

75. *Repeal.*

SEC. 27. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

76. *Emergency.*

SEC. 28. Whereas an emergency exists, this act shall take effect from and after its passage; and whereas the act establishing the Department of Agriculture does not take effect until July 1, the duties of the Department of Agriculture under this act shall be performed, so far as necessary, by the State entomologist, until July 1, 1917.

AGRICULTURAL EXPERIMENT STATION.

AN ACT making appropriations for the maintenance and extension of the various departments of the University of Illinois. Approved June 10, 1911, in force July 1, 1911. L. 1911, p. 39.

(Sections 1 and 2 provide for an appropriation of \$2,324,000 for a number of general purposes.)

77. *Instruction in Crops, Etc.*

SEC. 3. That it shall be the duty of the College of Agriculture to give thorough and reliable instruction in the economic production of crops; the treatment of the different soils of the State in such manner as to secure largest returns from each and without impairing its fertility; the principles of breeding and management of live stock, including animal diseases and a thorough knowledge of the various breeds and market classes; the economic and sanitary production of dairy goods, and the best methods of meeting existing market demands, and of extending and developing trade in the agricultural productions of the State. That it shall be the further duty of said college to provide and maintain such live stock specimens, laboratories, apparatus and other material equipment, together with teachers of such experience and skill as shall make such instruction effective. That to carry out the provisions of this section there be, and hereby is, appropriated the sum of two hundred and seven thousand, nine hundred dollars (\$207,900) annually, for the years 1911 and 1912.

78. *Investigations.*

SEC. 4. That it shall be the duty of the Agricultural Experiment Station to conduct investigations calculated to develop the beef, pork, mutton, wool and horse producing interests of the State, and especially to devise and conduct feeding experiments intended to determine the most successful combination of stock foods, particularly in Illinois grain and forage crops, and to discover the most economical and successful methods of maintaining animals and fitting them for the market, to investigate live stock conditions, both at home and abroad, in so far as they affect market values, and to publish the results of such experiments and investigations. That to carry out the provisions of this section there be and hereby is appropriated the sum of twenty-five thousand dollars (\$25,000.00) annually for the years 1911 and 1912: *Provided*, that the director of the Agricultural Experiment Station, in planning and conducting the work undertaken and outlined in this section, shall be assisted by an advisory committee of five, to be appointed by the Illinois Live Stock Breeders' Association.

79. *Experiments.*

SEC. 5. That is [it] shall be the duty of the Agricultural Experiment Station to conduct experiments in several sections of the State, in order to discover the best methods of producing corn, wheat, oats, clover and other farm crops on the different soils and under the various climatic conditions of the State, and for the purpose of improving the varieties grown for special purposes; and that to carry out the provisions of this section there be, and hereby is, appropriated the sum of fifteen thousand dollars (\$15,000.00) annually for the years 1911 and 1912: *Provided*, that the director of the Agricultural Experiment Station, in planning and conducting the work undertaken and outlined in this section, shall be assisted by an advisory committee of five, to be appointed as follows: Two by the Illinois Corn Growers' Association, one by the Illinois Seed Corn Breeders' Association and one by the Illinois Grain Dealers' Association and one by the Farmers' Grain Dealers' Association.

80. *Examinations of Soils.*

SEC. 6. That is [it] shall be the duty of the Agricultural Experiment Station to make chemical and physical examination of the various soils of the State, in order to identify the several types and determine their character; to make and publish an accurate survey with colored maps, in order to establish the location, extent and boundaries of each; to ascertain by direct experiment in laboratory and field what crops and treatment are best suited to each; whether the present methods are tending to best results and whether to the preservation or reduction of fertility, and what rotations and treatment will be most effective in increasing and retaining the productive capacity of Illinois lands; and that, to carry out the provisions of this section, there be and hereby is, appropriated the sum of sixty-five thousand dollars (\$65,000.00) annually for the years 1911 and 1912: *Provided*, that the director of the Agricultural Experiment Station, in planning and conducting the work undertaken and outlined in this section, shall be assisted by an advisory committee of five, to be appointed by the Illinois Farmers' Institute.

81. *Improve Methods for Orchards, Etc.*

SEC. 7. That it shall be the duty of the Agricultural Experiment Station to discover and demonstrate the best methods of orchard treatment, the culture and marketing of fruits and vegetables, and the most effective remedies for insect and fungous enemies to fruits and vegetables; to make a systematic study of plant breeding, and to develop, by means of crossing and selection, new and improved varieties of fruits and vegetables, and that, to carry out the provisions of this section there be, and hereby is, appropriated the sum of fifteen thousand dollars (\$15,000.00) annually for the years 1911 and 1912: *Provided*, that the director of the Agricultural Experiment Station, in planning and conducting the work undertaken and outlined

in this section, shall be assisted by an advisory committee of five, to be appointed by the Illinois State Horticultural Society.

82. Improve Methods for Dairy.

SEC. 8. That it shall be the duty of the Agricultural Experiment Station to investigate the dairy conditions of the State; to discover and demonstrate improved methods of producing and marketing wholesale milk and other dairy products, and to promote the dairy interests of the State by such field assistance in the dairy sections upon farms and in the creameries and factories as shall tend to better methods and more uniform products; and that to carry out the provisions of this section there be, and hereby is, appropriated the sum of fifteen thousand dollars (\$15,000.00) annually for the years 1911 and 1912: *Provided*, that the director of the Agricultural Experiment Station, in planning and conducting the work undertaken and outlined in this section, shall be assisted by an advisory committee of five, to be appointed by the Illinois State Dairymen's Association.

83. Improve Methods for Cut Flowers, Etc.

SEC. 9. That it shall be the duty of the Agricultural Experiment Station to discover and demonstrate the best methods of producing plants, cut flowers and vegetables under glass, and the most effective remedies for disease and insect enemies of the same, to investigate and demonstrate the best varieties and methods of producing ornamental trees, shrubs and plants suitable for public and private grounds in the various soils and climatic conditions of the State, and to disseminate information concerning the same; and that to carry out the provisions of this section there be, and hereby is, appropriated the sum of eight thousand dollars (\$8,000.00) annually for the years 1911 and 1912: *Provided*, that the director of the Agricultural Experiment Station, in planning and conducting the work undertaken and outlined in this section, shall be assisted by an advisory committee of five, to be appointed by the Illinois State Florists' Association.

84. Housekeeping Instruction.

SEC. 10. That it shall be the duty of the College of Agriculture, through its Department of Household Science, to make such investigations and give such instructions and demonstrations as are calculated to advance the art of practical housekeeping in the State, with special reference to supply practical instructions to those desiring to take special courses in the science relating to and in the art of practical housekeeping, and that to carry out the provisions of this act there be, and hereby is, appropriated two thousand five hundred dollars (\$2,500.00) per annum for the years 1911 and 1912.

85. Appropriation for Soil Maps.

SEC. 11. That for the purpose of printing colored soil maps of counties surveyed and results of other investigations already made there be, and hereby is, appropriated the sum of twenty-five thousand dollars (\$25,000.00) annually for the years 1911 and 1912.

86. Meetings.

SEC. 12. That the committees representing the several associations herein named shall meet at such times and places as may be designated by the dean of said college, or the director of the Agricultural Experiment Station, or upon request of a majority of the committee; that they shall serve without compensation, except for expenses, to be paid out of the respective funds, and that said committees shall make to their respective associations, at their annual meetings, full reports of the work in progress under the provisions of this act.

87. Appropriation, Mining Engineering.

SEC. 13. That there be and hereby is appropriated to the University of Illinois for the maintenance and extension of the Department of Mining Engineering, the sum of fifteen thousand dollars (\$15,000.00) per annum.

88. *Appropriation, Geological Survey.*

SEC. 13a. That there be and hereby is appropriated to the University of Illinois for work of investigation in cooperation with the State Geological Survey and the U. S. Bureau of Mines with a view to conserving the lives of the mine workers and the mineral resources of the State, the sum of five thousand dollars (\$5,000.00) per annum.

89. *Auditor's Warrant, Etc.*

SEC. 14. The Auditor of Public Accounts is hereby authorized and directed to draw his warrant on the Treasurer for the sums hereby appropriated, payable out of any money in the treasury not otherwise appropriated upon the order of the board of trustees of said university, attested by its secretary and the corporate seal of the university: *Provided*, that no part of said sum shall be due and payable to said university until satisfactory vouchers in detail, approved by the Governor, shall be filed with the Auditor for all previous expenditures incurred by the University on account of the appropriations hitherto made: *And provided, further*, that vouchers shall be taken in duplicate and original, or duplicate vouchers shall be forwarded to the Auditor of Public Accounts for the expenditures of the sums appropriated in this act.

MARKETING PRODUCTS.

AN ACT for the protection of farmers, fruit growers, vine growers and gardeners. Approved January 13, 1872, in force July 1, 1872. Laws 1871-2, p. 416.

90. *License.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That every farmer, fruit and vine grower, and gardener, shall have an undisputed right to sell the produce of his farm, orchard, vineyard and garden in any place or market where such articles are usually sold, and in any quantity he may think proper, without paying any State, county, or city tax, or license, for doing so, any law, city or town ordinance to the contrary notwithstanding: *Provided*, that the corporate authorities of any such city, town or village may prohibit the obstruction of its streets, alleys and public places for any such purpose: *And provided, further*, that nothing in this act shall be so construed as to authorize the sale of spirituous, vinous or malt liquors, contrary to laws which now are or hereafter may be in force prohibiting the sale thereof.

COMMISSION MERCHANTS.

AN ACT to regulate the shipping, consignment and sale of produce, fruits, vegetables, butter, eggs, poultry or other products or property, and to license and regulate commission merchants and to create a board of inspectors and to prescribe its powers and duties. Approved and in force April 24, 1899. L. 1899, p. 364.

91. *Statements, Record.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That it shall be the duty of all commission merchants, firms, companies and corporations, and all other persons or consignees in the State of Illinois, receiving fruits, vegetables, butter, poultry, eggs or any other product or property to be sold on commission or otherwise, upon the consummation of the sale such commission merchant, firm, company or corporation, person or consignee, shall immediately thereafter make and render an itemized statement of such sale to the consignor, giving the gross amount of the sale, the freight or express charges, together with all other charges against the goods which the consignee may reasonably incur, and the net proceeds of the sale: *Provided, further*, that such commission merchants, firms, companies and corporations, and all other persons shall keep a record of the names of all purchasers, their postoffice address, and gross

amount of each sale, and all freight, express and other charges against the goods which the consignee may reasonably incur, and the net proceeds of the sales; which record shall be open for inspection at any time upon the request of any consignor or consignors, or his or their duly authorized agents or attorneys.

92. *Penalty.*

SEC. 2. That any commission merchant, firm, company, corporation or person, as expressly implied in section 1 of this act, violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than ten dollars (\$10) nor more than two hundred dollars (\$200) and costs of suit for each and every offense, and shall stand committed until such fine or fines and costs are paid: *Provided, however,* that in case of clerical error or other unavoidable cause, the consignee, firm, company, corporation or person shall fail to render such itemized account of sales as expressly provided for in section 1 of this act, such consignee, firm, company, corporation or person shall have ten days from date of sale to comply with the provisions of this act.¹⁶

BUTTER AND CHEESE FACTORIES.

¹⁴AN ACT to require operators of butter and cheese factories on the cooperative plan to give bonds, and to prescribe penalties for the violation thereof. Approved June 18, 1883, in force July 1, 1883. L. 1883, p. 54.

93. *Bond, Reports.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That it shall be unlawful for any person or persons, company or corporation, within this State, to operate, carry on, or conduct the business of manufacturing butter or cheese, on the cooperative or dividend plan, until such person or persons, company, or corporation, shall have filed with the circuit clerk, or recorder of deeds of the county in which it is proposed to carry on such business, a good and sufficient bond, to be approved by such circuit clerk, or recorder of deeds, in the penal sum of six thousand dollars (\$6,000), with one or more good sureties, conditioned that such person or persons, company or corporation, proposing to carry on such business, will, on or before the first day of each month, make, acknowledge, subscribe and swear to a report¹⁵ in writing, showing the amount of products manufactured, the amount sold, the prices received therefor, and the dividends earned and declared for the third month preceding the month in which such report is made; and will file a copy of such report with the clerk of the town or precinct in which such factory is located; and will also keep publicly posted in a conspicuous place in such factory a copy of such report for the inspection of the patrons thereof, and that such dividends shall be promptly paid to the persons entitled thereto.

94. *Bond, Form, Action.*

SEC. 2. Such bond shall run to the People of the State of Illinois; and shall be for the benefit and protection of all patrons of such factory, and

¹⁶ Sections 1 and 2 of this act were held not to be class legislation and separable from the invalid provisions on the ground that small produce commission business in cities of a certain size may afford great opportunities for swindling and be productive of great abuses.

The provisions of the act which relate to the selection and appointment of a board of inspectors and vest them with certain powers were declared invalid for the reason that the legislature cannot delegate the power of appointment to private corporations. *Lasher v. People* (1899), 183 Ill. 226, 232, 236. The invalid provisions are therefore omitted.

¹⁷ The title of this act is in conformity with the requirements of section 13, article 4 of the Constitution. *Hawthorn v. People* (1883), 109 Ill. 302, 312.

¹⁸ The requirement of a manufacturer to make at the end of each month a written report showing the amount of products manufactured, the amount sold, the prices received therefor and the dividends earned and declared for the third month preceding the month in which the report is made; to subscribe, swear and acknowledge the same; and to file a true copy with the clerk of the town or precinct in which the factory is located, does not amount to an unreasonable search and seizure under section 6, article 2 of the Constitution of 1870: nor is the requirement of the manufacturer to give bond intended to secure to those who intrust their property to the keeping of the manufacturer against fraud and misappropriation unlawful. *Hawthorn v. People* (1883), 109 Ill. 302, 307, 308.

suit may be had thereon by any person or persons injured by a breach of the conditions thereof, by an action of debt for the use of the person or persons interested, for all damages sustained by them.

95. Bond, Recording.

SEC. 3. Such bond shall be recorded by the circuit clerk or recorder with whom the same is filed; and all such reports so filed with any town or precinct clerk, shall be preserved by him and held subject to the inspection of any person or persons interested.

96. Penalty.

SEC. 4. Any person who shall willfully violate any provisions of this act shall be liable to a fine of not less than two hundred dollars (\$200) nor more than five hundred dollars (\$500), or imprisonment in the county jail for not less than thirty days, nor more than six months, or both, in the discretion of the court.

COMMERCIAL FERTILIZERS.

AN ACT to prevent fraud in the manufacture and sale of commercial fertilizers. Approved June 29, 1885, in force July 1, 1885. L. 1885.

97. Packages, Marking.

SECTION 1. That any person or company who shall offer, sell or expose for sale in this State, any commercial fertilizer, the price of which exceeds five dollars a ton, shall affix to every package, in a conspicuous place on the outside thereof, a plainly printed certificate, stating the number of net pounds in the packages sold or offered for sale, the name or trademark under which the article is sold, the name of the manufacturer, and the place of manufacture, and a chemical analysis, stating the percentage of nitrogen in available form, of potassium, soluble in water, and of phosphorus, in an available form (soluble or reverted), as well as the total phosphorus. (As amended by act approved May 15, 1903, in force July 1, 1903. L. 1903, p. 5.)

98. Certificates, Filing.

SEC. 2. Before any commercial fertilizer is sold or offered for sale, the manufacturer, importer or party who causes it to be sold, or offered for sale, within the State of Illinois, shall file in the office of the Illinois State Board of Agriculture a certified copy of the certificate referred to in section 1 of this act, and shall deposit with the secretary of said Board of Agriculture, a sealed glass jar, containing not less than one pound of the fertilizer, accompanied with an affidavit that it is a fair average sample.

99. License, Fee.

SEC. 3. The manufacturer, importer or agent of any commercial fertilizer, exceeding five dollars per ton in price, shall pay, annually, on or before the first of May, a license fee of twenty dollars for the privilege of selling or offering for sale, within the State, said fee to be paid to the treasurer of the Illinois State Board of Agriculture: *Provided*, that whenever the manufacturer or importer shall have paid the license fee herein required, for any person acting as agent for such manufacturer or importer, such agent shall not be required to pay the fee named in this section. (As amended by act approved May 15, 1903, in force July 1, 1903. L. 1903, p. 5.)

100. Analysis.

SEC. 4. All analyses of commercial fertilizers, sold within the State shall be made under the direction of the Illinois State Board of Agriculture, and paid for out of the funds arising from license fees, as provided for in section 3; at least one analysis of each fertilizer sold, shall be made annually.

101. Penalty.

SEC. 5. Any person or party who shall offer or expose for sale any commercial fertilizer, without complying with the provisions of sections 1, 2

and 3 of this act, or shall permit an analysis to be attached to any package of such fertilizer, stating that it contains a larger percentage of any one or more of the constituents named in section 1 of this act than it really does contain, shall be fined not less than two hundred dollars for the first offense, and not less than five hundred dollars for every subsequent offense; and the offender, in all cases, shall also be liable for damages sustained by the purchaser of such fertilizer: *Provided, however, that a deficiency of one per cent of the nitrogen, potassium, or phosphorus claimed to be contained shall not be considered as evidence of fraudulent intent.* (As amended by act approved May 15, 1903, in force July 1, 1903. L. 1903, p. 5.)

102. *Fines, Action.*

SEC. 6. Suit may be brought for the recovery of fines, or damages, under the provisions of this act, in the county where the fertilizer was offered for sale, or where it was manufactured; and all fines so recovered shall be paid into the treasury of the State Board of Agriculture by the court collecting the same. The treasurer of the State Board of Agriculture, after the payment of the expenses for analysis, and the publication of the annual report relating to the analysis, use and results, obtained from fertilizers, shall pay into the treasury of the State, any surplus remaining in his hands, on account of license fees and fines received through the provisions of this act.

103. *Annual Report.*

SEC. 7. The Illinois State Board of Agriculture shall publish annually, a correct report of all analyses made, and certificates filed, together with a statement of moneys received on account of license fees and fines, and expended for analyses and publication of the report relating to fertilizers.

104. *Samples.*

SEC. 8. The officers and members of the Illinois State Board of Agriculture, or any person authorized by said board, is hereby empowered to select from any package of commercial fertilizer exposed for sale in any county in Illinois, a quantity not exceeding two pounds, which quantity shall be for analysis to compare with sample deposited with the secretary of said Board of Agriculture, as provided for in section 2 of this act, and with the printed certificate found on the given package found on sale.

105. *Attorney General.*

SEC. 9. All suits for the recovery of fines under the provisions of this act, shall be brought by the Attorney General of the State in the name of the People of the State of Illinois.

ARBOR DAY.

AN ACT to encourage the planting of trees. Approved June 10, 1887, in force July 1, 1887. L. 1887, p. 4.

106. *Planting.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the Governor shall annually, in the spring, designate, by official proclamation, a day to be designated as "Arbor Day," to be observed throughout the State as a day for planting trees, shrubs and vines about the homes and along highways, and about public grounds within this State, thus contributing to the wealth, comforts and attractions of our State.

LIVE STOCK.

(Animal's Contagious Disease Act.)

AN ACT to revise the law in relation to the suppression and prevention of the spread of contagious and infectious diseases among domestic animals. Approved June 14, 1909, in force July 1, 1909. L. 1909, p. 8.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* (Repealed.)

107. *Communicable Diseases, Investigation, Quarantine, Appraisal, Slaughter.*

SEC. 2. It shall be the duty of said Board of Live Stock Commissioners to cause to be investigated any and all cases, or alleged cases, coming to their knowledge, of communicable diseases among domestic animals, within this State, and to use all proper means to prevent the spread of such diseases, and to provide for the extirpation thereof; and in the event of reasonable ground for the belief that any such communicable disease exists in this State, it shall be the duty of the person owning or having in charge any animal or animals infected with such disease, or any other person having knowledge or reason to suspect the existence of such disease, to immediately notify said *Board of Live Stock Commissioners*, or some member thereof, by communication to said board or member, of the existence of such disease, and thereupon it shall be the duty of said board, or some member thereof, or authorized agent of the board, immediately to cause proper examination thereof to be made, and if such disease shall be found to be a dangerously contagious or dangerously infectious malady, said board, or any member thereof, or the State veterinarian or any assistant State veterinarian, shall order such diseased animals, and such as have been exposed to contagion, and the premises in or on which they are, or which may have been recently occupied by them, to be *strictly quarantined*; and they shall have power to order any premises and farms where the disease exists, or has recently existed, as well as exposed premises and farms, to be put in *quarantine* so that no domestic animal which has been or is so diseased, or has been exposed to such communicable disease, be removed from the premises so quarantined, nor allow any animal susceptible to such disease to be brought therein or thereon, except under such rules and regulations as said Board of Live Stock Commissioners may prescribe, which quarantine, and every quarantine established under the provisions of this act, shall remain in force and effect until removed by order of said board; and said board shall prescribe such *regulations* as they may deem necessary to prevent any such disease from being communicated from any such diseased animal or exposed animal or from the infected premises or through any other means of communication. In all such cases the said Board of Live Stock Commissioners, or in case the number of animals shall not exceed five, any member thereof, shall have power to *order the slaughter* of any or all such diseased or exposed animals. The said board shall also have power to *cause* to be destroyed all barns, stables, premises, fixtures, furniture and personal property infected with any such communicable disease, so far as in their judgment may be necessary to prevent the spread of such disease and where the same cannot be properly disinfected; and to *order the disinfection* of all cars, boats or other vehicles used in transporting animals affected with any such communicable disease, or that have been exposed to the contagion thereof, and the disinfection of all yards, pens and chutes that may have been used in handling such diseased or exposed animals.

When said board, upon the written report of the State veterinarian, or any of his assistants, determines that any animal is affected with, or has been exposed to any dangerously contagious or infectious disease, the board, or any member thereof, or any of its duly authorized agents, may *agree with the owner* upon the value of such animal or of any property that it may be found necessary to destroy, and in case such an agreement cannot be made, said animals or property shall be appraised by three competent and disinterested appraisers, one to be selected by the State Board of Live Stock Commissioners, one by the claimant and one by the two appraisers thus selected. Such appraisers shall subscribe to an oath in writing to fairly value such animals or property in accordance with the requirements of this act, which oath, together with the valuation fixed by such appraisers, shall be filed with the board and be preserved by them. Upon such appraisement being made, it shall become the duty of the owner to immediately destroy such animals and to dispose of the carcasses thereof, and to disinfect the premises occupied by such animals, in accordance with the rules prescribed by said board governing such destruction and disinfection. And upon his failure so to do, said board, or any member thereof, shall cause such animal

or animals or property to be destroyed and disposed of, and thereupon such owner shall forfeit all right to receive any compensation for the destruction of such animal or animals or property.

When the board, upon the written opinion of the State veterinarian, or of any assistant State veterinarian, determines that any barns, stables, outbuildings or premises are so infected that the same cannot be disinfected, they may quarantine such barns, stables, outbuildings or premises from use for the animals that might be infected by such use, and such quarantine shall continue in force and effect until removed by the board, and a violation of such quarantine shall be punished in the same manner as is provided for violations of other quarantine by this act.

Any person feeling himself aggrieved by any quarantine established under the provisions of this act may appeal to the full Board of Live Stock Commissioners, who shall thereupon sustain, modify or annul such quarantine, as they may deem proper.

Whenever quarantine is established in accordance with the provisions of this act, valid notice of the same may be given by leaving with the owner or occupant of any premises so quarantined, in person, or by delivering to any member of his family, or any employee, over the age of ten years found upon the premises so quarantined, notice thereof, written or printed, or partly written and partly printed, and at the same time explaining the contents thereof. Such quarantine shall be sufficiently proven in any court by the production of a true copy of such notice of quarantine with a return thereon of the service of the same in the manner above required, attested by the seal of the Board of Live Stock Commissioners, with the signature of the proper officer thereof. (As amended by act approved June 29, 1915, in force July 1, 1915. L. 1915, p. 3.)

108. Affected Districts, Report, Proclamation, Quarantine Penalty.

SEC. 3. Whenever said Board of Live Stock Commissioners shall become satisfied that any communicable disease exists among domestic animals in any municipality or geographical district in this State, and in their judgment it is necessary to quarantine such municipality or geographical district in order to prevent the spread of such disease into contiguous territory, they *shall report* the same to the Governor, who may thereupon, by proclamation, schedule and quarantine such municipality or geographical district, prohibiting all domestic animals of the kind diseased within such municipality or geographical district from being moved from one premises to another or over any public highway or any unfenced lot or piece of ground, or from being brought into, or taken from, such infected municipality or geographical district, except upon obtaining a special permit, signed by the Board of Live Stock Commissioners, or member thereof, or the agent or officer of the board duly authorized by it to issue such permits; and such proclamation shall from time to time of its publication bind all persons. After the publication of the aforesaid proclamation, it shall be the duty of every person who owns, or who is in charge of animals of the kind diseased within such municipality or geographical district, to report to said board within one week thereafter the number and description of such animals, location, and the name and address of the owner or person in charge, and during the continuance of such quarantine to report to said board all cases of sickness, deaths or births among such animals. It shall also be the duty of all persons within such municipality or geographical district so quarantined, receiving, having or purchasing domestic animals of the kind diseased, for slaughter, to delay the killing of such animals until a veterinary surgeon, with authority from said board, is present to make a postmortem examination of the carcass. Any violation of the aforesaid quarantine regulations and prescribed duties shall be visited with like penalties, which may be recovered in like manner, as provided in section 6 of this act: *Provided*, that nothing contained in this section shall be so construed as to prevent the movement of any animal or animals of the kind diseased through such quarantined territory under such regulations as the Board of Live Stock Commissioners may prescribe and the Governor approve: *And, provided*,

further, that no animals of the kind diseased within such municipality or geographical district, slaughtered by order of said board, shall be taken from such municipality or geographical district for slaughter.

109. Affected Districts, Proclamation, Importation, Penalty.

SEC. 4. Whenever said Board of Live Stock Commissioners shall report to the Governor that any communicable disease exists in any other state, territory, district, province or country, or in any portion thereof, or in any locality therein, or that the condition of any domestic animals coming therefrom into this State is such as would render them liable to convey any such disease, he may, by proclamation, schedule such state, territory, district, province or country, or any portion thereof, or any locality therein, and prohibit the importation or bringing therefrom into this State of any live stock of the kind diseased, or of any live stock that has been exposed to such disease, or whose condition would render them liable to convey such disease to other animals, or of any carcasses or portions of carcasses, or of any hay, straw, fodder or other material capable of conveying infection, except under such regulations as may be prescribed by said board and approved by the Governor. Any person, firm, joint stock company or corporation that shall knowingly transport, receive or convey such prohibited stock from the scheduled district into the State of Illinois in violation of any such regulation, or which shall so transport any carcasses, or portions of carcasses, or any hay, straw, fodder or other material capable of conveying infection, which may be prohibited by any rule or regulation of the Board of Live Stock Commissioners, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than \$1,000 nor more than \$10,000 for each and every offense, and shall be liable for any and all damages or loss that may be sustained by any person or persons or corporation by reason of such importation or transportation of such prohibited stock, or prohibited materials above mentioned. Such penalty shall be recovered in any county in this State into or through which such stock or material is brought, in any court of competent jurisdiction.

110. Removal of Diseased Animals.

SEC. 5. Nothing contained in this act, or any section thereof, shall be interpreted so as to prevent the movement or shipment of diseased or exposed animals under the orders of the board created by this act, from one place to another by said board or its agents, by driving along the public highway or shipment on cars or steamboats, when, in the opinion of said board, such removal is necessary for the suppression of any communicable disease.

111. Concealment of Disease in Animals, Penalty.

SEC. 6. Any person who, knowing that any communicable disease exists among his domestic animals, shall conceal such fact, or knowing of the existence of such disease, shall sell any animal or animals so diseased, or any exposed animal, or knowing the same, shall remove any such diseased or exposed animal from his premises to the premises of another, or knowing of the existence of such disease, or exposure thereto, shall drive or lead, or ship any animal so diseased or exposed, by any car or steamboat, to any place in or out of this State; and any person or persons who shall bring any such diseased or knowingly, shall bring any such exposed animal or animals into this State from another state; and any person or persons who shall knowingly buy, receive, sell or convey, or engage in the traffic of such diseased or exposed stock, and any person who shall violate any quarantine regulation established under the provisions of this act, shall, for each, either, any or all acts above mentioned in this section, be guilty of a misdemeanor, and, on conviction thereof, or of any one of said acts, shall be fined in any sum not less than \$25 nor more than \$200, and be imprisoned in the county jail until the fine and costs are paid, and shall forfeit all right to any compensation for any animal or property destroyed under the provisions of this act.

Any veterinary practitioner having information of the existence of any communicable disease among domestic animals in this State, who shall fail to promptly report such knowledge to said Board of Live Stock Commissioners, shall be fined not exceeding \$500, or be imprisoned in the county jail not more than one year for each offense.

112. Fines, Payment.

SEC. 7. All fines recovered under the provisions of this act shall be paid into the county treasury of the county in which the suit is tried, by the person collecting the same, in the manner now provided by law, to be used for county purposes; and it shall be the duty of the State's attorneys in their respective counties to prosecute for all violations of this act.

113. Claims, Allowance.

SEC. 8. All claims against the State arising from the slaughter of animals as herein provided for, shall be made to the Board of Live Stock Commissioners under such rules, not inconsistent with this act, as they may prescribe and it shall be the duty of said board to determine the amount which shall be paid in each case on account of the animals so slaughtered and fix the fair cash value thereof in health if of the bovine species, for beef, dairy and breeding purposes, in no event to exceed three hundred dollars (\$300) for any registered animal and not to exceed one hundred fifty dollars (\$150) for any animal not registered; nor to exceed an average value of two hundred fifty dollars (\$250) per head for all registered animals in any herd and not to exceed an average value of one hundred and twenty-five dollars (\$125) per head for all non-registered animals in any herd, or if of the equine species, their fair cash market value in health, in no event to exceed two hundred fifty dollars (\$250) for any one animal, nor to exceed an average value of two hundred dollars (\$200) per head for all such animals of any herd, or if sheep or swine, their fair cash market value in health for meat or breeding purposes, in no event to exceed fifty dollars (\$50) for any one animal, nor to exceed an average value of forty dollars (\$40) per head for all such animals of any flock or herd, upon such inspection, hearing and inquiry as to the value of said animals as the said appraisers shall deem necessary for that purpose: *Provided, however,* that no value other than the market utility value of any animal shall be allowed or fixed unless a certificate of registration issued by the registry association, of the breed of such animal, recognized by the United States Government, is furnished to the appraisers, and said appraisers shall report under oath the value of said animals, together with a statement of the evidence or facts upon which said appraisement is based, and said board shall certify the same to the Governor for his approval, and if the Governor shall find that said appraisers have proceeded in accordance with law, he shall approve the same for payment, and the Auditor of Public Accounts shall, upon presentation of the same to him, thereupon issue his warrant upon the State Treasurer for the amount fixed by said appraisers in favor of the owner of the animals: *Provided,* that where Federal authority authorizes the payment of part of the value of such animals the State shall only pay the balance of said appraisement fixed as aforesaid. (As amended by act approved June 29, 1915, in force July 1, 1915. L. 1915, p. 3.)

114. Sheriffs, Constables, Assistance.

SEC. 9. Said Board of Live Stock Commissioners, and each member thereof, and the State veterinarian, and his assistants, in the performance of their duties under this act, shall have *power to call on sheriffs* and their deputies, constables and police officers, mayor of cities, city and town marshals and policemen, to assist them in carrying out its provisions; and it is hereby made the duty of all such officers to assist in carrying out the provisions of this act when ordered so to do; and said commissioners, and the State veterinarian and his assistants shall have, while engaged in carrying out the provisions of this act, the same powers and protection that other peace officers have, and any such officer who fails or refuses to enforce the

lawful orders and quarantine of said board, or any member thereof, or any veterinarian acting under them, in the proper execution of the powers conferred by this act, shall be guilty of a misdemeanor and be punished as provided in section 6 of this act.

SEC. 10. The said Board of Live Stock Commissioners shall cooperate with any commissioner or other officer appointed by the United States authorities for the suppression of contagious and infectious diseases among domestic animals, so far as the provisions of this act and the appropriations made in accordance therewith, will allow, in suppressing and preventing the spread of contagious and infectious disease among domestic animals in this State.

115. Annual Report.

SEC. 11. (Repealed.)

SEC. 12. (Repealed.)

116. Importation of Bulls, Etc., Certificate of Health.

SEC. 13. All bulls, cows or heifers exceeding the age of nine months brought into the State of Illinois by any person, persons, firm, company or corporation, or by any railroad or other transportation company, (unless said bulls, cows, or heifers are consigned to and delivered by the transportation company within the confines of the Union Stock Yards, Chicago; the National Stock Yards, East St. Louis; or the Union Stock Yards, Peoria), or any other like public stock yard, shall be accompanied by a certificate of health, including the tuberculin test, administered in accordance with the regulations of the United States Bureau of Animal Industry within thirty days previous to said cattle being brought into the State of Illinois. (This and the following 7 sections added by act approved June 29, 1915, in force July 1, 1915. L. 1915, p. 6.)

117. Importation of Bulls, Exchange of Cattle.

SEC. 13a. The foregoing provisions, however, shall not apply to the importation of bulls, cows or heifers from herds which are officially registered by the live stock sanitary authorities of the State of origin as being free from tuberculosis and other contagious and infectious diseases. Reciprocal exchange of cattle from "State Accredited Herds" shall be permitted under regulations prescribed by the State Board of Live Stock Commissioners.

118. Importation of Bulls, Certificates of Health, Requirements.

SEC. 13b. All certificates of health shall be issued in duplicate form by veterinarians in good standing and shall be approved by the State veterinarian or official in charge of live stock sanitary control in the State in which the shipment has its origin, or by an inspector of the United States Bureau of Animal Industry. Before accepting consignments of bulls, cows or heifers for importation into the State of Illinois, transportation companies shall require that the original of said certificate of health be delivered to them to be attached to the way bill and accompanying the shipment to its destination. When such bulls, cows or heifers are driven into the State of Illinois said certificate of health must be carried by the person in charge of said cattle. A duplicate of each certificate of health under which bulls, cows or heifers are brought into the State of Illinois, for breeding or dairy purposes as in this act required, shall be mailed to the State veterinarian, Springfield, Ill., on or before the date of bringing such cattle into the State. Furthermore, the agent of any transportation company delivering cattle covered by a certificate of health within the State of Illinois shall immediately detach from said way bill said certificate of health and immediately forward same to the State veterinarian, Springfield, Ill.; and such transportation company may, with each shipment, require an extra duplicate to be filed with such transportation company for record.

119. *Transportation of Cattle, Permits.*

SEC. 13c. Bulls, cows or heifers for feeding or grazing only, may be shipped or driven into the State of Illinois, or removed from public stock yards within the State upon a permit issued by the State Board of Live Stock Commissioners, provided that all such cattle shall be placed in quarantine upon the premises of the owner until released therefrom, or until they have passed a negative tuberculin test, administered in accordance with the regulations of the United States Bureau of Animal Industry at the expense of the owner. No shipment of bulls, cows or heifers exceeding the age of nine months, unless consigned to and delivered by the transportation company within the confines of the Union Stock Yards, Chicago; the National Stock Yards, East St. Louis; or the Union Stock Yards, Peoria, or any other like public stock yards, shall be accepted for shipment or delivery into the State of Illinois by any person or persons, firm, corporation, or transportation company, (unless said cattle are covered by a permit duly executed by the owner or his agent, consigning said cattle in quarantine for feeding or grazing only). Transportation companies before accepting such shipments shall require all permits to be executed in duplicate form by the owner or his agent. One copy shall be attached to the way bill and the agent of the transportation company accepting such shipments shall immediately forward copy of said permit to the State veterinarian, Springfield, Ill.

120. *Transportation of Cattle, Affidavit of Classification.*

SEC. 13d. All importation of steers or spayed heifers, including bull and heifer calves under nine months of age (unless consigned to and delivered by the transportation company within the confines of the Union Stock Yards, Chicago, the National Stock Yards, East St. Louis, or the Union Stock Yards, Peoria), or any other like public stock yards, shall be covered by an affidavit specifically specifying their classification as such. In the event of the consignor being a nonresident of the State of Illinois, the consignee, owner of [or] any person or persons to whom said cattle are delivered, shall be required by said transportation company to execute said affidavit before said calves, steers or spayed heifers are released by the agent of said transportation company. Copy of said affidavit shall be immediately forwarded to the State veterinarian, Springfield, Ill., by the agent of the transportation company making such delivery.

121. *Cattle in Transit.*

SEC. 13e. Bulls, cows and heifers accepted by transportation companies for delivery into the State of Illinois, if unloaded en route for feed or water shall be confined in pens under lock and key by the transportation company accepting said shipment for delivery.

122. *Transportation Companies, Responsibility.*

SEC. 13f. The obligations assumed by the transportation company at the original point of shipment shall extend to all connecting lines. No additions to the original consignments or substitutions en route shall be permitted by any transportation company.

123. *Cattle Delivery.*

SEC. 13g. When any bulls, cows or heifers herein specified are consigned for delivery within the confines of the Union Stock Yards, Chicago, the National Stock Yards, East St. Louis, or the Union Stock Yards, Peoria, or other like public stock yards, they shall not be diverted en route or delivered to the owner or consignee at any other point within the State of Illinois, except that named in the original billing.

124. *Tuberculin Test, Expense, Lien.*

SEC. 14. Any bulls, cows or heifers imported into the State of Illinois in violation of the foregoing provisions of this act, shall be placed in quarantine by the State Board of Live Stock Commissioners, and so held until they have been subjected to and successfully pass a negative tuberculin test

administered under the direction of the State Board of Live Stock Commissioners at the expense of the owner, shipper or consignee, which expense shall constitute a lien upon said cattle until said expense has been paid. Any such cattle as may react to said tuberculin test shall be slaughtered under the direction of the State Board of Live Stock Commissioners and the owner shall receive only the proceeds resulting from said slaughter after deducting necessary expenses in connection therewith. (This and the following 5 sections amended by act approved June 29, 1915, as above.)

125. Tuberculin Tested Cattle, Sale.

SEC. 15. It shall be unlawful to sell, offer for sale, or to purchase any bulls, cows or heifers known to have reacted to the tuberculin test, except under regulations prescribed by the State Board of Live Stock Commissioners, to wit: Bulls, cows and heifers which have reacted to the tuberculin test, provided they show no physical evidence of disease, may be sold and delivered within the State, provided the purchaser shall first secure a permit from the State Board of Live Stock Commissioners, wherein it is agreed that such reacting cattle shall be kept separate and apart from all non-reacting cattle, and shall be maintained under strict quarantine until released therefrom for sale or slaughter under State or Federal inspection by permit issued by the State Board of Live Stock Commissioners.

SEC. 16. (Repealed.)

126. Tuberculin Test, Consent.

SEC. 17. No bulls, cows or heifers, now forming a part of the domestic herds of this State or hereafter born and raised in this State, shall be subjected to the tuberculin test by the State veterinarian or his assistants, without the consent of the owner thereof.

127. Penalty.

SEC. 18. Any railroad company, stock yards company, corporation, person or persons violating any provisions of this act shall be deemed guilty of a misdemeanor and punished by a fine not exceeding one thousand dollars (\$1,000).

128. Feeding Cattle, Lien.

SEC. 19. In all cases where the transportation company is obliged under the provisions of this law to withhold or refuse delivery of cattle, the duty to feed and care for such cattle shall be upon the owner or consignor, or in case of his default in so doing, then by the transportation company at the expense of the owner or consignor, and such transportation company shall in such case have a lien upon such animals for food, care or custody furnished, and such transportation company shall not be liable for any detention to such cattle to enable compliance with the provisions of this act.

129. Stock Yards.

SEC. 20. For the purposes of this act stock yards at the Union Stock Yards, Chicago, the National Stock Yards, East St. Louis, or the Union Stock Yards, Peoria, or any other like public stock yards shall be placed in quarantine.

AN ACT to revise the law in relation to criminal jurisprudence. Approved March 27, 1874, in force July 1, 1874. R. S. 1874. p. 391.

130. Importation of Diseased Animals.

SEC. 258 Any person who shall hereafter knowingly and willfully bring or cause to be brought into this State any sheep or other domestic animals infected with contagious disease, or who shall knowingly and willfully suffer or permit sheep or other domestic animals infected with contagious disease to run at large, shall be fined in any sum not exceeding \$100 and shall be liable in a civil action for all damages occasioned thereby.

TUBERCULIN TEST.

AN ACT to prohibit the establishing and enforcing of the tuberculin test for dairy animals by any city, village, incorporated town, county or other corporate authority in the State of Illinois. Filed June 12, 1911, in force July 1, 1911. L. 1911, p. 6.

131. Dairy Animals, Tuberculin Test Unlawful.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That it shall be unlawful for any city, village, incorporated town, county or other corporate authority in the State of Illinois by ordinance, rule or regulation other than may be established by the law of this State, to demand, fix, establish or require the tuberculin test to be applied to dairy animals as a means or measure of regulating and purifying milk, skimmed milk, cream and dairy products of said animals in any manner whatever, and every such ordinance, rule, by-law or regulation heretofore or hereafter passed, demanded, fixed, established or required by any such city, village, incorporated town, county or other corporate authority other than the State of Illinois, is hereby declared to be void and of no effect.

TEXAS FEVER.

AN ACT to define the duties of railroad, steamboat, transportation and stock yard companies under proclamations of the Governor, scheduling territory on account of splenic or Texas fever among cattle. Approved and in force May 28, 1889. L. 1889, p. 5.

132. Way-Bill, Point of Origin.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That during the time specified by any proclamation of the Governor of this State, restraining the importation of cattle from any territory therein scheduled, on account of splenic or Texas fever, all railroad, steamboat and transportation companies in this State transporting such cattle into or through this State, or that shall receive or ship such cattle that have, prior to such shipment, been shipped or driven out of such scheduled territory to the point where they are received by such railroad, steamboat or transportation company, for transportation into or through this State, shall, by their way-bill or bill of lading, state explicitly the point from whence said cattle were originally shipped or derived.

133. Cleaning and Disinfecting Cars.

SEC. 2. That all railroad, steamboat and transportation companies that, shall so receive and ship such cattle, shall, immediately after the said cattle are unloaded, and before the said cars are used for any other purpose, cleanse and disinfect such cars or quarters in which the same are shipped, in accordance with the rules and regulations that may hereafter be presented by the Board of Live Stock Commissioners of the State of Illinois and approved by the Governor.

134. Unloading Cattle, Pens.

SEC. 3. That all railroad, steamboat and transportation companies that shall hereafter unload any such cattle in any yards along the line of their said roads or routes of travel, shall unload such cattle in pens set apart especially for such cattle, and shall allow no other cattle to enter into or be placed in such pens.

135. Separate Place in Yards.

SEC. 4. All stock yard companies in the State of Illinois, receiving cattle, shall set apart certain portions of their yards for the cattle described in the above sections, and shall conspicuously mark same, and shall provide separate chutes, alleys, and scales for such cattle, and where the way-bills or bills of lading of the railroads delivering the same show that they are the kind of

cattle before described, they shall be placed in that portion of the yards set apart for such cattle, and in no case shall such cattle be unloaded by any railroad, steamboat or transportation company in yards or pens other than those set apart for the exclusive receiving and yarding of such cattle.

136. Penalty.

SEC. 5. Any railroad, steamboat, transportation or stock yard company violating any of the provisions of this act, or any of the rules of the Board of Live Stock Commissioners, referred to herein, or relating to the transportation of cattle from territory scheduled by the Governor, on account of splenic or Texas fever, shall be fined in any sum not exceeding one thousand dollars (\$1,000) for each offense. Such fines shall be recovered by action of debt in the name of the People of the State of Illinois, and shall be paid into the county treasury of the county in which the suit is brought. It shall be the duty of the State's attorney of any county in which suit may be brought, to begin and prosecute any action for the recovery of the penalty herein provided, upon request of the Board of Live Stock Commissioners of Illinois. And it shall be the duty of any person having knowledge of a violation of any of the provisions of this act to report the same to the said board.

PLEURO-PNEUMONIA.

AN ACT to cooperate with the United States in the suppression and extirpation of pleuro-pneumonia. Became a law June 28, 1887, in force July 1, 1887. L. 1887, p. 16.

137. Cooperation with United States.

SECTION 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly: That the Governor is hereby authorized to accept, on behalf of the State, the rules and regulations prepared by the commissioner of agriculture, under and in pursuance of section 3 of an act of Congress, approved May 29, 1884, entitled, "An Act for the establishment of a bureau of animal industry, to prevent the exportation of diseased cattle and to provide means for the suppression and extirpation of pleuro-pneumonia and other contagious diseases among domestic animals," and to cooperate with the authorities of the United States in the enforcement of the provisions of said act.¹⁹

138. Powers of Inspectors.

SEC. 2. The inspectors of the Bureau of Animal Industry of the United States shall have the right of inspection, quarantine and condemnation of animals affected with any contagious, infectious or communicable disease, or suspected to be so affected, or that have been exposed to any such disease, and for these purposes are hereby authorized and empowered to enter upon any ground or premises. Said inspectors shall have the power to call on sheriffs, constables and peace officers to assist them in the discharge of their duties in carrying out the provisions of the act of Congress, approved May 29, 1884, establishing the Bureau of Animal Industry; and it is hereby made the duty of sheriffs, constables and peace officers to assist said inspectors

¹⁹ Section 3 referred to provides "that it shall be the duty of the Commissioner of Agriculture to prepare such rules and regulations as he may deem necessary for the speedy and effectual suppression and extirpation of said diseases, and to certify such rules and regulations to the executive authority of each State and Territory, and invite said authorities to cooperate in the execution and enforcement of this act. Whenever the plans and methods of the Commissioner of Agriculture shall be accepted by any State or Territory in which pleuro-pneumonia or other contagious, infectious, or communicable disease is declared to exist, or such State or territory shall have adopted plans and methods for the suppression and extirpation

of said diseases, and such plans and methods shall be accepted by the Commissioner of Agriculture, and whenever the Governor of a State or other properly constituted authorities signify their readiness to cooperate for the extirpation of any contagious, infectious, or communicable disease in conformity with the provisions of this act, the Commissioner of Agriculture is hereby authorized to expend so much of the money appropriated by this act as may be necessary in such investigations, and in such disinfection and quarantine measures as may be necessary to prevent the spread of the disease from one State or Territory into another." 1 Fed. Stats. Ann., 2 ed., p. 468

when so requested; and said inspectors shall have the same powers and protection as peace officers while engaged in the discharge of their duties.

139. Quarantine Expenses.

SEC. 3. All expenses of quarantine, condemnation of animals exposed to disease, and the expenses of any and all measures that may be used to suppress and extirpate pleuro-pneumonia, shall be paid by the United States, and in no case shall this State be liable for any damages or expenses of any kind under the provisions of this act.

140. Penalty.

SEC. 4. Any person violating any order of quarantine made under this act, or any regulation prescribed by the commissioner of agriculture for the suppression of pleuro-pneumonia, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000), or by imprisonment for not more than six months, or by both such fine and imprisonment.

SWINE.

AN ACT to prevent the spread of contagious and infectious diseases among swine. Approved June 21, 1895, in force July 1, 1895. L. 1895, p. 6.

141. Running at Large.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That whoever, being the owner of, or having charge of any swine, shall suffer the same to run at large, shall be fined not less than three dollars (\$3) nor more than ten dollars (\$10) for each offense, and for every day he shall allow the same to run at large after having been once convicted under this act. The herding of any swine upon the grounds of another without the consent of the owner or person having control of such grounds shall be deemed a running at large under this act. The law providing for holding elections to vote upon the question of allowing domestic animals to run at large, shall not be construed to apply to swine.

142. Hog Cholera, Prevent Spreading.

SEC. 2. It shall be the duty of the owner or person having charge of any swine and having knowledge of, or reasonable grounds to suspect the existence among them of the disease known as "hog cholera," or of any contagious or infectious disease to use all reasonable means to prevent the spread of the same and upon its coming to his knowledge that any of such swine has died of, or been slaughtered on account of any such disease, to immediately burn or bury the same to a depth of two (2) feet.

143. Diseased Swine, Conveying.

SEC. 3. No person shall convey upon, or along any public highway or other public grounds or any private lands, any diseased swine, or swine known to have died of, or been slaughtered on account of any contagious or infectious disease.

144. Penalty.

SEC. 4. Any person convicted of a violation of sections two (2) or three (3) of this act shall be fined in any sum not less than five (5) nor more than fifty (50) dollars, and shall be held liable in damages to the person or persons who may have suffered loss on account of such violation.

MEAT INSPECTION.

AN ACT to provide for the inspection of any animal intended for human food, appearing to be diseased, and for the disposition of the carcass. Became a law May 27, 1907. In force July, 1, 1907. L. 1907, p. 7.

145. Inspection of Animals.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That for the purpose of preventing the use

of meat or meat food products for human food which are unsound, unhealthful, unwholesome or otherwise unfit for human food, the Board of Live Stock Commissioners may, at their discretion, make or cause to be made, by the State veterinarian or his assistants, or any duly authorized live stock inspector in the employ of the State of Illinois, an examination of any animal intended for human food which he or they believe is afflicted with any contagious or infectious disease, or any disease or ailment which would render the carcass of said animal unfit for human food.

146. Killing of Diseased, Disposition.

SEC. 2. In event any animal shall be inspected by any person herein authorized to make said inspection, and in his judgment found to be afflicted with any disease or ailment which would render said animal unfit for human food, it shall be the duty of the person making said examination to forthwith take possession or control of said animal, and notify the owner or person or corporation in control or possession of such animal that such animal is unfit for human food; whereupon said animal shall immediately be killed and the carcass examined by some person or persons authorized to make inspection of such animals. If, upon examination of the carcass, it shall appear to the examiner that the same is suitable for human food, he shall allow the person or corporation from whom said animal was taken to make disposition of the carcass, or such examiner shall cause the same to be sold; but if in the opinion of such inspector any such carcass is unwholesome or unfit for human food, then the same shall be by him stamped, marked, tagged or labeled "inspected and condemned," and every such condemned carcass shall be destroyed for the purposes of human food and such examiner shall cause the offal thereof to be sold: *Provided*, that if such carcass shall be disposed of for food purposes by such inspector and the offal sold, the proceeds thereof shall be accounted for as the Board of Live Stock Commissioners may provide.

147. Penalty.

SEC. 3. Any person, firm or corporation who shall, in any manner, fail, neglect or refuse to comply with any provision in this act contained, shall be deemed guilty of a misdemeanor and upon conviction thereof, be punished by a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00), or confined in the county jail not exceeding one year, or both.

STALLION REGISTRATION.

AN ACT to regulate the public service of stallions and jacks in Illinois.
Approved June 21, 1917, in force July 1, 1917.

148. Enrollment of Pedigree, License.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That every person, firm, company or corporation standing or offering any stallion or jack for public service in this State shall cause the name, description and age, and in the case of a pure-bred animal the pedigree, of such stallion or jack to be enrolled by the Department of Agriculture, and secure a license from said department as provided in section two (2) of this act.

149. License, Affidavit.

SEC. 2. In order to obtain the license certificate herein provided for, the owner or owners of each stallion or jack shall forward an application and the fee to the Department of Agriculture, together with an affidavit executed by said owner or owners individually, or by a graduate veterinarian acceptable to the Department of Agriculture to the effect that such stallion or jack is free from hereditary, infectious or contagious disease or unsoundness, or in the event of said stallion or jack being unsound, the nature and extent of said unsoundness shall be specified in the application, a notation of which

shall be embodied in the certificate of license issued, as follows: Amourosis, bog spavin, side bone, navicular disease, curb, chorea, string halt or roaring.

The owner of any pure-bred stallion or jack making application for license shall furnish to the Department of Agriculture at the time the application for license is made, the stud book certificate of registry of said stallion or jack, and also all transfers, together with all other papers necessary to establish the breeding and ownership. Upon verification of pedigree, certificate of breeding, transfers of ownership and affidavit of soundness as provided for in this act, a license certificate shall be issued to the owner making application for same. The refusal or failure to forward papers showing breeding and ownership as provided for in this section, shall be taken as evidence of their nonexistence, and in all such cases, licenses as pure-bred animals shall be denied.

150. Infectious Diseases.

SEC. 3. The presence of any one of the following named unsoundnesses shall disqualify a stallion or jack for public service: periodic ophthalmia (moon-blindness); bone spavin; bog spavin; ring bone; curb, when accompanied by curby formation of the hock; or any contagious or infectious disease.

151. Record.

SEC. 4. The Department of Agriculture shall make and keep records of all stallions or jacks enrolled in the State of Illinois, said stallions and jacks to be licensed as "pure-bred," or "grade," according as the facts may have been determined. Upon making the enrollment of said stallion or jack, the Department of Agriculture shall issue a license certificate as above provided.

152. Licenses, Posting.

SEC. 5. The owner of any stallion or jack used for public service in this State shall post and keep affixed during the entire breeding season or seasons, a copy of the license certificate of such stallion or jack, and affidavit of soundness, issued under the provisions of this act, in a conspicuous place upon the stall door or in the enclosure leading to said stall of every stable or building where said stallion or jack is used for public service. Said copies shall be printed in bold face type not smaller than great primer.

Each bill, poster, newspaper advertisement or any other form of advertisement shall have as a heading for such bill, poster and advertisement the class of license issued for said stallion or jack and the number of his license: Thus, "Pure-bred License No.....," "Grade License No....." as the case may be. In all advertisements published within the county in which the horse is owned this heading shall be set in the largest and boldest type used in the advertisement and all unsoundness listed in the license certificate shall be so stated in said advertisement.

153. Pure-bred and Grade License Certificates, Forms.

SEC. 6. A pure-bred license certificate shall be issued for a stallion or jack whose pedigree is registered in a stud book recognized by the United States Department of Agriculture, Washington, D. C., in B. A. I. Order 175, dated November 25, 1910, or the pedigree of which is registered in the stud book of one of the following named associations, societies, clubs or corporations: American Association of Importers and Breeders of Belgian Draft Horses; American Breeders' Association of Jacks and Jennets; The American Breeders' and Importers' Percheron Registry Company; American Clydesdale Association; American Hackney Horse Society; American Morgan Registry Association; American Saddle Horse Breeders' Association; American Shetland Pony Club; American Shire Horse Association; American Suffolk Horse Association; American Trotting Register Association; Arabian Horse Club of America; Cleveland Bay Society of America; French Coach Horse Society of America; German Hanoverian and Oldenburg Coach Horse Association of America; Standard Jack and Jennet Registry Association of

America; The Jockey Club; National French Draft Horse Association of America; Percheron Society of America; Welch Pony and Cob Society of America.

A grade license certificate shall be issued for a stallion or jack whose pedigree is not registered in one of the above named associations, societies, clubs or corporations.

The license certificates issued by the Department of Agriculture shall be in such form or forms as prescribed and designated by the department, to show the true breeding and condition of soundness of the stallion or jack enrolled.

154. Fees.

SEC. 7. A fee of two (\$2.00) dollars shall be paid to the Department of Agriculture at the time application is made for enrollment and license, which application shall include the affidavit of soundness of the animal. This fee shall be in full payment for the examination of the pedigrees in cases of pure-bred animals; the enrollment of the name, description and ownership of each stallion or jack as "pure-bred," or "grade"; and the issuance of a license certificate in accordance with the breeding of the stallion or jack.

Renewal license certificates shall be issued annually, application for which shall be made between the first day of January and the first day of March of each year upon the filing of the original or last renewal license certificate, together with an affidavit of soundness with the department and the payment of a renewal fee, which shall be one (\$1.00) dollar.

Upon a transfer of ownership of any stallion or jack enrolled under the provisions of this act, the license certificate may be transferred to the owner by the Department of Agriculture, upon submittal of satisfactory proof of such transfer of ownership and upon the payment of a fee of fifty cents.

Duplicate license certificates shall be issued only upon receipt of affidavit of owner or agent showing satisfactory proof of the loss or destruction of the original license certificate or renewal thereof and upon the payment of a fee of one (\$1.00) dollar for a duplicate original license certificate or a fee of fifty cents for a duplicate renewal license certificate.

155. License, Renewal, Permanent Certificate.

SEC. 8. Each license issued by the Department of Agriculture shall expire on December 31 of the year in which it is issued, but each license may be renewed each year, provided the owner of said stallion or jack make application for renewal before March 1, following the date of expiration, and forward with such application for renewal a fee of one (\$1.00) dollar for each renewal, and submit satisfactory evidence establishing the identity of the animal for which renewal of license is requested. Each renewal shall expire on December 31 of the year for which it is renewed. Failure to apply for license renewal, as herein provided, before March 1 following the date of expiration, shall forfeit the right of renewal and when such right has been forfeited, the owner of such stallion shall procure a new license as provided in section 2.

Any stallion or jack six years old or over having successfully passed examination for soundness as provided in this law for three (3) consecutive years, shall be entitled to a permanent State certificate of soundness. The last examination must have been made by a veterinarian approved by the Illinois Department of Agriculture, said examination to have been made within the year in which permanent certificate is granted: *Provided, however*, that the said permanent certificate must be returned each year prior to March 1 to the Commissioner (Department) of Agriculture with a fee of one (\$1.00) dollar for renewal, and must be accompanied by affidavit from owner that said animal is free from contagious, infectious or communicable disease.

156. Complaints, Revocation of License.

SEC. 9. The department shall have the right at any time to take cognizance of any complaint, written or verbal, reporting unsoundness of any

licensed stallion or jack, and require an examination by a veterinarian if deemed necessary, and [in] case said stallion or jack upon such examination is found to be unsound under the law, to revoke the license; also, to investigate at any time any fraud which may have been perpetrated or attempted in connection with an application for license certificate or affidavit of soundness, and when such cases arise, the department is authorized to revoke the license or take such other action as the facts in the case may warrant.

157. *Penalty.*

SEC. 10. Any person violating any of the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof before any magistrate, justice of the peace, or other judicial officer of the county wherein the violation is committed, shall be punished by a fine of not less than twenty-five (\$25.00) dollars and not exceeding one hundred (\$100.00) dollars for each offense. All fines shall be for the use of the State of Illinois.

158. *Funds.*

SEC. 11. The funds accruing from the above named fees and fines shall be turned into the State treasury at the times and in the manner provided by law.

159. *Annual Report.*

SEC. 12. It shall be the duty of the Department of Agriculture to make an annual report, including financial statement, of its activities under this act, to the Governor of the State, and to enforce this law.

160. *Repeal.*

SEC. 13. An Act to regulate the public service of stallions in Illinois, approved June 10, 1909, in force January 1, 1910, is hereby repealed.

STALLIONS AND JACKS.

AN ACT to prohibit misrepresentations relative to the pedigree and breeding of stallions and jacks kept for public service and providing a penalty for the same. Approved June 5, 1909, in force July 1, 1909. L. 1909, p. 19.

161. *Pedigree, Misrepresentation, Penalty.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That any person, being the owner or keeper of any stallion or jack kept for public service, who shall misrepresent the pedigree or breeding of any such stallion or jack or who shall represent that such animal, so kept for public service, is registered, when in fact it is not registered in a published volume of a society for the registry of standard and pure breed [bred] animals, or who shall post or publish, or cause to be posted or published, any false pedigree or breeding of such animal, shall be fined not exceeding two hundred dollars (\$200.00), and for the second or any subsequent offense shall be fined not exceeding two hundred dollars (\$200.00) and imprisonment in the county jail for a period of six months.

SERVICE LIEN.

AN ACT to protect the owner of any licensed stallion or jack kept for public service and to subject the mare or jennet or progeny of such animal, or both, to a lien for the service fee of such stallion or jack. Approved June 21, 1917, in force July 1, 1917.

162. *Lien for Service Fee.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That every owner of any licensed stallion or jack kept for public service, who, at the request of the owner of any mare or jennet, or his authorized agent, shall cause such mare or jennet to be

served by his stallion or jack, shall have a lien on the mare or jennet served and first lien upon the progeny of such mare or jennet for the service fee of such stallion or jack and each lien conferred by this act shall take precedence of all other liens or claims thereon not duly recorded prior to recording claim of lien as hereinafter provided.

163. Claim for Lien, Foreclosure.

SEC. 2. Any owner of a licensed stallion or jack desiring to secure the benefits of this act shall, within six (6) months after any mare or jennet has been served by his stallion or jack, file with the recorder of deeds in the county in which such mare or jennet is, a claim for lien in writing and under oath, setting forth therein his intention to claim a lien upon such mare or jennet or progeny thereof, or both, for the service fee of his stallion or jack.

Such claim for lien shall state the name and residence of the person claiming the lien, the name of the owner or reputed owner of the mare or jennet or progeny thereof, or both, sought to be charged with the lien, and a description of such animal or animals sufficient for identification upon which the lien is claimed, and the amount due the claimant for the service fee of his stallion or jack.

The claim for lien filed with the recorder of deeds shall expire and become void and of no effect if suit is not brought to foreclose the same within twelve months after the date of such service by such stallion or jack.

164. Recording.

SEC. 3. It shall be the duty of the recorder of deeds, upon presentation to him of any such claim for lien, together with the recording fee, to file the same in the office in the same manner as provided by law for the filing and recording of chattel mortgages.

165. Evidence.

SEC. 4. The original, or a copy of such claim for lien filed as aforesaid, certified by the recorder of deeds, shall be received in evidence in any proceeding taken to foreclose the lien herein provided for, of the fact that such claim for lien was received and filed according to the endorsement of the recorder of deeds thereon.

166. Enforcement of lien.

SEC. 5. The person claiming such lien may commence suit to foreclose the same by summons in the usual form before any justice of the peace of the county or before any Municipal Court of the city in which the animal or animals described in his claim for lien may be found. Such suit shall be against the person or persons liable for the payment of the service fee of claimant's stallion or jack.

167. Procedure.

SEC. 6. If such summons be returned personally served upon the defendant or defendants, the same proceeding shall thereupon be had in all respects as in other suits commenced by summons in which there is a personal service of process and judgment shall be rendered in such suit in like manner.

168. Attachment.

SEC. 7. If the officer returns such summons showing that a defendant or defendants cannot be found in his county, the same proceedings shall thereupon be had in all respects as to the defendant or defendants not personally served, as near as may be, as in suits commenced by attachment in which there is not a personal service of process upon the defendant and judgment shall be rendered in such suit in like manner.

169. Execution.

SEC. 8. If the plaintiff recover judgment in such suit, execution shall issue thereon in the same manner and with the like effect as upon judgments rendered in suits commenced by attachment and the mare or jennet or

progeny thereof, or both, upon which the plaintiff holds such lien, shall not be exempt from execution, but may be sold to satisfy such execution in the manner hereinafter provided.

170. *Verdict, Judgment, Costs.*

SEC. 9. In all suits prosecuted under the provisions of this act, the court, jury, or justice of the peace, who shall try the same, or make an assessment of damages therein, shall, in addition to finding the sum due the plaintiff, also find that the same is due for the service fee of plaintiff's stallion or jack and is a lien on the mare or jennet or progeny thereof, or both, as described in plaintiff's claim for lien: *Provided, however,* that if the court, jury, or justice of the peace shall find the amount due the plaintiff is not a lien upon the property described in the plaintiff's claim for lien, the plaintiff shall not be non-suited thereby if personal service of summons has been had upon the defendant, but shall be entitled to judgment as in other civil actions; and in those cases where the amount due is found to be a lien upon the animal or animals described in plaintiff's claim for lien, the finding or verdict may be in the following form: "The court, jurors, or justices, as the case may be, say that there is due to the plaintiff the sum of..... dollars from the said defendant or defendants and that the same is due for the service fee of plaintiff's stallion or jack, and that the plaintiff has a lien upon said mare or jennet or progeny thereof, or both, as described in plaintiff's claim for lien for said amount," and in such case, the fee paid by the claimant to the recorder of deeds for filing his claim for lien shall be taxed as part of the costs of the suit.

171. *Execution Sale.*

SEC. 10. When the said lien shall be duly perfected as above provided, the mare or jennet or progeny thereof, or both, as above provided, shall be sold under execution to satisfy said lien as follows: The justice of the peace or court shall, at the time of rendering judgment in the suit tried before him and on the day of trial, enter upon his docket an order designating the time and place at which such animal or animals, shall be sold under the execution. All such sales shall be for cash at public sale, to the highest bidder and shall take place not less than three nor more than five days after the entry of the order of sale and shall be made by a constable of the county or by a bailiff of the Municipal Court of the city in which the sale takes place. The officer making the sale shall advertise the time and place of such sale, together with the correct description of the mare or jennet or progeny thereof, or both, to be sold, by posting written or printed notices of such sale at three of the most public places of the township, city or village where such mare or jennet or progeny thereof, or both, is found. The officer making such sale shall forthwith file with the justice of the peace or court in whose court the judgment was entered a written statement of the amount realized from such sale and all proper items of expense in connection therewith and shall then pay from the proceeds of such sale, in the order named, to the parties entitled to receive the same, all necessary expense incurred in the keep of such animal or animals, all constable's and bailiff's fees, all court costs taxed in the suit, the amount of the judgment recovered by the plaintiff or claimant and the surplus, if any, he shall pay to the defendant in the suit or to his legal representative.

172. *Redemption.*

SEC. 11. All sales of an animal or animals under this act shall be made subject to redemption by the owner of such animal or animals, or his legal representatives; such redemption to be made within thirty days from the day of sale by paying to the plaintiff, officer making the sale, or to the judge or justice upon whose docket the same was entered, the amount of the judgment with interest at the rate of five per cent and all costs and expenses taxed in the proceeding, together with the reasonable and necessary expense or cost of the keep of such animal or animals from the day of sale to and including the day of redemption.

STOCK BREEDERS.

AN ACT to protect stock breeders within the State of Illinois. Approved June 10, 1887, in force July 1, 1887. L. 1887, p. 17.

173. *Statement, Filing.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That in order to protect farmers in this State against damage resulting from breeding to sires advertised with bogus or fraudulent pedigrees, and to secure to the owners of sires payment for service, the following provisions are enacted: That every owner of a sire charging a service fee, in order to have a lien upon the get of any such sire under the provisions of this act for said service, shall file a statement, verified by oath or affirmation to the best of his knowledge and belief, with the secretary of the State Board of Agriculture, giving the name, age, description and pedigree, as well as the terms and conditions upon which such sire is advertised for service.

174. *Certificate of Registration, Posting.*

SEC. 2. The secretary of the State Board of Agriculture, upon the receipt of the statement as specified in section one (1) of this act, duly verified by affidavit, shall issue a certificate to the owner of said sire, a copy of which certificate shall be forwarded to the clerk of the County Court in which said sire is stationed or located, and another copy furnished the applicant, which shall be posted by the owner in a conspicuous place where said sire may be stationed, which certificate shall state the name, age, description, pedigree and ownership of said sire, the terms and conditions upon which the sire is advertised for service, and that the provisions of this act so far as relates to the filing of the statement aforesaid, have been complied with.

175. *Get, Lien.*

SEC. 3. The owner or owners of any sire receiving such certificate, by complying with section one (1) of this act, shall obtain and have a lien upon the get of any such sire for the period of one year from the date of birth of get. (As amended by act approved May 14, 1903, in force July 1, 1903. L. 1903, p. 6.)

176. *Get, Sale on Execution.*

SEC. 4. No get of any such sire shall be exempt from levy and sale under execution issued upon a judgment obtained in any court of competent jurisdiction for said service: *Provided*, that the court rendering such judgment shall find and certify in the record of the same that the plaintiff or plaintiffs have complied with the provisions of this act, and that the progeny sought to be levied upon is subject to the lien herein created: *And, provided, further*, that said finding, together with a description of the dam of the progeny so liable to such lien, shall be endorsed upon the execution.

177. *Fees.*

SEC. 5. For filing certificate, making copy of such affidavit or affirmation, the certificate of the date of such filing, the clerk or recorder shall be entitled to the same fees as are provided by law for like service in regard to chattel mortgage.

178. *Same.*

SEC. 6. The Illinois Board of Agriculture is authorized to make a charge for such certificate, not to exceed two dollars, as may be necessary to cover the expense incident to the executing the provisions of this act. (As amended by act approved June 1, 1889, in force July 1, 1889. L. 1889, p. 7.)

179. *Annual Report.*

SEC. 7. The Commissioners of State Contracts shall have such a number of the annual reports printed and bound in third class binding as may be deemed advisable by the State Board of Agriculture to obtain the greatest

benefits to the breeders of improved stock in this State, under the provisions of this act, said reports to contain copies of certificates issued, and such other data of special interest to live stock breeders as said Board of Agriculture may designate for publication therein.

AN ACT to punish false pretenses in obtaining certificates of registration of cattle and other animals, and to punish giving false pedigrees. Approved May 13, 1887, in force July 1, 1887. L. 1887, p. 18.

180. Certificates of Registration, Penalty.

SECTION 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly: That any person, who by any false pretense, shall obtain from any club, association, society or company for improving the breed of cattle, horses, sheep, swine, or other domestic animals, a certificate of registration of any animal in the herd register, or other register of any such club, association, society or company, or a transfer of any such registration, and every person who shall knowingly give a false pedigree of any animal, upon conviction thereof, shall be fined not exceeding \$1,000, nor less than \$25, or imprisonment in the county jail for a period not exceeding one year, or both, in the discretion of the court.

RACE HORSES.

AN ACT to encourage the breeding of and improvement in horses, and to prevent false entries in exhibitions or races, and to provide penalties therefor. Approved and in force May 31, 1895. L. 1895, p. 3.

181. Entries.

SECTION 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly: That in order to encourage the breeding of and improvement in trotting, running and pacing horses in the State of Illinois, it is hereby made unlawful for any person or persons knowingly to enter or cause to be entered for competition, or knowingly to compete with any horse, mare, gelding, colt or filly under any other than its true name or out of its proper class for any purse, prize, premium, stake or sweepstakes offered or given by any agricultural or other society, association, person or persons in the State of Illinois where such prize, purse, premium, stake or sweepstakes is to be decided by a contest of speed.

182. Penalty.

SEC. 2. Any person or persons found guilty of a violation of section 1 of this act shall, upon conviction thereof, be imprisoned in the State prison for not less than one year nor more than three years, or imprisoned in the county jail of the county in which he is convicted for any definite period not less than six months, or shall be fined in any sum not less than one hundred (100) dollars nor more than one thousand (1,000) dollars.

183. Name Under Which Entered.

SEC. 3. The name of any horse, mare, gelding, colt or filly, for the purpose of entry for competition or performance in any contest of speed, shall be the name under which said horse has publicly performed, and shall not be changed after having once so performed or contested for a prize, purse, premium, stake or sweepstakes, except as provided by the code of printed rules of the society or association under which the contest is advertised to be conducted.

184. Record, Evidence.

SEC. 4. It is further provided that the official records shall be received in all courts as evidence upon the trial of any person under the provisions of this act.

CRUELTY TO ANIMALS.

AN ACT to revise the law in relation to criminal jurisprudence. Approved March 27, 1874, in force July 1, 1874.

185. Cruelty Defined, Penalty.

SEC. 50. Whoever shall be guilty of cruelty to any animal in any of the ways mentioned in this section, shall be fined not less than \$3.00 nor more than \$200.00 viz.:

First—By overloading, overdriving, overworking, cruelly beating, torturing, tormenting, mutilating or cruelly killing any animal, or causing or knowingly allowing the same to be done.

Second—By cruelly working any old, maimed, infirm, sick or disabled animal, or causing or knowingly allowing the same to be done.

Third—By unnecessarily failing to provide any animal in his charge or custody, as owner or otherwise, with proper food, drink and shelter.

Fourth—By abandoning any old, maimed, infirm, sick or disabled animal.

Fifth—By carrying or driving, or causing to be carried or driven or kept, any animal in an unnecessarily cruel manner.

186. Confining Animals, Penalty.

SEC. 51. No railroad (company) or other common carrier in the carrying or transportation of any cattle, sheep, swine or other animals shall allow the same to be confined in any car more than sixty-six consecutive hours unless delayed by storm or accident, when they shall be so fed and watered as soon after the expiration of such time as may reasonably be done. When so unloaded they shall be properly fed, watered and sheltered during such rest by the owner, consignee or person in custody thereof, and in case of their default, then by the railroad company transporting them, at the expense of said owner, consignee or person in custody of the same; and such company shall have a lien upon the animals until the same is paid. A violation of this section shall subject the offender to a fine of not less than \$3.00 nor more than \$200.00.

AN ACT to prevent the mutilation of horses. Approved June 17, 1891, in force July 1, 1891. L. 1891, p. 101.

187. Mutilation of Horses, Penalty.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That whoever cuts the solid part of the tail of any horse in the operation known as docking, or by any other operation performed for the purpose of shortening the tail, and whoever shall cause the same to be done, or assist in doing such cutting, unless the same is proved to be a benefit to the horse, shall be punished by imprisonment in the county jail not exceeding one year, or by a fine of not less than \$25, nor more than \$200.

RUNNING AT LARGE.

AN ACT in relation to domestic animals running within the State of Illinois. Approved June 21, 1895, in force July 1, 1895. L. 1895, p. 4.

188. Animals Not to Run at Large.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That hereafter it shall be unlawful for any animal of the species of horse, ass, mule, cattle, sheep, goat, swine or geese to run at large in the State of Illinois.

189. Penalty.

SEC. 2. Whoever being the owner of or having control of any domestic animal of the species mentioned in section 1 of this act, shall suffer the same to run at large, shall be fined not less than \$2.00 nor more than \$10.00

for each offense, and for every day he shall permit the same to run at large after having once been convicted under this act. The herding of any such animals upon uninclosed lands without the consent of the owner or person having control of such lands shall be deemed a running at large under this act.

190. Pound, Selection, Poundmaster.

SEC. 3. It shall be the duty of the commissioners of highways in townships in counties under township organization, and the commissioners of highways of road districts in counties not under township organization, as soon as this act takes effect, to select and prepare a suitable pound near the center of each township or voting district in counties under township organization, and near the center of each road district in counties not under township organization; appoint a poundmaster and fix his fees and charges, which shall remain as fixed until the next annual election, at which time the same may be changed or amended by a majority vote of the electors present, who shall at the same time elect a poundmaster for the ensuing year. Said poundmaster shall hold his office for one year and until his successor is duly elected: *Provided, however,* that in case the person so elected shall fail to act, or a vacancy occurs through resignation, removal, death or any other cause whatever, the commissioners of highways shall fill such vacancy by appointing a person to act as poundmaster until the next annual election. (As amended by act approved May 16, 1905, in force July 1, 1905. L. 1905, p. 5.)

191. Enforcement of Act.

SEC. 4. It shall be the duty of the poundmaster to enforce the provisions of this act in his district; and for any failure so to do he shall be liable to a fine of not less than \$3.00 nor more than \$20.00.²⁰

192. Exemption.

SEC. 5. Nothing in this act shall be construed to affect counties or townships which already have in force a law restraining the animals mentioned in this act from running at large.

193. Repeal.

SEC. 6. An act entitled, "An Act to revise the law in relation to permitting animals to run at large," approved March 20, 1874, in force July 1, 1874, and an act entitled, "An Act to prevent male animals running at large and for their restraint," approved March 8, 1872, in force July 1, 1872, and an act entitled, "An Act to prevent animals running at large within the corporate limits of incorporated cities, villages and towns," approved June 16, 1891, in force July 1, 1891, are hereby repealed.

DOGS.

AN ACT providing for the payment of damages done by dogs. Approved and in force February 11, 1853. L. 1853, p. 124.

194. Sheep Killed or Injured, Action.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* The owner of any dog or dogs shall be liable in an action on the case for all damages that may accrue to any person or persons in the State by reason of such dog or dogs killing, wounding or chasing any sheep or other domestic animal, belonging to such other person or persons, and when the amount of such damages does not exceed \$100.00, the same may be recovered by an action before a justice of the peace.

²⁰ The State's attorney and not the town officers must prosecute in the name of the people

under this act. *Palmer v. People* (1903), 109 Ill. App. 269, 271.

195. *Dogs, Killing.*

SEC. 2. If any person shall discover any dog or dogs in the act of killing, wounding or chasing sheep in any portion of this State, or shall discover any dog or dogs under such circumstances as to satisfactorily show that such dog or dogs had been recently engaged in killing or chasing sheep for the purpose of killing them, such person is authorized to immediately pursue and kill such dog or dogs.

196. *Penalty.*

SEC. 203. Criminal Code. Whoever willfully and maliciously kills, wounds, maims, disfigures or poisons any domestic animal, or exposes any poisonous substance with intent that the life of any such animal should be destroyed thereby, such animal being the property of another, shall be imprisoned in the penitentiary not less than one nor more than three years, or fined not exceeding \$1,000, or both: *Provided*, that this section shall not be construed to apply to persons owning sheep or other domestic animals who may, in the exercise of reasonable care and good intentions put out poison on his own premises where sheep are kept, to kill sheep-killing dogs.

AN ACT *provided for the licensing of dogs, and for the payment of damages done by dogs to sheep, out of the proceeds of license fees. Title amended by act which became a law June 28, 1917, in force July 1, 1917.*

197. *Listing Dogs.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That each county and township assessor in this State, when making the assessment, shall, annually make a list of the names of all persons who own or keep a dog or dogs, and set opposite the name of such owner or keeper the number of dogs he or she has in his or her possession, or that is or are kept on his or her premises, stating whether male, or sterilized or unsterilized female, which list shall be returned by such assessor to the county clerk of the county in which said list is taken, as soon as the assessment is completed. (Amended by act which became a law June 28, 1917, in force July 1, 1917.)

198. *Metallic Tag, Assessor's Duty.*

SEC. 1a. It shall be the duty of the assessor when making out the lists as provided in the foregoing section, to deliver to the owner or keeper of every dog license, a metallic tag, stamped with the year for which the list is made, and the name of the county in which issued, and the owner or keeper of every such dog shall cause to be placed upon the neck of each dog so owned or kept, a substantial collar provided with the means of attaching thereto a metallic tag as herein provided. It shall be the duty of the county clerk of each county to provide the tags herein mentioned and to keep a record of license tags delivered to each assessor, and the number returned at the time of returning the list, by such assessor. Any person becoming the owner of a dog after the assessment has been returned by the assessor, and any owner of a dog who for any reason the assessor has failed to list, may at any time apply to the county clerk and procure such license tag, by paying to such clerk the license fee herein provided. (Added by act which became a law June 28, 1917.)

199. *License Fee, Exemption.*

SEC. 2. The county clerk shall charge upon the collector's book against the name of each person reported and returned as the owner or keeper of a dog or dogs as a license fee the sum of one dollar for each *male or sterilized dog, and three dollars for each unsterilized female dog* owned or kept by such person, which fee shall be collected at the same time and in the same manner as taxes upon personal property. In counties not under township organization, the collector shall pay the amount received from the licenses aforesaid to the treasurer of his county, and in counties under township organization, the sum so collected in each town shall be paid by the collector to the supervisor of his town: *Provided*, such supervisor shall not be re-

quired to give any new bond for such license fee, but such supervisor and his sureties shall be liable on his original bond as supervisor in the same manner and to the same extent as they now are for other moneys received by such supervisor by virtue of his office.

Provided, further, that section 1, section 1a, and section 2 of this act shall not apply to the owners or keepers of dogs who reside within the limits of a city or village having a population of 100,000 or more according to the last preceding Federal or State census in which the licensing of dogs is now or may hereafter be provided for by ordinance. (Amended as above.)

200. Damages, Action.

SEC. 2a. The owner or keeper of any dog or dogs shall be liable in an action on the case for all damages that may accrue to any person by reason of any dog or dogs killing, wounding or chasing any sheep belonging to such other person or persons, and when the amount of damages does not exceed two hundred dollars the same may be recovered in an action before a justice of the peace.

201. Trespassing, Dogs, Etc.

SEC. 2b. If any person shall discover any dog or dogs in the act of killing, wounding or chasing sheep, or shall discover any dog or dogs under circumstances that satisfactorily show that the dog or dogs have been recently engaged in killing, wounding or chasing sheep for the purpose of killing them, such person is authorized to immediately pursue and kill such dog or dogs. Any dog or dogs trespassing on the premises where sheep are kept and not accompanied by their owner or keeper, may be killed while so trespassing, and it shall be lawful to kill unlicensed dogs after the 1st of June, 1918. (Added as above.)

202. Use of Poison.

SEC. 2c. Every person owning or keeping sheep may, in the exercise of reasonable care and with good intentions, put out poison on the premises owned or occupied by such person where sheep are kept, to kill sheep-killing dogs. (Added as above.)

203. License Fund, Distribution.

SEC. 3. It shall be the duty of the county treasurer and supervisors, having the custody of the funds collected as license fees, as aforesaid, to pay the same out in the manner following:

First—By such county treasurer to the owners of sheep in their respective counties, and by the supervisors to the owners of sheep in their respective towns, who shall make proof to them before the first Monday of March in each year, of loss or injury to sheep by dogs, other than their own, the full amount of the loss or injury so proved, if there are funds sufficient to pay the same; if there be not sufficient funds to pay such loss or injury in full, then the owners of sheep so sustaining injury as aforesaid, and making proof thereof, as in this act provided, shall be paid out of such fund in proportion to his loss or injury on his or her pro rata share thereof.

Second—Three years after the collection of such license fund, if there shall remain, in the hands of the town supervisor in counties under township organization, an unexpended balance, such balance shall annually be turned into the general fund of the county, or township, as the case may be, and shall be used for the same purposes as money raised by general taxation: *Provided,* that in townships in which there are no sheep, as shown by the assessor's return for that year, the license fund collected for the preceding year shall be turned into the general fund of the township on the 1st of April. (As amended by act approved April 21, 1899, in force July 1, 1899. L. 1899, p. 2.)

204. Damages, Verdict, Judgment, Execution.

SEC. 4. The payment to any owner of sheep of money for damages resulting from loss or injury to his or her sheep, shall not be a bar to an action by such owner against the owner or keeper of the dog or dogs committing

such injury or causing such loss, for the recovery of damages therefor. The court or jury before whom such action is tried shall ascertain from evidence what portion, if any, of the damages sought to be recovered in such action has been paid to the plaintiff in such action by the county treasurer or supervisor of the proper county or town; and in case the plaintiff in such actions recovers damages, the court shall enter judgment against the defendant, in the name of the plaintiff, for the use of the proper county or town, as the case may be, for the amount which the plaintiff has received on account of such damages from the county treasurer, or supervisor of the proper county or town, if such recovery shall equal or exceed the amount so received by such plaintiff from the county treasurer or town supervisor of his county or town; and the residue of such recovery, if any there be, shall be entered in the name of the plaintiff in such action to his own use; if the amount of the recovery in such action shall not equal the amount previously paid to the plaintiff on account of such damages by the county treasurer or the town supervisor of the proper county or town, then the judgment shall be entered as aforesaid, for the use of such county or town, for the full amount of such recovery. Writs of execution issued upon such judgments shall show on their face what portion of the judgment is to be paid to the proper county or town, and what portion is to be paid to the plaintiff in such action, and the judgment when collected shall be paid over to the parties entitled thereto, in their proper proportion.

205. *Affidavit of Loss, Witnesses, Damages, Payment.*

SEC. 5. "No person having sheep killed as aforesaid shall be entitled to receive any portion of the fund herein provided for unless he appear before the supervisor of the town in which the sheep are killed or injured or before a magistrate in counties not under township organization, within not less than ten nor more than forty days after the sheep are killed or injured, and make affidavit stating the number of sheep killed or injured, the amount of damages and owner or owners of dog or dogs if known. All damages must be proven by not less than two (2) witnesses, who shall be freeholders of the county, and such supervisors or magistrates are hereby authorized to administer oaths in such cases, and shall keep a record in each case of the names of owners and the amount of damage proven and the number of sheep killed or injured. And in case the owner of the dog or dogs is solvent, the county or town, as the case may be, shall not pay such damages out of such fund.

Provided, the damages allowed in no event shall exceed fifteen dollars per head for such sheep killed or injured. (Amended by act which became a law June 28, 1917, in force July 1, 1917.)

206. *Witness Fees.*

SEC. 6. The supervisor or county treasurer, as the case may be, shall allow not to exceed fifty cents to each witness, which shall be paid out of the fund created by this act prior to its disposition by the third section of this act.

(Sections 7 and 8 repealed.)

SEC. 9. The word "dog," as used in this act, shall be held and construed to mean all animals of the canine species, both male and female.

²¹ This section was amended earlier in the session of the same General Assembly by an act approved March 28, 1917, and is as follows:

Sec. 5. Any person having sheep killed as aforesaid, shall not be entitled to receive any portion of the fund herein provided for, unless he appear before the supervisor of the town in which the sheep are killed or injured or before a magistrate in counties not under township organization, within forty days after the sheep are killed or injured, and make affidavit, stating the number of sheep killed or injured, the amount of damages and owner or owners of dog or dogs, if known

All damages shall be proven by not less than two (2) witnesses, who shall be freeholders of the county, and such supervisors or magistrates are hereby authorized to administer oaths in such cases, and shall keep a record in each case of the names of owners and the amount of damages proven and the number of sheep killed or injured. In case the owner of the dog or dogs is solvent, the county or town, as the case may be, shall not pay such damages out of such fund.

Provided, the damages allowed in any event shall not exceed ten (\$10) dollars per head for such sheep killed or injured.

207. *Penalty.*

SEC. 10. Any person who shall refuse or neglect to comply with any of the provisions of this act, shall be fined in any sum not less than five dollars and not more than ten dollars. (Added as above.)

GAME AND FISH.

AN ACT for the conservation of game, wild fowl, birds and fish in the State of Illinois, for the appointment of a commission and staff for the enforcement thereof, and to repeal certain acts relating thereto. Approved June 23, 1913, in force July 1, 1913. L. 1913, p. 363.

208. *Appointment of Commission and its Duty.*

SECTION 1. That within thirty days after this act shall take effect the Governor of the State, by and with the advice and consent of the Senate, shall appoint three persons to be called and known as the State Game and Fish Commission, referred to and designated hereafter in this act as the commission. One member of the commission shall be designated by the Governor as the president of the commission, who shall be the executive officer of the commission. It shall be the duty of the commission to conserve and propagate the game, wild fowl, birds and fish of the State, to secure the enforcement of all the statutes of the State for the preservation and propagation of game, wild fowl, birds and fish and bring, or cause to be brought, actions and proceedings in the name of the People of the State of Illinois, to recover any and all fines and penalties provided for in such laws relating to game, wild fowl, birds and fish, and to prosecute all violators of said statutes. (Amended by act approved June 24, 1915, in force July 1, 1915. L. 1915, p. 446)

209. *Appointment of Wardens.*

SEC. 2. To carry out the provisions of this act, the commission shall have the power to appoint seven (7) wardens and seventy-eight (78) deputy wardens, who shall serve continuously and shall devote their entire time to said offices. All wardens and deputy wardens shall be subject to the control of the commission; and the commission shall also have the power to employ such other officers, agents and employees as it may deem necessary for the efficient conduct of its business. In addition to the wardens, and deputy wardens herein provided for, all constables in this State shall be *ex officio* special deputy wardens, who shall receive no salary per diem or expenses as such, but who shall receive in addition to the fees and mileage provided by law, one-half of all the fines recovered for violation of this act in case where they have filed the complaint. (Amended as above.)

210. *Salaries and Quarters.*

SEC. 3. (This section and the first portions of the two preceding sections are repealed by implication.)

211. *Hunting and Killing Quail, Prairie Chicken, Rabbit, Duck, Fur-Bearing Animals, Etc., Penalty.*

SEC. 4. It is hereby declared to be unlawful to hunt, kill, net, entrap, ensnare, destroy or attempt to hunt, kill, net, entrap, ensnare or destroy any Bobwhite quail from the 10th of December to the 10th of November (both inclusive) of each succeeding year; or any pinnated grouse (prairie chicken) from the 16th day of October of any years to the 30th day of September (both inclusive) of the next succeeding year; or any ruffed grouse (partridge), Mexican blue quail, California mountain quail, California valley quail, Hungarian partridge, Capercalzie, heath grouse (black grouse), or woodcock for the period up to and including July 1, 1920; or any gray, red fox or black squirrel from the 1st day of February to the 31st day of July (both inclusive) of each year; or any rail, swan, or any specie of the order of Limicolae or shore birds, excepting black breasted and golden plover, Wilson or jack snipe and yellow legs, for and during the period up to and including September 1, 1920; or any black breasted and golden plover, Wilson

or jack snipe or yellow legs from the 16th day of December, of any year to the 31st day of August (both inclusive) of the succeeding year; or any mourning dove from September 1 of any year to August 14 of the succeeding year (both conclusive): *Provided*, it shall be lawful to kill not more than two cock pheasants in any one day from the 1st day of October to the 5th day of October (both inclusive) of each and every year. And it shall be unlawful to kill, hunt, ensnare, entrap or attempt to kill, hunt, ensnare, entrap or otherwise destroy any rabbit from the 1st day of February to the 31st day of August of each year. The use of ferrets for hunting is hereby prohibited. And it shall be lawful to kill, hunt, ensnare, entrap, or attempt to kill, hunt, ensnare, entrap, or otherwise destroy any wild goose, duck, brant, coot (mud hen), from the 15th day of February to the 31st day of March (both inclusive), and from the 1st day of September to the 15th day of December (both inclusive) of each year. And it shall be unlawful to hunt, kill, entrap, ensnare or attempt to hunt, kill, entrap, ensnare or otherwise destroy any wild goose, duck, brant, coot, rail, or other water fowl between the sunset of any day and the sunrise of the next succeeding day at any period of the year. And it shall further be unlawful at any time to hunt, kill, entrap, ensnare, or attempt to hunt, kill, entrap, or ensnare or otherwise destroy any wild goose, brant, duck, coot, rail or other water fowl from any fixed or artificial ambush beyond the lines of natural covering of reeds, canes, willows, flags, crooked brush, wild rice, or other vegetation above the water of any lake, river, bay or inlet or other water course wholly within the State, or with the aid or use of any device commonly called sneak boat, sink box or other device for the purpose of concealment in the open waters of this State.

And it shall be unlawful to shoot, kill or destroy, or attempt to shoot, kill or destroy any wild goose, duck, brant, coot, rail, or other water fowl with a swivel gun or rifle, or from any sail boat, gasoline or electric launch or steamboat, at any time in any part of the water of any lake, river, bay, or inlet or other water course, wholly or in part within this State: *Provided*, that it shall be unlawful to kill, entrap, ensnare or otherwise destroy any of the ducks, geese, brant, coot, rail or other water fowl, or any of the order of Limicolae or shore birds, commonly known as jack snipe, Wilson's snipe, sand snipe or any kind of snipe, or any golden plover, upland plover or any kind of plover mentioned in this section, at any time for market or other commercial purposes.

It shall be unlawful for any person to catch, take or kill any of the following fur-bearing animals, to wit: raccoon, mink, muskrat, skunk, opossum or otter from April 1 to October 31 (both inclusive), of each year.

Any person or persons so offending shall for each and every offense be deemed guilty of a misdemeanor, and on conviction shall be fined in any sum not less than fifteen nor more than fifty dollars and costs of suit, and shall stand committed to the county jail until such fine and costs are paid: *Provided*, that such imprisonment shall not exceed ten days; and the killing of each bird or animal herein specified shall be deemed a separate offense: *Provided*, that nothing in this section shall be construed to prevent the commission or its wardens or deputies from hunting, ensnaring or entrapping any of the game birds or animals in this section mentioned and transmitting them to other parts of the State, where a scarcity of these game birds, or animals exists, for the purpose of propagating and restocking said parts of the State: *And, provided, further*, that before hunting, ensnaring, or entrapping, said commission, its wardens or deputies must first obtain the consent in writing of the tenant or land owner from whose premises said game birds and animals are taken. (Amended as above.)

212. Sale of Game Birds and Game Animals, Penalty.

SEC. 5. It shall be unlawful for any person, firm or corporation, at any time of the year to barter, sell or offer for sale or for any commercial institution to have in possession, in this State, either under the name used in this act, or under any other name or guise whatever, any game birds or game

animals protected in this act (except rabbits), whether taken within or without this State, or lawfully or unlawfully taken. Nothing in this section shall be construed to include those animals which are classified as fur-bearing animals in section 4 of this act.

Any person, firm or corporation violating the provisions of this section shall be deemed guilty of a misdemeanor, and on conviction shall be fined in any sum not less than twenty-five (25) nor more than one hundred (\$100) dollars, and an additional fine of five (\$5) dollars for each and every bird or animal or part of bird or animal sold or offered for sale, or had in his possession, and costs of suit, and shall stand committed to the county jail until such fine and costs are paid. (Amended as above.)

213. Killing Wild Birds, Penalty, Game Birds Defined.

SEC. 6. Any person who shall, within the State, kill or catch, or have in his or her possession, living or dead, any wild bird, or part of bird, other than a game bird, English sparrow, crow, blackbird, bluejay, chicken hawk, cormorant, or who shall purchase, offer or expose for sale any such wild bird, or part of bird, after it has been killed or caught, shall, for each offense, be subject to a fine of five dollars for each bird killed or caught or had in his or her possession, living or dead, and shall stand committed to the county jail until such fine and costs are paid: Provided, that such imprisonment shall not exceed ten days: *Provided, further*, that nothing in this section shall be construed to prevent the owner or occupant of lands from destroying any such birds or animals when deemed necessary by him for the protection of fruits and property. For the purpose of this act the following only shall be considered game birds: The Anatidae, commonly known as swan, geese, brant, river and sea ducks; the Rallidae, commonly known as rail and coot and the Limicolae, commonly known as shore birds, plover, surf birds, snipe, woodcock and pipers, tattlers and curlews. The Gallinae, commonly known as wild turkey, grouse, prairie chicken, pheasant, partridges, quail and the Columbidae, including pigeons and doves. This section shall not be construed to apply to any part or parts of birds actually used and in the possession of any person as decorations or ornaments. (Amended as above.)

214. Trapping Wild Goose, Wild Duck, Prairie Chicken, Quail, etc., Penalty.

SEC. 7. No person or persons shall, at any time, with trap, snare or net, take or attempt to trap, ensnare or net any wild goose, wild duck, brant, rail or other water fowl, wild turkey, prairie chicken, quail, grouse, pheasant, Mexican blue quail, Hungarian partridge, California valley quail, or California mountain quail at any time, except as hereinbefore provided; and it shall be unlawful for any person or persons to bait or feed any of said birds or water fowls with any kind of seeds or grain for the purpose of trapping, shooting or ensnaring them; and every person so offending shall on conviction be fined in a sum not less than ten dollars nor more than twenty-five dollars and cost of suit, and shall stand committed to the county jail until such fine is paid: *Provided*, that such imprisonment shall not exceed fifteen days.

215. Bag Limit, Penalty.

SEC. 8. It shall be unlawful for any person to shoot or kill, during any one day, more than fifteen (15) ducks, ten (10) geese, ten (10) brant, fifteen (15) coots (mud hen), rails and gallinules, fifteen (15) black-breasted and golden plover, fifteen (15) Wilson or jack snipe, fifteen (15) yellowlegs, twelve (12) quails, three (3) pinnated grouse (prairie chicken), fifteen (15) squirrels, and ten (10) doves: *Provided*, that it shall further be unlawful for any person to have in his or her possession, at any one time, more than sixty (60) ducks, twenty (20) geese, or brant, sixty (60) coots, rails and gallinules, fifty (50) black-breasted and golden plover, Wilson or jack snipe and yellowlegs, thirty-six (36) quail, twelve (12) pinnated grouse (prairie chicken), thirty (30) squirrels, or forty (40) doves.

Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and on conviction shall be fined in any sum not less than fifteen dollars (\$15) nor more than fifty dollars (\$50) for each offense, and shall stand committed to the county jail until such fine and costs of suit are paid. (Amended as above.)

216. Shipment and Transportation of Game, Penalty.

SEC. 9. It shall be unlawful for any person to take or transport out of this State, or transport within this State, any of the birds or game protected by the laws of this State, unless the same shall be pursuant to the provision of section 9a of this act or in the personal possession of and carried open to inspection by the owner thereof, and such owner shall have in his or her possession at the time a nonresident or resident hunting license duly issued to him or her under the provisions of this act.

It shall be unlawful for any transportation company or common carrier, or any agent or employee thereof, to receive for shipment or transport any of the birds or game protected by this act unless the same shall be received for shipment, carried and delivered pursuant to the provisions of section 9a, and then only during the season or period of time which the laws of this State shall fix as the open season during which such birds or game may be lawfully killed.

It shall be unlawful for any transportation company or common carrier to transport into this State from any point without the State, any bird or part of bird, or any game animal protected by the provisions of this act: *Provided, however,* that it is shall be lawful to transport through this State, or to points within this State, from points without this State, deer lawfully killed and lawfully shipped.

Any person, corporation, company or common carrier, or any agent or employee thereof, 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 fifty dollars (\$50) nor more than one hundred dollars (\$100) and cost of such suit for each offense, and shall stand committed to the county jail until such fine and costs are paid.

Nothing in the provisions of this section shall be construed to prohibit or prevent the shipment of birds and game at any time for scientific or propagation purposes by persons holding certificates granted under the provision of this act.

Nothing in the provisions of this section shall be construed to prohibit or prevent the shipment and sale of rabbits during the open season thereof: (Amended as above.)

217. Permit to Ship Game.

SEC. 9a. The commission is hereby authorized and empowered to grant to holders of resident and nonresident hunting licenses permits to ship game. In order to obtain such permit the applicant for the same shall fill out a blank application to be furnished by the commission, stating name, age, occupation, place of residence and number of hunting license: further stating that the game to be shipped under such permit shall be consigned by and to the applicant at one destination only, and that such game is not to be shipped for commercial purposes; said application shall be subscribed and sworn to by the applicant before any person authorized by law to administer oaths, and shall be accompanied by a fee of one dollar (\$1).

The holder of such permit may offer for shipment and have transported not to exceed one hundred and eighty (180) game birds and game animals in not more than three (3) separate shipments during the period of time covered by his hunting license: *And, provided,* that such shipments shall not be made oftener than once in four days.

Upon offering such game for shipment the shipper shall present to the agent representing the transportation company or common carrier, his hunting license and shipping permit, whereupon the agent shall endorse in ink upon the shipping permit, in spaces provided therefor, the name of

the station from which shipment is made, the destination, which must correspond with the address in the permit, the date, the number of each variety of game in the shipment, and his signature. If a permit is presented with a consignment of game for shipment, and such endorsements show that the quantity of such game, or number of shipments, which may lawfully be shipped by the holder of said permit in a single season has already been shipped on said permit, it shall be unlawful for any transportation company or common carrier, or agent or employee thereof, to accept the same for shipment.

Game birds and game animals shipped in the manner prescribed by this section shall be open to inspection and shall have firmly fixed and attached thereto a tag on which shall be stated the name of the consignor, (who, under the provisions of this section, is also the consignee), the destination, the number of permit, the number of hunting license, and the quantity of each variety of game in shipment.

Permits issued under the provisions of this section shall expire on the first day of April next succeeding date of issue, and shall be returned to the commission within three months after date of expiration. Persons to whom permits have been issued and who fail to return them to the commission shall not be entitled to any such permit thereafter. No more than one permit shall be issued to a person during any one year.

Any person, corporation, company or common carrier, or any agent or employee thereof, 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 fifty dollars (\$50) nor more than one hundred dollars (\$100) and costs of suit for each offense, and shall stand committed to the county jail until such fine and costs are paid. (Added by act as above.)

218. *Wild Game or Birds, Possession, Penalty.*

SEC. 10. That it shall be unlawful for any person in the State of Illinois for and during the period of ten years from the passage of this act, to injure, take, kill, expose or offer for sale, or have in possession, except for breeding purposes, any wild buck, doe or fawn: *Provided*, that any person who breeds and raises deer for market where the same has been bred and raised within an enclosure, may kill and sell same from October 1 to February 1. And it shall be unlawful for any person for and during the period of ten years from the passage of this act to injure, take, kill, expose or offer for sale or have in possession except for breeding purposes any wild turkey or any kind of pheasant, sand grouse or partridge: *Provided*, that cock pheasants may be killed and sold from the 1st day of November to the 1st day of February of each and every year, by the breeders thereof, upon a permit issued to them by the commission. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than fifty dollars nor more than one hundred dollars, and in default of payment of the fine imposed shall be imprisoned in the county jail at the rate of one day for each dollar of the fine imposed. The fines imposed and collected under this act shall be paid into the State treasury.

219. *Wild Game or Birds, Ownership.*

SEC. 11. The ownership of and title to all wild game and birds in the State of Illinois is hereby declared to be in the State, and no wild game or birds shall be taken or killed in any manner or at any time except the person so taking or killing shall consent that the title to said game shall be and remain in the State of Illinois for the purpose of regulating the use and disposition of the same after such taking or killing. The taking or killing of wild game or birds at any time in any manner or by any person shall be deemed a consent of said person that the title to such game or birds shall be and remain in the State, for said purpose of regulating the use and disposition of the same.

220. Destroying Nests or Eggs, Penalty.

SEC. 12. Any person, who shall, within the State of Illinois, take or needlessly destroy the nest or the eggs of any wild birds, game birds, or shall have such nest or eggs in his or her possession, shall be subject for each offense to a fine of five dollars and costs of suit and shall stand committed to the county jail until such fine and costs are paid: *Provided*, that such imprisonment shall not exceed ten days.

221. Scientific Purposes, Exemption.

SEC. 13. Sections 6 and 12 of this act shall not apply to any person holding a certificate giving the right to take birds and their nests and eggs for scientific purposes as provided for in section 14 of this act.

222. Permits for Scientific Purposes, Penalty.

SEC. 14. Certificates may be granted by the commission to any properly accredited person of the age of eighteen years and upward permitting the holder thereof to collect birds, their nests and eggs for strictly scientific purposes only. In order to obtain such certificate the applicant for the same must present to the commission written testimonials from two well-known scientific men, certifying to the good character and fitness of said applicant to be entrusted with such privilege and must pay to the commission a license fee of five dollars (\$5.00) and must file with said commission a properly executed bond in the sum of two hundred dollars (\$200.00) signed by two responsible citizens of the State as sureties. This bond shall be forfeited to the State and the certificate become void upon proof that the holder of such certificate has killed any bird or taken the nest or eggs of any bird for other than strictly scientific purposes, and shall be further subject to a fine of one hundred dollars (\$100.00).

The certificate authorized by this section shall be in force until the first day of June following date of issue, and shall not be transferable. (Amended as above.)

SEC. 15. The certificates authorized by this act shall be in force until the first day of June next succeeding only from the date of their issue and shall not be transferable.

223. Complaint, Search Warrant, Etc.

SEC. 16. If any member of the commission, or warden, or deputy, has reason to believe, or does believe that any person or corporation has in his or their possession, contrary to law, any game, deer, wild fowl or bird, it shall be the duty of such commissioner, warden or deputy to go before any justice of the peace in the county and make affidavit to that fact; said justice shall thereupon issue a search warrant against the person or corporation so complained of, directed to any constable of the county, commanding him to proceed at once and search for said game, deer, wild fowl or bird, and upon finding the same to seize and take possession of the same and keep it until further ordered by the justice; said constable shall also read said warrant to the owner or person in whose possession said game, deer, wild fowl or bird is found. Said warrant shall be substantially as follows:

STATE OF ILLINOIS, }
COUNTY, } ss.

To any Constable of said County, Greeting:

You are hereby commanded to search (here describe place), seize and take possession of and hold any game, deer, wild fowl or bird found there. And you (here name owner or corporation in whose possession game is found) are hereby notified to appear before me at my office in (here locate office) on (here state time of trial) and show cause why the game, deer, wild fowl or birds should not be sold and the proceeds thereof distributed as required by law.

(Signature of Justice.)

Justice of the Peace.

(Date of warrant.)

224. *Hearing and Judgment.*

SEC. 17. At the time mentioned in said warrant said justice shall proceed to hear and determine whether said game, deer, wild fowl or bird was in the possession of the person or corporation contrary to law, and if said justice finds that said game, deer, wild fowl or bird was in the possession of the defendant contrary to law, then said justice shall enter judgment against the defendant and order a sale of the game, deer, wild fowl or bird seized, but if said justice shall find that the possession of said game, deer, wild fowl or bird was not contrary to law then the judgment of the court shall be that the same be returned to the person or corporation from whom the same was taken.

225. *Notice, Sale.*

SEC. 18. In case of a judgment and order of sale as specified in section 17, then said constable shall at once post two notices, one at the justice's office and one at the place of sale, specifying in each notice time and place of sale—not less than five hours from the date of judgment—also a description of the game, deer or wild fowl to be sold; said place of sale shall be upon the principal produce street or market of the city; said constable shall at the time and place mentioned in said notices sell said game, deer, wild fowl or bird at public auction to the highest bidder for cash, and at once pay the proceeds of such sale into the justice's court; said constable shall give the purchaser a certificate of purchase, in which shall be a particular description of the game sold, together with the date of sale.

226. *Proceeds, Disposition.*

SEC. 19. Said justice shall, as soon as the proceeds of sale are paid into his court, deduct the amount of his cost, together with the constable's costs, and pay the balance into the State treasury.

SEC. 20. (Repealed.)

227. *Hunting License, Application, Penalty.*

SEC. 21. For the purpose of preventing unauthorized persons from killing game and birds, no person or persons shall at any time hunt, pursue or kill with gun, rabbits or any of the wild animals, fowl or birds that are protected during any part of the year without first having procured a license so to do and then only during the respective periods of the year when it shall be lawful. Said license shall be procured from any county, city or village clerk in the following manner, to wit: The applicant shall fill out a blank application to be furnished by the commission to the clerk of each county, city or village stating name, age, occupation and place of residence of applicant, place of birth, if a naturalized citizen, the date of the naturalization papers and the court by which issued, if a minor born beyond the jurisdiction of the United States, the date of the naturalization papers of the parent or parents and the court by which issued if any; the fact of having declared his intention of becoming a citizen of the United States with the date of such declaration: *Provided, however,* that such declaration was made at least two (2) years prior to said application for license, and the court in which such declaration is filed, said application shall be subscribed and sworn to by the applicant before said county, city or village clerk and any applicant who shall wilfully, and corruptly swear falsely shall be deemed guilty of perjury and punished accordingly, and it is hereby expressly provided that if said county, city or village clerk, fails to administer the oath as herein provided or antedates any license, he shall be subject to a fine herein provided for each and every offense the same to be recovered in any court of competent jurisdiction. And said applicant if a nonresident of the State of Illinois or if not a citizen of the United States or not having declared his intention of becoming a citizen of the United States whether a resident of the State of Illinois or not shall pay to the county clerk the sum of *ten* dollars as a license fee, together with the sum of fifty cents as the fee of said county clerk for administering the oath to the applicant and issuing said license; and if a resident of the State of

Illinois, and a citizen of the United States, shall pay to the county, city or village clerk, the sum of seventy-five cents as a license fee, together with the sum of twenty-five cents as the fee of said county, city or village clerk for administering the oath to the applicant and issuing said license. Said license shall bear the signature of the commission and the seal of the county, city or village in which the same is issued and be countersigned by the said clerk. And such license, if a nonresident, is hereby authorized to take from the State not to exceed in the aggregate fifty birds of all kinds killed by himself or herself which shall be carried openly for inspection, together with his or her license.

Every license issued shall be signed by the licensee in ink, and as aforesaid, shall entitle the person to whom issued to hunt, pursue or kill game or rabbits within this State at any time when it shall be lawful to hunt, pursue or kill such game, and no person to whom a license has been issued shall be entitled to hunt, pursue or kill game or rabbits in this State without at the time of such hunting, pursuing and killing of game or rabbits he or she shall have such license in his or her name and upon his or her person ready to exhibit the same for inspection, and such license be void after the first day of April next succeeding its issue: *Provided*, that the owner or owners of lands, their children, or tenants in actual residence upon the land shall have the right to hunt and kill game on such lands of which he or they are the bona fide owners or tenants during the season when it is lawful to kill game without procuring such residence license.

Any person found guilty of violating any of the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not less than twenty-five dollars nor more than fifty dollars for each and every offense and shall stand committed to the county jail until such fine and costs are paid, but such imprisonment shall not exceed thirty days for each offense; or such person may be proceeded against in an action of debt in the name of the People of the State of Illinois for the recovery of the penalty herein prescribed. (Amended as above.)

228. *Game Reservation, Penalty.*

SEC. 21a. The commission shall have the power and authority to establish game and bird reservations or refuges in any county in the State where it shall be deemed necessary for the protection and propagation of game, and as a refuge or sanctuary for song and insectivorous birds, the land for such reservations to be leased at a nominal rental of one dollar per year for each parcel. On such reservations the commission may have planted in suitable grain for bird and game food, not to exceed five acres for each 1,000-acre reservation, and for such parcels as are so planted the commission may, if required so to do, pay a rental not to exceed the usual and customary rent of similar land in the vicinity or locality.

It shall be unlawful to hunt, trap or ensnare in any way any game or birds within such reservation or to take or destroy the nests or the eggs of any wild birds or game in such refuges or reservations; and any person guilty of a violation of this section shall be subject for each offense to a fine of not less than fifty (\$50) dollars nor more than two hundred (\$200) dollars and costs of suit and shall stand committed to the county jail until such fine and costs are paid: *Provided*, that such imprisonment shall not exceed ten days. (Added by act as above.)

229. *Fishing License, Penalty.*

SEC. 22. It shall be unlawful for any person to fish in any waters under the jurisdiction of this State with seine, dip net, gill net, pound net, hoop net, fyke net, basket or trap net, except as hereinafter provided, without first obtaining a license so to do: *Provided*, that the owner or owners, their children, or the tenants of any land on which there is any lake, pond, slough or other water, wholly within the premises so owned or controlled and not connected with any open stream or extending beyond their jurisdiction, may take, catch or kill any fish in the manner prescribed by law

without procuring such a license. Each resident of this State shall pay for each license the following amounts respectively:

(a) For each one hundred (100) yards of seine, or less (except minnow seines) five (\$5) dollars.

(b) For each dip net, one (\$1) dollar.

(c) For each hoop net, fifty (50) cents; fyke net one (\$1) dollar; basket or trap net, fifty (50) cents.

(d) For each steam tug used in operating gill nets or pound nets, twenty-five (\$25) dollars.

(e) For each gasoline launch used in operating gill or pound nets, fifteen (\$15) dollars.

(f) For each sail boat, or row boat used in operating gill or pound nets, ten (\$10) dollars.

Each nonresident of this State shall pay for each such license the following amounts respectively:

(a) For each one hundred yards of seine or less (except minnow seines), ten (\$10) dollars.

(b) For each dip net, two (\$2) dollars.

(c) For each hoop or fyke net, two (\$2) dollars.

(d) For each steam tug used in operating gill nets or pound nets, two hundred (\$200) dollars.

(e) For each gasoline launch used in operating gill nets or pound nets, fifty (50) dollars.

(f) For each sail boat or row boat used in operating gill nets or pound nets, thirty (\$30) dollars. No license issued under the provisions of this section shall be transferred. (Amended as above.)

230. *Fishing License. Application.*

SEC. 23. Each county, city or village clerk is hereby authorized and empowered to issue all licenses referred to in the preceding section of this act upon the payment to such clerk of the amount of the license fee prescribed in the foregoing section, together with the sum of twenty-five (25) cents as the fee of such clerk. It shall be the duty of such clerk to issue to such applicant a license, bearing the signature of the commission, sealed with the seal of the county, city or village clerk, as the case may be, dated on the day of the issuance thereof and countersigned by said clerk. At the time the said payment is made the person making such payment shall receive from the clerk a metal tag, which shall be of uniform style and pattern, to be prescribed and furnished to the clerk by the commission. Such metal tag shall be attached to said devices or boats, in such a manner as to be at all times exposed to public view.

231. *Fish Market. License.*

SEC. 24. It shall be unlawful for any person to conduct a wholesale fish market for the purpose of buying and selling and shipping fish, or as a wholesale dealer to buy and sell any fish caught or taken in the waters under the jurisdiction of this State without procuring a license so to do. Such license may be procured from the city, village or county clerk upon the payment to such city, village or county clerk of a license fee of ten (10) dollars, together with the sum of fifty (50) cents as the fee of the clerk issuing such license. Such license shall be signed, sealed and authenticated as other licenses required by this act. Each license issued under the provisions of this section shall entitle the person named therein to ship any fish authorized under this act to be sold and shipped which are caught in the waters under the jurisdiction of this State during the time when it is lawful to catch such fish and to conduct a fish market for the purpose of buying and selling for shipment fish authorized under this act to be bought and sold and which were caught in the waters under the jurisdiction of this State during the time when it is lawful to catch such fish, and to buy and sell such fish as a wholesale dealer, until the first day of May next following its issuance and no license shall be transferred.

All licenses granted under this section shall expire on the first day of May of each year

It shall be unlawful for any railroad company, express company, steamboat company, or common carrier, to receive from any person engaged in the business of buying, selling and shipping fish as herein provided any fish caught in the waters under the jurisdiction of this State for shipment unless the person so tendering such for shipment has obtained a license authorizing such person to ship fish in accordance with the provisions of this section.

All fish found in the possession of the holder of such license which are of illegal kinds, sizes, or weights, are hereby declared to be contraband, and may be seized and disposed of by any member of the commission, any warden or deputy warden. (Amended as above.)

232. *Fish Preserves, Fish Hatchery, Fishing, Penalty.*

SEC. 25. The commission shall have power and authority to set aside, at its discretion, such waters within the jurisdiction of this State as they may judge best as State Fish Preserves, in which it shall be unlawful to fish with any device except hooks and lines. The commission shall post such waters at the outlet, and highway crossings of the same, by conspicuous notice, and shall publish such notice once in a newspaper published in each of the counties in which such waters are located. If there be no newspaper published in such county, then the publication shall be made in like manner and for a like period in a county nearest to such waters wherein a newspaper is being published.

Any person taking, catching or killing, or attempting to take, catch or kill, any fish with any device or by any method, except hooks and lines in any waters set apart under the provisions of this section, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be sentenced, for the first offense, to pay a fine of not less than fifty (\$50) dollars, nor more than one hundred (\$100) dollars and for the second offense shall be fined not less than one hundred (\$100) dollars nor more than two hundred (\$200) dollars; and in either case shall stand committed to the county jail, there to remain until such fine and costs are fully paid: *Provided*, that the commission shall have the power to issue permits as they see fit, to take from such waters with seine or other device, such rough fish as they may designate: *Provided, further*, that it shall be unlawful to catch or take at any time with any device any fish within one hundred (100) feet from any dam across any stream.

It shall be the duty of the commission to select suitable locations for State fish hatching and breeding establishments, take all measures within their means for the propagation and increase of the native food fishes and also for the introduction of new varieties of food fishes into the waters of the State and upon the best terms possible to employ a practical and competent fish culturist who shall perform all such duties as the commission shall direct. (Amended as above.)

233. *License Fees, Payment.*

SEC. 26. All license fees collected by the several city, village and county clerks in this State under the provisions of this act shall be paid into the State treasury at the end of each calendar month.

234. *License, Alteration, Etc., Penalty.*

SEC. 27. Any person who shall at any time alter or change in any material manner, or loan or transfer to another any license issued as aforesaid, then he shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not less than ten dollars (\$10.00) nor more than five hundred dollars (\$500.00) or by imprisonment in the county jail not less than thirty (30) days nor more than one (1) year, or by both such fine and imprisonment in the discretion of the court. (Amended as above.)

235. *Prosecutions for Violation, Fines, Payment.*

SEC. 28. All prosecutions for the violation of the provisions of this act relating to license shall be brought by any person in the name of the People of the State of Illinois against any person or persons violating any of the

provisions of this act so far as it relates to licenses, before any court of competent jurisdiction, and it is hereby made the duty of all State's attorneys to see that the provisions of this act are enforced in their respective counties and they shall prosecute all offenders on receiving information of the violation of any of the provisions of this act, and it is made the duty of all sheriffs, deputy sheriffs, constables and police officers to inform against all persons whom there is reasonable cause to believe are guilty of violating any of the provisions of this act, the amount recovered in any penal action under this act in so far as relates to licenses, shall be by the magistrate or court before whom the case is tried at once transmitted to the State Treasurer.

236. Private Premises, Trespassing, Penalty.

SEC. 29. It shall be unlawful for any person or persons to hunt with gun or dog, or allow their dogs to hunt within or upon the lands or premises of another, or upon the waters flowing over or standing on said lands or premises, without first obtaining from the owner, agent, or occupant of said lands or premises, his, her or their permission so to do.

SEC. 30. Any person or persons violating section 29 of this act shall be deemed guilty of a misdemeanor, and shall, upon conviction, forfeit his license and may be prosecuted in the name of the People of the State of Illinois before any justice of the peace or by indictments or information in any court in any county: *Provided*, that in all such prosecutions the owner or owners or person in possession of said grounds or lands shall not be required to prove title to the grounds or lands in controversy.

SEC. 31. Any person violating section 29 of this act shall be fined in a sum of not less than five dollars (\$5.00), and not to exceed fifteen dollars (\$15.00), and shall stand committed to the county jail until such fine and costs are fully paid.

237. Ownership in Fish.

SEC. 32. That the ownership of and title to all fish in any waters within the jurisdiction of this State is hereby declared to be in the State and no fish shall be caught, taken or killed in any manner or at any time except the persons so catching, taking or killing such fish shall consent that the title to said fish shall be and remain in the State for the purpose of regulating the possession, use, sale or transportation thereof after such taking, catching or killing.

238. Fishing Devices.

SEC. 33. It shall be unlawful for any person to catch, take or kill, or attempt to catch, take or kill, any fish in any of the lakes, rivers, creeks, sloughs, bayous or other waters, or water courses within the jurisdiction of this State, except subject to the restrictions and by the means and devices, and at the time prescribed by this act.

SEC. 34. Fish of legal size and weight, may be caught, taken, or killed with hook and line, and with rod and reel, running line, or artificial bait or lure, at any time. Frogs of more than one-quarter of a pound shall not be caught, taken, or killed within the jurisdiction of this State by any means whatsoever, during the months of May and June of each year. (Amended as above.)

SEC. 35. It shall be lawful to catch and take all kinds of fish, except black bass, pike, pickerel, pike perch (commonly known as jack or yellow salmon) white fish, trout, chubs, long jaws, black fins, lake perch and herring, with hoop or fyke nets, dip nets or baskets, the meshes of which are not less than one and one-half inches square between the 1st day of July of any year and the 15th day of April of the next succeeding year or with seines the meshes of which are not less than one and one-half inches square between the 1st day of September and the 15th day of April of the next succeeding year. (Amended as above.)

SEC. 36. White fish and trout may be caught and taken only with gill nets and with pound nets, the meshes of which are not less than two and one-quarter inches square, between the first day of December of any year and the first day of November of the next succeeding year.

Only chubs, long jaws, black fins and herring may be caught and taken with gill nets, dip nets, and with pound nets, the meshes of which are not less than one and one-quarter inches square: *Provided*, that lake perch may be caught and taken with gill nets, dip nets and pound nets, the meshes of which are not less than one and one-sixteenth ($1\frac{1}{16}$) inches square: *Provided, further*, that it can be shown that not over 10 per cent of the entire catch taken in such nets at any one lift shall consist of trout of a less weight than one and one-quarter pounds, dressed, each, and provided that such trout so caught or taken may be sold at, but shall not be shipped from the place where such trout were caught or taken. (Amended as above.)

SEC. 37. It shall be lawful to catch or take minnows, for bait only, by the use of minnow seines or traps, the meshes of which shall not be less than one-quarter of an inch square, nor shall the length of any minnow seine be more than twenty feet (20): *Provided, however*, that any person so fishing for minnows for bait in the manner prescribed, shall at once return to the water uninjured all fish of whatever size or length, except such as are commonly known as minnows.

It shall also be lawful to catch and take minnows for bait in the manner prescribed in this section in any water or waters set aside as State fish preserves in accordance with the provisions of section 25 of this act. (Amended as above.)

SEC. 38. It shall be lawful for the commission, or for any duly authorized official of the United States, or persons authorized by them, to catch and take fish in any way at any time and at such places as they may deem best for the purpose of propagation, distribution, or the destruction of objectionable fish, and for the University of Illinois or its agents to do likewise for scientific purposes.

SEC. 39. No hoop or fyke net, or pound net shall be more than two hundred (200) yards in length, and seines not more than one thousand (1,000) yards in length, or shall be set, placed or used by any person or persons in such manner as to obstruct more than one-half of the width of any stream, river, lake, slough, bayou, or other water course within the jurisdiction of this State. All gill nets and pound nets shall be set and lifted only by the use of a tug, launch, sail boat or row boat licensed as herein provided. (Amended as above.)

239. *Catching Fish with Chemicals, Etc., Penalty.*

SEC. 40. Every person who shall at any time catch, take or kill, or attempt to take, catch or kill, any fish in any of the rivers, lakes, ponds, creeks, streams, canals, sloughs, bayous or other waters or water courses wholly or in part within the jurisdiction of this State by the use of lime, acid, medical, chemical or mechanical compound or dope of any medicated drug or any cocculus indicus or fish berry, or any dynamite, or giant powder, nitro-glycerine or other explosive, upon conviction shall be fined not less than one thousand (\$1,000) dollars, nor more than two thousand (\$2,000) dollars or punished by imprisonment for one year in the penitentiary, or by both fine and imprisonment, at the discretion of the court. (Amended as above.)

240. *Unlawful Structures.*

SEC. 40a. It shall be unlawful for any person to have, erect or use, white fishing on or through the ice, any house, shed, tent or shanty, or other structure so constructed as to wholly or in part exclude the daylight or which may be used for the purpose of concealment.

Any person 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 twenty-five (25) dollars nor more than two hundred (200) dollars, and costs, and shall stand committed to the county jail until such fine and costs are fully paid.

241. *Catching Fish, Fire Arms. Etc., Penalty.*

SEC. 40b. Every person who shall at any time catch, take or kill, or attempt to catch, take or kill any fish in any of the rivers, lakes, ponds,

creeks, streams, canals, sloughs, bayous or other waters or water-courses wholly or in part within the jurisdiction of this State, by the use of any kind of fire arms, or by the use of jack or artificial light of any kind, or with snare spear, gig graines, or trammel nets, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than ten (\$10) dollars, nor more than twenty-five (\$25) dollars, and shall stand committed to the county jail until such fine be paid: *Provided*, that such imprisonment shall not exceed ten (10) days.

Nothing in this section shall be construed to forbid the use of an ordinary lamp or lantern strictly for illuminating purposes and not for the purpose of "shining," luring or attracting fish.

It shall be unlawful for any person to catch, take or kill, in any manner or by any means whatsoever, any fish in, upon or from any water in any quarry, quarry hole, natural or artificial lake, fish pond or reservoir, or other artificial or natural depression upon the premises of any other person within the jurisdiction of this State, without the consent of the owner or person in charge thereof. (Amended as above.)

242. Pole and Line.

SEC. 41. It shall be unlawful to catch, take or kill by any means or device whatsoever, *except by pole and line*, or to sell or offer for sale, or have in possession any of the following named fish mentioned below which are less than the length mentioned for each:

Black bass, ten inches.

Pike or pickerel, eighteen inches.

White or striped bass, eight inches.

Rock bass, six inches.

Crappie, eight inches.

Yellow or ringed perch, seven inches.

Pike perch or wall-eyed pike, thirteen inches.

Provided, that if any such under-sized fish is taken *in any manner except by pole and line*, the person taking it shall immediately return it to the waters from which it was taken, without unnecessary injury to such fish.

Provided, further, that it shall be unlawful at any time to sell, offer for sale or expose for sale or have in possession for the purpose of selling any black bass, pike, pickerel or pike perch (commonly known as wall eyed pike, jack or yellow salmon), caught, taken or killed in waters within the jurisdiction of this State.

Provided, further, that after January 1, 1916, it shall be unlawful at any time to sell, offer or expose for sale or have in possession for the purpose of selling any black bass, whether caught or taken within or without this State: *And, provided, also*, that black bass, pike, pickerel and pike perch (commonly known as wall eyed pike, jack or yellow salmon), may be caught, taken or killed with hook and line only. (Amended as above.)

243. Underweight and Undersize Fish.

SEC. 42. It shall be unlawful to catch, take or kill by any means or device whatsoever, or to sell or offer for sale, or have in possession (unless caught with hook and line) any of the following named fish below which are less than the weight or length mentioned for each:

Lake perch, seven inches.

Buffalo, eighteen inches.

German carp, fifteen inches.

Sunfish, four inches.

Blue or channel catfish, thirteen inches.

Lake trout, one and one-quarter pounds dressed.

Whitefish, one and one-quarter pounds dressed.

White perch, ten inches.

Bullhead cat, seven inches.

Turtle or terrapin, seven inch shell. (Amended as above.)

244. *Weight and Size of Fish, Evidence.*

SEC. 42a. The possession by any person of any fish under the size or weight prescribed in this act, except as hereinbefore provided for, shall be *prima facie* evidence that such fish were the property of the State of Illinois, at the time they were caught, taken and killed, and such fish were caught, taken and killed in this State. Any person receiving in due course of business any fish less than the weight or size prescribed in this act, shall immediately upon receipt of such fish, notify the commission, a warden or deputy warden of such fact. Upon receipt of such notice it shall be the duty of the commission, the warden or deputy warden, as the case may be, to seize same and donate such fish to some public or charitable institution.

For the purpose of this act the length of each fish herein mentioned shall be construed to be the length of the entire fish from the extreme tip of the snout to the extreme end of the tail fin, and the length of turtle or terrapin to be from and to the extreme ends of the upper shell. (Amended as above.)

245. *Shipment and Transportation of Fish.*

SEC. 43. It shall be unlawful at any time to transport, or ship any black bass, pike, pickerel, or pike perch (commonly known as wall-eyed pike, jack or yellow salmon), caught in waters under the jurisdiction of this State: *Provided*, that any person may carry with him, or transport as baggage, on any train or conveyance for which he has purchased a transportation ticket, one package and no more, at any time, and during any one day, containing not more than twenty-five black bass, pike, pickerel and pike perch (commonly known as wall-eyed pike, jack or yellow salmon), legally caught and taken in the waters under the jurisdiction of this State: *Provided*, that such package, when offered as baggage, shall be plainly labeled so as to show the name of the person offering the same for transportation, the place to which it is to be transported and the number of fish of each kind contained therein, and the number of the license of the person offering such fish for transportation, if any such license is required. (Amended as above.)

246. *Fishing, Season.*

SEC. 44. It shall be unlawful to sell or ship, offer for sale or shipment, or receive for shipment, from and including the fifteenth day of April to and including the first day of July of each year, any fish or frogs more than one-quarter of a pound in weight caught in any of the waters under the jurisdiction of this State: *Provided*, that white fish, trout, long jaws, chubs, black fins, herring and lake perch of lawful size may be sold or shipped, offered for sale or shipment, or received for shipment, at any time: *Provided, further*, that black bass, pickerel, pike or pike perch (commonly known as wall-eyed pike, jack or yellow salmon), lawfully caught in waters under the jurisdiction of this State may be lawfully transported as baggage and as provided in section 43: *Provided, further*, that there shall be allowed five days after close of the fishing season to dispose of or to ship all fish legally caught and taken previous to the close of the fishing season. (Amended as above.)

247. *Shipping, Tags.*

SEC. 45. It shall be unlawful for any railroad company, express company, or common carrier, to ship or transport, or receive for shipment or transportation or to have in possession for the purpose of shipment to any point either within or, without this State, any box, barrel, crate, or other receptacle containing fish, unless such box, barrel, crate, or other receptacle shall have firmly fixed and attached thereto a tag on which shall be printed or written, or partly printed and partly written, information stating the different varieties of fish contained in each box, barrel, crate, or other receptacle, the name and place of business of the consignor, the number of the license of the consignor whenever such license is required and the name and place of business of the consignee.

248. Fish Hatching.

SEC. 46. It shall be the duty of the commission to select suitable locations for State fish hatching and breeding establishments, take all measures within their means for propagation and increase of the native food fishes and also for the introduction of new varieties of food fishes into the waters of the State upon the best terms possible to employ a practical and competent fish culturist who shall perform all such duties as the commission shall direct.

249. Fishing Devices, Seizure.

SEC. 47. It shall be the duty of any member of the commission, any warden, deputy warden, constable and sheriff to summarily seize and take possession of any device for taking or killing fish herein declared to be unlawful and the use of which is prohibited; he shall thereupon report such seizure to the State's attorney and deliver such device to the sheriff, who shall forthwith file in the office of the county clerk or circuit clerk an information in the name of the People of the State of Illinois, against the alleged owner or owners thereof, and of facts of the seizure and unlawful character of the device; whereupon it shall be the duty of the clerk of the County or Circuit Court to immediately issue two writs of summons in the name of the People of the State against such alleged owner or owners; or if the owner or owners be unknown, against the unknown owner or owners thereof and shall deliver one summons to the sheriff, to be served, and returned in the same manner as a summons at law is served, and shall post one summons in a conspicuous place at the court house door in such county, and shall docket such case with the criminal cases of such court; and upon the expiration of ten days after the posting of such notice, the Circuit or County Court of such county, if then in session or when next in session thereafter, shall have full jurisdiction thereof upon the clerk's certificate that he posted the notice therein required, of the sheriff's return of summons served, or both, and shall proceed to a trial of said case; and if no plea denying the information be filed therein, the court shall take the information as *prima facie* evidence to support a judgment therein, shall enter an order that the device subject of the information be condemned, and that, upon the expiration of twenty days after the last day of that term of court, such condemned device be sold or destroyed as hereinafter provided, which order shall be certified to the sheriff by the clerk and be by such sheriff returned, with the manner of its execution; and if a plea be entered in said case, the court shall proceed to determine whether such device be unlawful and its use prohibited by this act as in other cases without a jury unless demanded; and shall enter judgment of restitution or condemnation accordingly, and no recovery by the owner or owners or other persons for the value of such property so seized and destroyed in conformity with this act shall be maintained: *Provided, however,* that such seine or nets so seized, the meshes of which are of legal size, shall be sold by the sheriff and the proceeds thereof be paid forthwith into the State treasury: *And, provided, further,* that any device for taking or killing fish herein declared to be unlawful and its use prohibited which shall have been seized as aforesaid, shall, by order of court, be destroyed.

Appeals and writ of error shall lie from the judgment of the court in the premises as in other cases.

250. Contraband.

SEC. 48. All fish and game caught, taken, killed, shipped or had in possession or under control contrary to any of the provisions of this act are hereby declared to be contraband, and it shall be the duty of the commission to seize and dispose of any and all fish and game shipped or had in possession by any person in violation of this act. (Amended as above.)

251. Dams and Fishways, Construction, Etc.

SEC. 49. That it shall be the duty of any person or persons who now own or control, or hereafter may erect or control any dam or other obstruc-

tion across any of the rivers, creeks, streams, bayous or other water courses wholly within or running through this State in such manner as shall obstruct the free passage of fish up and down or through such water or water courses, to place or cause to be erected in or in connection with such dam or dams, durable and efficient fishways, so that the free passage of fish up and down said waters may not be obstructed. All such fishways shall be maintained and kept in good repair by the person or persons so owning or controlling such dam or other obstruction, during the whole time of the existence of such dam or other obstruction, as aforesaid, so that said *fishway* shall at all times be open and free from obstruction for the passage of fish.

And in case the owner or persons controlling, operating or using any dam or other obstruction, as aforesaid, shall fail or refuse, after ten days' notice, in writing, by the president of the commission to construct and keep in good repair durable and efficient fishways, as provided in this act, then the commission may construct, or cause to be constructed, durable and efficient fishways, or place the same in good repair, said work to be let by contract to the lowest responsible bidder, and may recover in any action of debt in the name of the People of the State of Illinois, before any justice of the peace or court of competent jurisdiction the cost of constructing or repairing such fishway. Any person or persons or corporations owning or controlling any such dam or other obstruction, who shall fail or refuse to comply with the provisions of this section with respect to the construction and maintenance in good repair of such fishways in any such dam, after having been notified in writing by the commission to construct or repair the same, shall be deemed guilty of a misdemeanor, and for each and every twenty days after such notification that such person or persons shall neglect or refuse to comply with the provisions of this section in erecting, maintaining and keeping in good repair such fishways, he or they shall be subject to a penalty of not less than twenty-five (\$25) nor more than two hundred (\$200) dollars.

All fishways built as provided in this act, if constructed to the satisfaction and approval of the commission, then every owner or person controlling such dam or other obstructions as provided in this act, may obtain from such commission a certificate that such fishways are constructed in compliance with this act, which certificate shall be a full protection against any prosecution for violation of this act for not providing a fishway. Such certificate may be suspended at any time by the commission when such fishway is not maintained or repaired as herein required. If such person or persons so owning or controlling any such dam or other obstruction shall fail to construct or maintain such fishway to the satisfaction of the commission, then it shall be *prima facie* evidence of the violation of this act: *Provided*, that no owner or owners of any dam or dams shall be required by this act, or any other act, to construct or allow the construction of any fishway in such manner as to endanger the permanent durability of such dam or dams, or to impair their usefulness. Nor shall they be required to construct or repair such fishways by using some particular patent on which a patent fee is demanded, or to construct or repair such fishway when high water or climatic conditions may render such work impracticable. The commission to determine whether or not such fishway will endanger the permanent durability of such dam, or impair its usefulness as to such high water or climatic conditions, and in case the owner or owners of such dam dissent to the decision of such commission, then a board of arbitration shall be chosen to determine such matters: One by the commission; one by the owner or owners of such dam, and the two so chosen shall select a third within thirty (30) days after their selection, and if not so selected within thirty days, then the third one shall be selected by the Governor of the State, and the decision of such arbitrators, so chosen, shall be final.

252. *Tags and Labels. Penalty.*

SEC. 50. Any person who shall falsely label any tag attached to any box, barrel, crate or other receptacle in which fish are shipped, as required by this act, shall be deemed guilty of a misdemeanor, and upon conviction

thereof shall be fined in any sum not exceeding two hundred (\$200) dollars, or imprisonment in the county jail not less than ten (10) days nor more than ninety (90) days, in the discretion of the court, or punished by both such fine and imprisonment.

253. Terms Defined.

Sec. 51. The word "person" when used in this act shall include any individual, company, partnership, association, corporation or any agent or employee thereof. The term "objectional fish" as used in this act shall be construed to mean the following: Gar and hickory shad. (Amended as above.)

254. Inspection, Power of.

Sec. 52. In the enforcement of the provisions of this act relating to fish any member of the commission or any warden or deputy warden shall have the right to inspect and examine any fish wherever found within the confines of the State and in order to make any such inspection or examination he shall have the right and it is made his duty to open any box, barrel or other package or container wherein he has cause to believe any fish are contained or stored.

255. Resisting Official, Penalty.

Sec. 53. Whoever shall resist or obstruct any member of the commission, any warden or deputy warden in the discharge of his duties under the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than twenty (\$20) dollars nor more than one hundred (\$100) dollars for each offense.

256. License, Revocation.

Sec. 54. Whenever a license shall have been issued to any person under the provisions of this act and such licensee shall violate any of the provisions of this act the license so issued to such person shall be immediately revoked by the commission.

257. Catching Mussels, License, Application, Penalty.

Sec. 55. It shall be unlawful to take, catch or kill mussels for commercial purposes without a license issued by this State. Said license shall be procured from any county, city or village clerk in the manner prescribed in section 21 for procuring a license to hunt or kill game. On making application for such license, residents of this State shall pay a fee of one dollar with a notary fee of twenty-five cents, and nonresidents shall pay a fee of twenty-five dollars, with a notary fee of fifty cents, and for authority to use a dredge, a fee of twenty-five dollars in addition to the fee fixed for a resident or nonresident license. All such licenses shall be valid only from the 15th day of April to the 30th day of November of each year, both dates inclusive. Licenses shall be consecutively numbered as issued and a record shall be kept thereof in the office of the commission. Such license shall state whether it is a resident or nonresident license, whether the licensee is authorized to use a dredge, and the amount paid for the license. Said license shall also state what waters have been closed to the capture of mussels.

Every person, while taking, catching or killing mussels for commercial purposes, shall have his license with him ready for exhibition and shall exhibit the same when requested to do so by an authorized officer.

Any person, firm or corporation to whom a license under the provisions of this section has been issued may operate not more than one boat in taking, catching or killing mussels for commercial purposes. Any such persons, firm or corporation may use one additional boat for purposes of towing only when no apparatus for taking, catching or killing mussels is used or kept thereon.

It shall be unlawful to have in possession on the waters while engaged in taking, catching, or killing mussels for commercial purposes more than two crowfoot bars, or more than one dredge, or to use or have in possession

a crowfoot bar of greater length than sixteen feet, or a dredge the length of the opening of which is more than three feet, or to have in possession on the waters while engaged in taking, catching or killing clams, a dredge without licensed authority therefor.

Any person, firm or corporation 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 twenty-five dollars, or by imprisonment in the county jail not less than twenty days. (Amended as above.)

258. Undersize Mussels, Penalty.

SEC. 56. It shall be unlawful to take, catch or kill, offer for sale or have in possession for commercial purposes, any mussel of a size less than two inches in greatest dimension, except mussels taken in the ordinary course of clamming for larger mussels, and such undersized mussels shall be immediately culled and returned to the water whence taken without avoidable injury.

Any person, firm or corporation 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 fifty dollars or by imprisonment in the county jail not less than thirty days. (Amended as above.)

259. Mussels Preserves, Penalty.

SEC. 57. The commission may from time to time and as may be required for the conservation of the mussel resources of the State, prescribe areas in any part of the State from which mussels shall not be taken for such a period as may be specified by the commission, but no such period shall exceed five (5) years nor shall more than one-half ($\frac{1}{2}$) of the mussel producing waters of the State be closed at the same time. It shall be unlawful to take, catch or kill mussels for commercial purposes in waters so closed.

All orders of the commission affecting mussels shall be published once in a newspaper of general circulation, published within each county containing or having on its boundary waters affected by such order. If there be no newspaper in such county, then the publication shall be made in like manner and for a like period in a county nearest to such waters wherein a newspaper is being published.

All such orders shall take effect at the time fixed therein, but not less than thirty days after the publication thereof. The commission may extend the time within which such order shall take effect.

Any person, firm or corporation who shall violate the provisions of this section in taking, catching or killing mussels for commercial purposes in any waters of this State which have been declared closed areas by the commission shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of one hundred (100) dollars, or by imprisonment in the county jail not less than sixty days. (Amended as above.)

260. Mussels Caught, Report, Seizure, Terms Defined.

SEC. 58. On or before the 30th day of November of the year in which any license was issued, the holder thereof shall make a written report to the commission on blanks furnished by the commission, stating the total weight of mussels taken, caught or killed under such license, the names and locations of waters from which the mussels were taken and the amount received for shells sold. Upon failure to make such report, the commission shall not issue another license to such person, firm or corporation to take, catch or kill mussels until such report shall be made.

All moneys received under the provisions of this section shall at the end of each month be paid into the State treasury.

The commission shall enforce the law relating to mussels and for the purpose of carrying into effect said law the commission, wardens and their deputies are authorized and empowered, without warrant, to arrest any one violating any of the provisions of this section, and to seize mussels and devices adapted to taking, catching, or killing mussels, and to inspect and

examine mussels in any warehouse, boat, store, car, conveyance vehicle, basket or other receptacle, when they have good cause to believe that any of the provisions of the law relating to mussels has been violated, except when it is necessary forcibly to enter a dwelling house. Any court having jurisdiction of the offense, upon receiving proof of probable cause for believing that mussels illegally taken, caught, killed or had in possession are concealed, shall issue a search warrant and cause a search of the alleged place of concealment to be made. The confiscation and sale of mussels by the commission, wardens or deputies shall proceed in the manner provided by law for the sale of confiscated game.

The terms hereinafter enumerated and as used in this act shall be taken to mean as follows:

(1) "Mussels" shall mean and embrace the pearly fresh water mussel, or clam, or Naiad, and the shell thereof.

(2) "Crowfoot bar" shall mean a bar of any material bearing a series of hooks designed to catch or adapted for catching mussels by the insertion of such hooks between the shells of mussels.

(3) "Dredge" shall mean any implement of capture which is adapted for dragging the bottom of waters and is operated with or without the aid of mechanical power, except the crowfoot bar.

(4) "Commercial purposes" shall mean and be presumed to include the taking, catching or killing of any mussels and having in possession of mussels, unless the contrary is proven. (Amended as above.)

261. Process, Service, Prosecutions, Etc.

SEC. 59. Each member of the commission, the wardens and the deputies shall have full power to execute and serve all warrants and processes of law issued by any justice of the peace or police magistrate, or by any court having jurisdiction under this act in the same manner as any constable may serve and execute such processes, and may arrest on sight and without warrant, any person detected by him actually violating any of the provisions of this act, and may take such person so offending before any court having jurisdiction of the offense and make proper complaint before such court which shall proceed with the case in the manner and form provided by the law for misdemeanors. It shall further be the duty of the commission, wardens or the deputies, upon receiving any information that any law relative to game, birds and fish has been violated, to immediately cause a thorough examination of such complaint to be made, and to cause proceedings to be instituted if the proof at hand warrants, and all sheriffs, deputy sheriffs, coroners and police officers of the State shall, each and every one of them, assist the commission, wardens and deputies in the enforcement of this law, the same as it is their duty to assist in the enforcement of other laws and such commission, wardens and deputy wardens shall seize on sight, without process, any game or fish found in the possession of any person or corporation which is so in possession contrary to law.

262. Permits or Certificates for Scientific Purposes, Bond, Fees.

SEC. 59a. Nothing in this act shall be construed to prevent the issuing of certificates granting to persons the right to breed and sell game birds and game animals for propagation and scientific purposes, or to breed and raise fur-bearing animals for their fur or for propagation purposes.

Such certificates may be granted by the commission to any person of the age of twenty-one years and upwards. In order to obtain such certificates the applicant for the same must pay to the said commission a license fee of two dollars (\$2), and must file with said commission a properly executed bond in the sum of five hundred dollars (\$500), signed by two responsible citizens of the State as sureties. This bond shall be forfeited to the State and the certificate become void upon proof that the holder of such certificate has sold any game bird or game animal for any purpose other than for propagation or scientific purposes, or, in case of a certificate granting the right to breed and raise fur-bearing animals for their fur and for propagation purposes, that the holder thereof has killed any such fur-bearing animals

during the closed season therefor. The certificate authorized by the provision of this section shall expire on the first day of June following date of issue, and shall not be transferable. (Added by act as above.)

263. Penalty, Separate Offense.

SEC. 60. Any person violating any of the provisions of this act, except as otherwise provided herein, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall for each offense be punished by a fine of not less than ten (\$10) dollars, nor more than two hundred (\$200) dollars and costs and shall stand committed to the county jail until such fine and costs are paid.

Each fish caught, killed, captured, shipped, offered or received for shipment, sold or offered for sale, or had in possession contrary to the provisions of this act, and each net or other device used in violation of the provisions of this act, shall constitute a separate offense.

All fines imposed for a violation of any of the provisions of this act shall, when collected, be paid to the State Treasurer, by the justice of the peace, clerk of court, or other officer by whom such fine is collected.

264. State's Attorney, Prosecutions, Fines, Payment.

SEC. 61. All prosecutions under the provisions of this act except as otherwise herein provided, shall be brought by any person in the name of the People of the State of Illinois against any person or persons violating any of the provisions of this act before any justice of the peace of any county (and said justice may, on proper evidence of guilt, bind said violator to the grand jury), or before any court of competent jurisdiction; and it is hereby made the duty of the State's attorney(s) to see that the provisions of this act are enforced in their respective counties; and they shall prosecute all offenders upon receiving information of the violation of any of the provisions of this act; and it is made the duty of the sheriff, constable and police officers to inform against all persons whom there is a probable cause to believe are guilty of violating any of the provisions of this act; the amount recovered in any penal action under the provisions of this act shall be paid into the State treasury.

265. Limitation.

SEC. 62. All prosecutions under this act shall be commenced within one year from the time such offense was committed, and not afterward.

266. Sheriffs, Etc., Duty.

SEC. 63. It shall be the duty of all sheriffs, deputy sheriffs, coroners, constables, police officers, and all other conservators of the peace to enforce the provisions of this act.

267. Report.

SEC. 64. The commission shall make an annual report to the Governor, setting forth the conservation work of the commission during the preceding year, and shall contain any recommendations of the commission for the better attainment of the objects of this law.

268. Repeal.

SEC. 65. An Act entitled, "An Act for the protection of game, wild fowls and birds, and to repeal certain acts relating thereto, approved April 28, 1903, and in force July 1, 1903, as amended by act approved May 18, 1905, in force July 1, 1905, as further amended by act approved May 28, 1907, in force July 1, 1907, as further amended by act approved June 15, 1909, in force July 1, 1909, as further amended by act approved June 5, 1911, in force July 1, 1911," and an act entitled, "An Act to revise the law in relation to the propagation and protection of fish in all the waters under the jurisdiction of the State of Illinois, approved June 7, 1911, in force July 1, 1911," and an act entitled "An Act for the protection of mussels, fresh water clams and shell fish, approved February 24, 1908, in force July 1, 1908," and all acts and parts of acts inconsistent herewith are hereby repealed.

PURE FOOD.

²¹AN ACT to prevent fraud in the sale of dairy products, their imitation or substitutes, to prohibit and prevent the manufacture and sale of unhealthful, adulterated or misbranded food, liquors or dairy products, to provide for the appointment of a State food commissioner and his assistants, to define their powers and duties and to repeal all acts relating to the production, manufacture and sale of dairy and food products and liquors in conflict herewith. Approved May 14, 1907, in force July 1, 1907. L. 1907, p. 543.

269. Appointment of Food Commissioner and Establishment of Food Department.

²²SECTION 1. That the Governor shall appoint a commissioner who shall be known as the State food commissioner who shall be a citizen of the State of Illinois, and who shall hold his office for a term of four years and until his successor is appointed and qualified, and who shall receive a salary of thirty-six hundred dollars per annum, and his necessary expenses incurred by him in the discharge of his official duties, and who shall be charged with the enforcement of all laws that now exist or that hereafter may be enacted in this State regarding the production, manufacture, sale and labeling of food as herein defined, and to prosecute or cause to be prosecuted any person, firm or corporation, or agent thereof, engaged in the manufacture or sale of any article manufactured or sold in violation of the provisions of any such law or laws. The commissioner shall provide himself with a seal for the authentication of his orders, records or other proceedings, upon which shall be inscribed the words, STATE FOOD COMMISSION, ILLINOIS—SEAL.

The Governor shall also appoint from time to time, as required, a Food Standard Commission, for the purpose of determining and adopting standards of quality, purity or strength, for food products, for the State of Illinois, to consist of three members, one of whom shall be the State food commissioner or his representative, who shall serve without extra pay; one of whom shall be a representative of the Illinois food manufacturing industries, and one of whom shall be an expert food chemist of known reputation; all to be citizens of the State of Illinois, who shall receive fifteen (\$15) dollars per day for a period not exceeding thirty (30) days in one year, and necessary expenses incurred during the time employed in the discharge of their duties. The said commission shall provide itself with a seal for the authentication of its standards, records or other proceedings, upon which shall be inscribed the words, FOOD STANDARD COMMISSION—ILLINOIS—SEAL. A certified copy of the records of the Food Standard Commission, showing the standard of quality, purity and strength adopted and promulgated by it for food products shall be received in all courts as evidence that such standard was adopted. A certificate in the following form shall be sufficient:

"I, secretary (or member) of the Food Standard Commission of Illinois, and the custodian of the records thereof, do hereby certify that the attached is a true, correct and complete copy of the standard for adopted and promulgated by the Food Standard Commission on the day of 19... and published in

Given under my hand and the seal of said commission this day of

²² The prevention of fraud and deception in the manufacture of food is a legitimate exercise of the police power of the State; and the Pure Food Law is valid in so far as it makes it impracticable to commit the fraud of selling as genuine cider vinegar other vinegar made so in appearance that the ordinary purchaser cannot distinguish between them. *People v. Henning Co.* (1913), 260 Ill. 554, 558. To the same effect see *People v. Freeman* (1909), 242 Ill. 373, 379.

The prohibition of the sale of adulterated food within this State is a valid exercise of the police power and is not repugnant to the commerce clause of the Federal constitution. *People v. Price* (1913), 257 Ill. 587, 595, aff'd in 238 U. S. 446, 454.

This act does not deprive a municipality of the power to pass an ordinance prohibiting the sale of impure, unwholesome, adulterated or injurious food or substances, if the ordinance is not in conflict with the Pure Food Act; the fact that the penalty under the ordinance is less than that provided by the State law constitutes no such conflict or repugnancy. *City of Chicago v. Union Ice Cream Manufacturing Co.* (1911), 252 Ill. 311.

²³ Repealed by the Civil Administrative code, except part relating to certification, the issue of bulletins, and the making of analyses for charitable institutions.

The said commissioner is hereby authorized to appoint, with the advice and consent of the Governor, one assistant commissioner, who shall be a practical dairyman, whose salary shall be three thousand dollars (\$3,000.00) per annum and expenses incurred in official duties; one chief chemist, who shall be known as State analyst, whose salary shall be twenty-five hundred dollars (\$2,500.00) per annum and expenses incurred in the discharge of official duties; one attorney, whose salary shall be eighteen hundred dollars (\$1,800.00) per annum and expenses incurred in the discharge of official duties; one chief clerk, whose salary shall be eighteen hundred dollars (\$1,800.00) per annum and expenses incurred in the discharge of official duties; one assistant clerk, whose salary shall be twelve hundred dollars (\$1,200.00) per annum and expenses incurred in the discharge of official duties; three stenographers at one thousand dollars (\$1,000.00) each per annum; twelve inspectors, whose salaries shall be as follows: For the first two years of service twelve hundred dollars each annually, for the third year of service, fourteen hundred dollars each annually, and for each succeeding year of service an additional increase of one hundred dollars per year each until the maximum of eighteen hundred dollars a year is attained, and expenses incurred in the discharge of their official duties. Said commissioner shall also have authority to appoint one bacteriologist at eighteen hundred dollars (\$1,800.00) per annum and expenses incurred in the discharge of his official duties, and seven analytical chemists whose salary shall be as follows: For the first two years of service, twelve hundred dollars each annually; for the third year of service, fourteen hundred dollars each annually; for the fourth year of service fifteen hundred dollars each annually, and for each succeeding year of service an additional increase of one hundred dollars per year each, until the maximum of eighteen hundred dollars per year is attained, and expenses incurred in the discharge of their official duties, and one laboratory janitor at seven hundred and twenty (\$720.00) dollars per annum.

The said commissioner shall make annual reports to the Governor not later than the 15th of January of his work and proceedings, and shall report in detail the number of inspectors he has appointed and employed, with their expenses and disbursements, and the amount of salary paid the same, and he may from time to time issue bulletins of information when, in his judgment, the interests of the State would be promoted thereby.

The said commissioner shall maintain an office and laboratory, where the business of said department may be conducted. This section shall not affect the term of office of the present commissioner and he shall be regarded as having been appointed under the provisions of this act.

The food commissioner shall make analyses and examinations for the State charitable institutions of foods, drugs and such other supplies as the laboratory of the State Food Commission is equipped and prepared to examine and analyze. (Amended by act becoming a law July 12, 1915. L. 1915, p. 700.)

270. Powers of Commissioner and Inspectors.

SEC. 2. The State food commissioner, and such inspectors and agents as shall be duly authorized for the purpose, when and as often as they may deem it necessary for the purpose of determining whether any manufactured food complies with the law, shall examine the raw materials used in the manufacture of food products and determine whether any filthy, decomposed or putrid substance is used in their preparation. They may also examine all premises, carriages or cars where food is manufactured, transported, stored or served to patrons, for the purpose only of ascertaining their sanitary condition and examining and taking samples of the raw material and finished products found therein, but nothing in this act shall be construed as permitting such officers to inquire into, or examine methods or processes of manufacture, or requiring or compelling proprietors or manufacturers, or packers of proprietary or other food products, to disclose trade rights or secret processes, or methods of manufacture. Said commissioner, inspectors and agents shall also have power and authority to open any package, can or

vessel containing or supposed to contain any article manufactured, sold or exposed for sale, or held in possession with intent to sell in violation of the provisions of this act, or laws that now exist, or that may hereafter be enacted in this State, and may inspect the contents thereof, and may take samples therefrom for analysis. The employees of railroads, express companies or other common carriers shall render to them all the assistance in their power, when so requested, in tracing, finding or disclosing the presence of any article prohibited by law, and in securing samples thereof as hereinafter provided for.

271. Refusal to Assist Inspector.

SEC. 3. Whoever, by himself, his agent, employees, or servant, hinders, obstructs, or in any way interferes with any inspector, analyst, or officer appointed hereunder, in the performance of his duty or in the exercise of his powers as defined in this act, or whoever being an employee of a railroad, express company, or other common carrier refuses or fails upon request to assist the State food commissioner, the assistant commissioner, the State analyst, or any inspector appointed hereunder in tracing, finding, or disclosing the presence of any article of food prohibited by law and in securing samples thereof as provided for in section 2 of this act shall be deemed guilty of a misdemeanor and shall be punished as hereinafter provided for. (Amended by act approved June 6, 1911, in force July 1, 1911. L. 1911, p. 519.)

272. Samples, Procedure.

SEC. 4. The person taking such sample as provided for in section 2 of this act, shall in the case of bulk or broken package goods, divide the same into two equal parts, as nearly as may be, and in the case of sealed and unbroken packages, he shall select two of said packages, which two said packages shall constitute the sample taken, and properly to identify the same, he shall, in the presence of the person from whom the same is taken, mark or seal each half or part of such sample with a paper seal or otherwise, and shall write his name thereon and number each part of said sample with the number, and also write thereon the name of the said dealer in whose place of business the sample is found, and the person from whom said sample is taken shall also write his own name thereon, and at the same time the person taking said sample shall give notice to such person from whom said sample is taken that said sample was obtained for the purpose of examination by the State food commissioner. One part of said sample shall be taken by the person so procuring the same to the State analyst or other competent person appointed for the purpose of making examinations or analysis of samples so taken, and the person taking such sample shall tender to the person from whom it is taken the value of that part thereof so retained by the person taking said sample; the other part of said sample shall be delivered to the person from whom said sample is taken. If the person from whom said sample is taken has recourse upon the manufacturer or guarantor, either by operation of law or under contract for any failure on the part of said sample to comply with the provisions of this act, then said person from whom said sample is taken shall retain for the period of six months that part of said sample so delivered to him in order that said manufacturer or guarantor may have the same examined or analyzed if he so desires: *Provided*, that the person securing said sample may securely pack and box that part thereof retained by him and send the same to the State analyst or other competent person appointed hereunder, and the testimony of the person procuring said sample that he did procure the sample and that he sealed and numbered the same as herein provided, and that he wrote his name thereon, and that he packed and boxed said part thereof and sent the same to the State analyst or other competent person appointed hereunder, and the testimony of the person analyzing said sample that he received the same in apparent good order, that said sample was sealed, and that the number thereof and the name of the sender, as herein provided for, was on said sample, and that the seal at the time same was

received was unbroken, shall be *prima facie* evidence that the sample so received is the sample that was sent, and that the contents thereof are the same and in the same condition as at the time the person so procuring said sample parted with the possession thereof, and the testimony of said two witnesses as above shall be sufficient to make such *prima facie* proof. (Amended by act as above.)

273. *Adulterated or Misbranded Food.*

SEC. 5. It shall be unlawful for any person to manufacture for sale within the State of Illinois any article of food or drink which is adulterated and misbranded within the meaning of this act. It shall be unlawful for any person to use filthy, decomposed, putrid, rotten, deleterious or poisonous substances as a constituent part of manufactured food, or in the manufacture of any food. Any person who shall violate any of the provisions of this section shall be guilty of a misdemeanor, and, on conviction thereof, shall be punished according to the provisions of this act: *Provided*, that no article of food shall be deemed misbranded or adulterated within the provisions of this act when intended for export to any foreign country or purchaser, and prepared or packed according to the specifications or directions of the foreign country to which said article is intended to be shipped; but if said article shall be in fact sold or offered for sale for domestic use or consumption, then this proviso shall not except said article from the operations of any of the other provisions of this act. (This and following section amended by act becoming a law July 12, 1915. L. 1915, p. 700.)

274. *Evidence.*

SEC. 6. The having in possession or control of any food which violates any of the provisions of this act with intent to sell the same or to use the same in violation of this act is hereby prohibited; and whoever shall have in his possession or control with intent to sell or offer for sale any food which violates any of the provisions of this act or with intent to use any such food in violation of the provisions of this act, shall be guilty of a misdemeanor and punished as herein provided. The possession or control or any food which violates any of the provisions of this act shall [be] held to be *prima facie* evidence that such possession or control is or was with intent to sell or use such food in violation of this act. Whoever shall have possession or control with intent to sell of any food which violates any of the provisions of this act shall be held to have known the true character, quality and name of such food.

275. *Food Defined.*

SEC. 7. The term "food" as used herein, shall include all articles used for food, drink, confectionery or condiment by man or other animals, whether simple, mixed or compound, and any substance used as a constituent in the manufacture thereof.

276. *Adulteration Defined.*

²⁴SEC. 8. That for the purpose of this act, an article shall be deemed to be adulterated—

In case of confectionery:

First—If it contains terra alba, barytes, talc, chrome yellow, paraffin, mineral fillers or poisonous substances, or poisonous color or flavor.

Second—If it contains any ingredient deleterious or detrimental to health, or any vincous, malt or spirituous liquor or compound, or narcotic drug.

In case of food:

First—If any substance has been mixed or packed with it so as to reduce or lower or injuriously affect its quality, strength or purity.

Second—If any substance has been substituted wholly or in part for the article.

²⁴ Sections 8 and 9 of the Pure Food Law are general in their nature and govern all food products, except those regarding which the legislature

has made special regulations by other provisions in said law. *People v. Henning Co.* (1913), 260 Ill. 554, 560.

Third—If any valuable constituent of the article has been wholly or in part abstracted or left out: *Provided*, that in the manufacture of skim or separated cheese the whole or part of the butter fats in the milk may be abstracted.

Fourth—If it be mixed, colored, powdered, coated, polished or stained in any manner whereby damage or inferiority is concealed, or it is made to appear better or of greater value than it really is.

Fifth—If it contains any added poisonous or other added deleterious ingredient which may render such article injurious to health: *Provided*, that when in the preparation of food products for shipment they are preserved by an external application, applied in such a manner that the preservative is necessarily removed mechanically, or by maceration in water, or otherwise, and directions for the removal of said preservatives shall be printed on the covering of the package, the provisions of this act shall be construed as applying only when such products are ready for consumption; and formaldehyde, hydrofluoric acid, boric acid, salicylic acid and all compounds and derivatives thereof are hereby declared unwholesome and injurious.

Sixth—If it consists in whole or in part of a filthy, decomposed or putrid, infected, tainted or rotten animal or vegetable substance or article, or any portion of an animal unfit for food, whether manufactured or not, or if it is the products of a diseased animal, or one that has died otherwise than by slaughter. (Amended by act becoming a law July 12, 1915. L. 1915, p. 700.)

277. *Misbranded Defined.*

²⁵SEC. 9. The term "misbranded," as used herein, shall apply to all articles of food or drink, or articles which enter into the composition of food or drink, the packages or labels of which bear any statement, design or device regarding such article, or the ingredients or substance contained therein which shall be false or misleading in any particular; and to any such products which are falsely branded as to manufacturer, packer or dealer who sells the same or as to the state, territory or country in which it is manufactured or produced. That for the purpose of this act an article shall also be deemed to be misbranded—

In case of food:

First—If it be an imitation of or offered for sale under the distinctive name of another article, or if it does not conform to the standards set forth in this act.

Second—If it be so labeled or branded as to make the identity of the manufacturer, packer or dealer who sells or offers the same for sale uncertain or doubtful; or which is so labeled or branded as to indicate on the receptacle, vessel or container the name of any firm or corporation other than the firm or corporation actually manufacturing, packing or dealing in the article or product so sold or offered for sale; or if it be labeled or branded so as to deceive or mislead the purchaser, or purports to be a foreign product when not so, or if the contents of a package as originally put up shall have been removed in whole or in part and refilled with contents of a different quality or of a different manufacturer, packer or dealer, or if it shall fail to bear a statement on the label of the quantity or proportion of any morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, or acetanilid or any derivative or preparation of any such substances contained therein.

Third—If in package form, the quantity of the contents be not plainly and conspicuously marked on the outside of the package in terms of weight, measure, or numerical count: *Provided, however*, that reasonable variation shall be permitted and tolerances and also exemptions as to small packages shall be established by rules and regulations made in accordance with the provisions of sections 38 of this act.

Fourth—If it be a manufactured article of food or food sold in package form, and is not distinctly labeled, marked or branded with the true name

²⁵ This section, as now amended, removes all doubt arising from an act approved June 23, 1915,

and another act which became a law July 12, 1915, amending the same section.

of the article and with either the name of the manufacturer and place of manufacture, or the name and address of the packer or dealer who sells the same, or if its label does not conform to the regulations set forth in this act.

Fifth—If the package containing it or its label shall bear any statement, design or device regarding the ingredients of the substance contained therein, which statement, design or device shall be false or misleading in any particular: *Provided*, that an article of food which does not contain any added poisonous or deleterious ingredients shall not be deemed to be adulterated or misbranded in following cases:

First—In case of mixtures or compounds which may be now or from time to time hereafter known as articles of food under their own distinctive names, and not an imitation of or offered for sale under the distinctive name of another article, if the name be accompanied on the same label or brand with a statement of the place where the article has been manufactured or produced.

Second—In case of articles labeled, branded or tagged so as to plainly indicate that they are compounds, imitations or blends and the word "compound," "imitation," or "blend," as the case may be, is plainly stated on the package in which it is offered for sale: *Provided*, that the term "blend" as used herein, shall be construed to mean a mixture of like substances, not excluding harmless coloring or flavoring ingredients used for the purpose of coloring and flavoring only; and as applied to alcoholic beverages, only those distilled spirits shall be regarded as "like substances" which are distilled from the fermented mash of grain and are of the same alcoholic strength: *And, provided, further*, that nothing in this act shall be construed as requiring or compelling proprietors or manufacturers of proprietary foods, which contain no unwholesome added ingredients to disclose their trade formulas, except in so far as the provisions of this act may require to secure freedom from adulteration or misbranding.

Third—In the case of mixtures of corn syrup (glucose) or corn sugar (dextrose) or corn sugar syrup, with cane or beet sugar (sucrose) or cane or beet sugar syrup, in food, if the maximum percentage of corn syrup (glucose), or corn sugar (dextrose), or corn sugar syrup, in such article of food be plainly stated on the label. (Amended by act approved June 26, 1917, in force July 1, 1917.)

278. *Condemnation and Confiscation of Illegal Foods.*

SEC. 10. Any article of food or drink or liquor that is adulterated or misbranded within the meaning of this act, or that is made, labeled or branded contrary to the provisions of this act, or that does not conform to the definition or analytical requirements provided in this act, shall be liable to be proceeded against in any court of record or before any judge thereof, or before any justice of the peace within whose jurisdiction the same may be found, and seized for condemnation and confiscation; and authority and jurisdiction are hereby vested in the several courts of record, the judges thereof in vacation, and the several justices of the peace, to issue the warrant and to hear and determine the proceedings herein provided for. Such proceedings shall be by complaint, verified by affidavit, and in the name of the People of the State of Illinois against the article or articles proceeded against, particularly describing the same, the place where they are located, the name of the person, firm or corporation in whose possession they are found, and wherein they violate the provisions of this act. Thereupon said court, judge or justice of the peace shall issue a warrant directed to the sheriff, bailiff or any constable of the county, commanding such officer to seize, and take into his possession the article or articles described in the complaint, and bring the same before the court, judge or justice of the peace who issued the warrant, and to summon the person, firm or corporation named in the warrant, and any other person who may be found in possession of the said articles to appear at the time and place therein specified, which service shall be made in the same manner as service of process in civil cases in such court or before such justice of the peace. The warrant shall be returnable not less than five (5) days nor more than fifteen

(15) days from the date of issuing the same, and may be executed and served at any time before the return day thereof; and the hearing shall be at the time and place therein specified unless good cause is shown for a continuance. Upon the hearing the complaint may be amended, and any person, firm or corporation that appears and claims the said article or articles shall be required to file its claim in writing. The hearing shall be summary in its nature, and except as herein otherwise provided, shall conform, as near as may be, to the proceedings in civil cases before such court, judge, or justice of the peace: *Provided*, that either party may demand a trial by jury, and an appeal or writ of error shall lie at the instance of either party to the proper court and no bond shall be required of the people. And if such article is condemned as being adulterated or misbranded, or of a poisonous or deleterious character within the meaning of this act, or as made, labeled, or branded contrary to the provisions of this act, or as not conforming to the definition or analytical requirements provided in this act, the same shall be confiscated and disposed of by destruction or sale, as the court, judge or justice of the peace may direct, and the proceeds thereof, if sold, less the legal costs and charges, shall be paid into the treasury of the State of Illinois, but such article shall in no instance be sold contrary to the provisions of this act: *Provided, however*, if the food seized consists of a number of separate and distinct articles assembled together in containers, or in lots, or otherwise, and it shall appear to the court that certain of said articles violate the provisions of this act and certain other of said articles do not violate the provisions of this act, then in such cases, if the articles can be conveniently separated the court may order that such articles be separated and the costs of such separation shall be taxed as other costs of suit. The court may order such articles as are not in violation of this act be released to the claimant or owner thereof, and in cases where the claimant or owner does not appear or refuses to accept such articles the court shall order such articles sold, and the proceeds thereof, after the payment of all costs and charges shall be held subject to the order of the court, and if the claimant or owner thereof do not appear and demand the same within thirty days after said order, the court may at any time thereafter order the proceeds of said sale forfeited and confiscated and paid into the treasury of the State of Illinois, but that part of the articles which violated the provisions of this act shall be disposed of or destroyed as herein directed: *Provided, further*, that upon the payment of the costs of such proceedings and the execution and delivery of a good and sufficient bond to the State food commissioner for the use of the people of the State of Illinois to the effect that such articles shall not be used, sold or otherwise disposed of contrary to the provisions of this act and under such other conditions or supervision as may appear necessary, the court may, by order, direct that such articles be delivered to the owner thereof. (Amended by act becoming a law July 12, 1915. L. 1915, p. 700.)

279. *Vinegar, Branding.*

SEC. 11. All vinegar made by fermentation and oxidation without the intervention of distillation, shall be branded with the name of the fruit or substance from which the same is made. All vinegar made wholly or in part from distilled liquor shall be branded "distilled vinegar" and shall not be colored in imitation of cider vinegar. All vinegar shall be made wholly from the fruit or grain from which it purports to be or is represented to be made, shall contain no foreign substance, and shall contain not less than four per cent by weight, of absolute acetic acid. Any vinegar made or manufactured contrary to the provisions of this section shall be deemed to be adulterated within the meaning of this act. Any vinegar which is not branded as herein provided shall be deemed to be misbranded within the meaning of this act. (This and the following section amended by act approved June 6, 1911, in force July 1, 1911. L. 1911, p. 519.)

280. *Extracts, Labeling.*

SEC. 12. Extracts made of more than one principle shall be labeled in a conspicuous manner with the name of each principle, or else with the name of the inferior or adulterant; and in all cases when an extract is labeled with two or more names, such names must be in a conspicuous place on said label, and in no instance shall such mixture be called imitation, artificial or compound, and the name of one of the articles used shall not be given greater prominence than another: *Provided*, that all extracts which cannot be made from the fruit, berry, bean or other part of the plant, and must necessarily be made artificially as raspberry, strawberry, etc., shall be labeled "imitation" in letters similar in size and immediately preceding the name of the article: *Provided, further*, that prepared cocoanut, containing nothing other than cocoanut, sugar and glycerine, shall be labeled as prepared cocoanut, and when so made need not be labeled "compound" or "mixture." Any such extract not labeled as herein provided for shall [be] deemed to be misbranded within the meaning of this act.

281. *Baking Powder, Labeling.*

SEC. 13. No person by himself, his servant or his agent, or as the servant of any other person, shall: first, make or manufacture baking powder; second, or sell, exchange, deliver or offer for sale or exchange such baking powder or any mixture or compound intended for use as baking powder; unless the same shall contain not less than ten per cent, available carbon dioxide and unless the common names of all the ingredients be printed on the label.

282. *Adulterated, Spirituous, Malt or Vinous Liquor.*

SEC. 14. No person shall, within this State, by himself, his servant or agent, or as a servant or agent of any other person or corporation, manufacture, brew, distill, have or offer for sale, or sell any spirituous or fermented or malt liquor, containing any drug, substance or ingredient not healthful or not normally existing in said spirituous, fermented or malt liquor, or which may be deleterious or detrimental to health when such liquors are used as a beverage, and the following drugs, substances or ingredients shall be deemed to be not healthful and shall be deemed to be deleterious or detrimental to health when contained in such liquors, to wit: Coculus indicus, copperas, opium, cayenne papper, picric acid, Indian hemp, strychnine, arsenic, tobacco, darnel seed, extract of logwood, salts of zinc, copper or lead, alum, methyl alcohol and its derivatives, and any extracts or compounds of any of the above drugs, substances or ingredients; and any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor.

283. *Mutilating Label.*

SEC. 15. Whoever shall deface, change, erase or remove any mark, label or brand provided for by this act with intent to mislead, deceive or to violate any of the provisions of this act, shall be held liable to the penalties of this act.

284. *Unclean or Unwholesome Milk.*

SEC. 16. No person, firm or corporation, shall offer for sale, or sell to any person, firm or corporation, creamery or cheese factory, any unclean, unhealthful, unwholesome or adulterated milk or cream or any milk or cream which has not been well cooled or to which water or any other foreign substance has been added, or milk or cream which has been handled or transported in unclean or unsanitary vessels or containers: *Provided*, that nothing in this section shall be construed to prevent the sale of skim milk to factories engaged in the manufacture of skim milk products, nor the sale of skim milk under the provisions of section 19 of this act.

285. *Milk Cans, Washing.*

SEC. 17. Any person, firm or corporation who receives from any other person, firm or corporation, any milk or cream, or ice cream, in cans, bottles or vessels which have been transported over any railroad or boat line, where such can, bottles or vessels are to be returned, shall cause the said cans, bottles or vessels to be emptied before the said milk or cream, or ice cream, contained therein shall become sour, and shall cause said cans, bottles or vessels to be immediately washed and thoroughly cleansed and aired. (Amended by act becoming a law July 12, 1915. L. 1915, p. 700.)

286. *Impure or Unclean Milk or Cream.*

SEC. 18. No person, firm, or corporation shall manufacture from unclean, impure, unhealthful or unwholesome milk, or from cream from the same, any article of food.

287. *Skim Milk, Cans, Labeling.*

SEC. 19. No person, firm or corporation shall sell, or expose for sale, or have in his possession with intent to sell, in any store or place of business, or on any wagon or other vehicle, used in transporting milk from which cream has been removed, any such milk or milk commonly called "skim milk" without first attaching to the can, vessel or other package containing said milk, a tag with the words "skim milk" printed on both sides of said tag in large letters, each letter being at least three-fourths of an inch high and one-half inch wide. Said tag shall be attached to the top or side of said can, vessel or package where it can be easily seen.

288. *Measuring Milk and Cream Standard.*

SEC. 20. The State standard milk measure or pipettes shall have for milk a capacity of seventeen and six-tenths cubic centimeters, and the State standard test tube or bottles for milk shall have a capacity of two cubic centimeters, at a temperature of sixty degrees Fahrenheit between "zero" and ten on the graduated scale marked on the necks thereof. For cream nine or eighteen grams shall be used, and the standard test tubes or bottles for cream shall have a capacity of three or six cubic centimeters, respectively, at a temperature of sixty degrees Fahrenheit between "zero" and thirty on the graduated scale marked on the necks thereof, and it is hereby made a misdemeanor to use any other measure, pipette, test tubes or bottle to determine the per cent of butter fat where milk or cream is purchased by, or furnished to creameries or cheese factories, and where the value of said milk is determined by the per cent of butter fat contained in the same. Any manufacturer, merchant, dealer, or agent in this State who shall offer for sale or sell a cream or milk pipette or measure, test tube or bottle which is not correctly marked or graduated as herein provided, shall be guilty of a misdemeanor and upon conviction thereof shall be punished as provided in this act. (Amended by act approved June 6, 1911, in force July 1, 1911. L. 1911, p. 519.)

289. *Testing Apparatus, License.*

SEC. 20a. No person shall operate a milk or cream testing apparatus to determine the percentage of butter fat in milk or cream for the purpose of purchasing the same either for himself or for another without first securing a license from the dairy and food commissioner²⁶ of this State, authorizing such person to so operate such tester. Any person desiring to secure such license shall make application therefor on a blank to be prepared and provided by the dairy and food commissioner, and such applicant, before being issued such license, shall pass a satisfactory examination in person and prove by actual demonstration that he is competent and qualified to properly use such tester and make an accurate test with the same.

²⁶ This act specified "Dairy and Food Commissioners" in one place and in another "Dairy and Food Commissioner." It was no doubt intended for State Food Commissioner in both in-

stances. The amendment was made in 1911 by adding Sec. 20a to the Pure Food Law. There was no such officer as is named in the section mentioned.

Such license shall be issued for a period of two (2) years from and after the date of its issuance and a fee of one dollar (\$1.00) shall be paid for such license by the licensee upon the issuance thereof. The dairy and food commissioner for just cause shall have authority to revoke any license issued under the provisions of this act.

The fees collected under the provisions of this section shall be paid into the State treasury monthly by the dairy and food commissioner. (Added by amendment by act as above.)

290. *Analyses, Report, Babcock Test.*

SEC. 21. This was no doubt intended for paragraph 21, although, technically, no amendment can be made by such a reference; there being no section 21.) A buyer or milk or cream buying of the producer on a butter-fat basis, shall, in the presence of the producer or his agent, after having been petitioned in writing by one or more of its patrons so to do, take a fair sample of the producer's milk, of not less than two (2) ounces, and immediately deliver the same to the producer or his agent in a sealed receptacle to be furnished by the Department of Agriculture suitable for mailing or expressing. The receptacle shall be plainly marked with the producer's factory number and the name of the producer, and may be mailed or expressed by the producer or his agent to the Department of Agriculture for test.

The Department of Agriculture shall receive and make prompt analysis of all such samples of milk or cream, wash and sterilize the containers, and return to the plant or person from whom received, the producer to pay the transportation charges.

The Department of Agriculture shall, not later than the fifth day of each month, mail to the buyer a tabulated sheet, showing the result of each individual producer's test, for the preceding month, the average of which shall be the basis of settlement between the buyer and individual producer.

The Department of Agriculture shall, not later than the eighth day of each month, mail to the individual producer at his post office address, the result of each of his tests for the preceding month.

Samples of milk or cream, for the purpose of this act, shall be taken not less than two (2) or more than four (4) times during each monthly period at the option of the buyer.

It shall be unlawful for the owner, manager, agent or any employee of a creamery or cheese factory, to manipulate, underread or overread the Babcock test, or any other contrivance used for determining the quality or value of milk or cream, or to falsify the record thereof, or to pay for such milk or cream on the basis of any measurement except the true measurement as thereby determined. (Amended by act approved June 25, 1917, in force July 1, 1917.)

291. *Preservatives, Sale.*

SEC. 22. No person, firm or corporation shall manufacture for sale, advertise, offer or expose for sale, or sell, any mixture or compound intended for use as a preservative or other adulterant of milk, cream, butter or cheese, nor shall he manufacture for sale, advertise, offer or expose for sale, or sell any unwholesome or injurious preservative or any mixture or compound thereof intended as a preservative of any food: *Provided, however,* that this section shall not apply to pure salt added to butter and cheese.

292. *Vehicles, Marking.*

SEC. 23. Any person, firm or corporation, who shall in any of the cities, incorporated towns or villages of this State, which contains a population of 5,000 or over, engage in or carry on a retail business in the sale or exchange of, or any retail traffic in milk or cream, shall have each and every carriage or vehicle from which the same is vended conspicuously marked with the name of such vendor on both sides of such carriage or vehicle.

293. *Illegal Lard.*

SEC. 24. No person shall, within this State, manufacture for sale, have in his possession with intent to sell, offer or expose for sale, or sell, as lard, any substance not the legitimate and exclusive product of the fat of the hog.

294. *Lard Substitute.*

SEC. 25. No person shall manufacture for sale within this State, or have in his possession with intent to sell, offer or expose for sale, or sell, as lard, or as a substitute for lard, or as an imitation of lard, any mixture or compound which is designed to take the place of lard and which is made from animal or vegetable oils or fats other than the fat of the hog, or any mixture or combination with any animal or vegetable oils or fats, unless the tierce, barrel, tub, pail or package containing the same shall be distinctly and legibly branded or labeled with the name of the person, firm or corporation making the same, together with the location of the manufactory and the words "lard substitute" or "adulterated lard" or "compound," "imitation" or "blend" as the case may be, or unless the same shall be sold under its own distinctive name as provided for in section 9 of this act.

295. *Imitation or Substitute for Lard.*

SEC. 26. It shall be unlawful to sell or offer for sale any "lard substitute" or "adulterated lard" or "compound," "imitation" or "blend" as herein defined, without informing the purchaser thereof, or the person or persons to whom the same is offered for sale, that the substance sold or offered for sale is "lard substitute" or "adulterated lard" or "compound," "imitation" or "blend," as the case may be.

296. *Process Butter, Sale.*

SEC. 27. No person, firm, or corporations, agent or employee, shall manufacture for sale, sell or offer or expose for sale, in this State, any butter that is produced by taking original packing stock butter, or other butter, or both, and melting same so that the butter fat can be drawn off or extracted, then mixing the said butter fat with skimmed milk, or milk, or cream, or other milk product, and rechurning or reworking the said mixture, or that produced by any process that is commonly known as boiled, process or renovated butter, unless the same is branded or marked, as provided in section 28 of this act.

297. *Process Butter, Branding.*

SEC. 28. No person, firm or corporation, agent or employee, shall sell, or offer or expose for sale, or deliver to a purchaser, any boiled, process or renovated butter, as defined in section 27 of this act, unless the words "Renovated Butter" shall be plainly branded with gothic or bold face letters at least three-fourths of an inch in length on the top and sides of each tub, or box, or pail, or other kind of case or package, or on the wrapper of prints or rolls or bulk packages in which it is put up. If such butter is exposed for sale uncovered, or not in a case or package, a placard containing the label so printed shall be attached to the mass of butter in such a manner as to be easily seen and read by the purchaser. The branding or marking of all packages shall be in the English language, and in a conspicuous place so as to be easily seen and read by the purchaser.

298. *Illegal Foods, Seizure.*

SEC. 29. Whenever the commissioner or his agents shall have ground for suspicion that any article of food found in possession of any person, firm or corporation, is adulterated or misbranded within the meaning of this act, he may seize such article of food and make an inventory thereof, and shall leave a copy of such inventory with the party holding such suspected goods, and tag the same "suspected," and he shall notify in writing the person, firm or corporation in whose possession it may be found, not to offer the same for sale or sell or otherwise dispose of the same until further notice in writing from the commissioner. Whereupon the commissioner

shall forthwith cause a sample of said article of food to be examined or analyzed, and if the same shall be found to be adulterated, or misbranded within the meaning of this act, the commissioner shall proceed with a hearing and subsequent proceedings as provided in this act. If, however, such examination or analysis shall show that such article of food complies with the provisions of this act, the person, firm or corporation in whose possession such article of food is found shall forthwith be notified in writing that said seizure is released, and authority given to dispose of such article of food. Such seizure may be had without a warrant and said commissioner, and all inspectors and agents appointed pursuant to law, are hereby given full power and authority of "policemen." Any court having jurisdiction, upon receiving proof of probable cause for believing in the concealment of any food or dairy products or substitutes therefor or imitation thereof, kept for sale or for a purpose, or had in possession, or under control, contrary to the provisions of this act, or other laws which now exist or may be hereafter enacted, shall issue a search warrant and cause a search to be made in any place therefor, and to that end may cause any building, enclosure, wagon, or car to be entered, and any apartment, chest, box, locker, tub, jar, crate, basket or package to be broken open and the contents thereof examined.

299. *Search Warrants.*

SEC. 30. All warrants issued pursuant to section 29 hereof shall be directed to the sheriff, bailiff or some constable of the county where such food or dairy products may be supposed to be concealed, commanding such officer to search the house or place where such food or dairy product, or substitutes thereof, or imitation thereof for which he is required to search, is believed to be concealed, which place and the property to be searched for, shall be designated in the warrant, and to bring such food or dairy product or substitute therefor or imitation thereof, when found, and the person in whose possession the same is found, before the magistrate who issued the warrant, or before some other court or magistrate having jurisdiction of the case, to be proceeded against as hereinbefore provided for in section 10 of this act.

300. *State's Attorney's Duty.*

SEC. 31. It shall be the duty of the State's attorney in any county of this State when called upon by the commissioner or any of his assistants, to render any legal assistance in his power to execute the law and to prosecute cases arising under the provisions of this act: *Provided*, that no person shall be prosecuted under the provisions of this act for selling or offering for sale any article of food or drugs as defined herein, when the same is found to be adulterated or misbranded within the meaning of this act, in the original unbroken package in which it was received by said person when he can establish a guaranty signed by the wholesaler, jobber, manufacturer or other party residing in this State, from whom he purchased such article, to the effect that the same is not adulterated or misbranded in the original unbroken package in which said article was received by said dealer; within the meaning of this act, designating it. Said guaranty to afford protection, shall contain the name and address of the party or parties making the sale of such article to such dealer, and in such case said party or parties shall be amenable to the prosecutions, fines and other penalties as provided for in this act: *Provided*, that no such guaranty shall operate as a defense to prosecutions for the violation of this act; first, if the dealer shall continue to sell after notice by the State food commissioner that such article is adulterated or misbranded within the meaning of this act; second, if the dealer shall fail to preserve for the manufacturer or guarantor and deliver to him upon demand the sample left with him by the commissioner or his agent.

301. *State Board of Health, Samples.*

SEC. 32. The State Board of Health may submit to the commissioner or any of his assistants samples of food or drink for examination or analysis,

and shall receive special reports showing the results of such examination or analysis.

302. *State Analyst, Certificate.*

SEC. 33. It shall be unlawful for the State analyst or any assistant State analyst to furnish to any individual, firm or corporation any certificate as to the purity or excellence of any article manufactured or sold by them to be used as food or in the preparation of food.

303. *Shift or Device.*

SEC. 34. The use of any shift or device to evade any of the provisions of this act shall be deemed a violation of such provision and punishable as herein provided.

304. *Master's Liability.*

SEC. 35. Whoever shall, by himself or another, either as principal, clerk or servant, directly or indirectly, violate any of the provisions of this act, shall be guilty of a misdemeanor and punished as herein provided.

305. *Penalties, License Fees, Proceeds, Payment.*

SEC. 36. All fines, penalties, and all proceeds collected from goods confiscated and sold under the provisions of this act and other laws relating to dairy and food products, and all license fees collected hereunder, shall be paid into the State treasury.

306. *Label, Size of Type.*

SEC. 37. The principal label on any package of food, as defined by this act, shall be printed plainly and legibly in English with or without the foreign label in the language of the country where the product is produced or manufactured and the size of type, if not otherwise described in this act, shall not be smaller than EIGHT POINT (BREVIER) CAPS: *Provided*, that in case the size of the package will not permit the use of eight-point cap type, the size of the type may be reduced proportionately.

307. *Rules and Regulations.*

SEC. 38. The State food commissioner shall make rules and regulations for carrying out the provisions of this act, and shall have power to make rules and regulations for the analyzing and reporting the results thereof, of articles submitted for analysis by the State Board of Health, and regulating the analyzing and reporting thereon of samples taken under any law or laws of the United States by any person hereunder, or furnished by any officer or employee charged with the enforcement of the laws of the United States relative to the manufacture, sale or transportation of adulterated, misbranded, poisonous or deleterious foods, dairy products or articles manufactured from dairy products or liquids.

308. *Standard of Purity and Strength.*

SEC. 39. In the enforcement of this act, and in the construction thereof, the following named articles of foodstuffs, when offered for sale or exposed for sale, or sold, shall conform to the analytical requirements set opposite each respectively.

Milk shall contain not less than three (3) per cent of milk fat and not less than eight and one-half (8½) per cent of solids, not fat.

Cream shall contain not less than eighteen (18) per cent of milk fat.

Maple Sugar shall contain not less than sixty-five one-hundredths (0.65) per cent of maple ash in the water-free substance.

Honey is a laevo-rotatory, contains not more than twenty-five (25) per cent of water, not more than twenty-five hundredths (0.25) per cent of ash, and not more than eight (8) per cent of sucrose.

Cloves shall contain not more than five (5) per cent of clove stems, not less than ten (10) per cent of volatile ether extract, not less than twelve (12) per cent of quercitannic acid, not more than eight (8) per cent of

total ash, not more than five-tenths (0.5) per cent of ash insoluble in hydrochloric acid, and not more than ten (10) per cent of crude fiber.

Black Pepper shall contain not less than six (6) per cent of nonvolatile ether extract, not less than twenty-five (25) per cent of pepper starch, nor more than seven (7) per cent of total ash, not more than two (2) per cent of ash insoluble in hydrochloric acid, and not more than fifteen (15) per cent of crude fiber.

Lemon Extract shall contain not less than five (5) per cent of oil of lemon by volume.

Orange Extract shall contain not less than five (5) per cent of oil of orange by volume.

Vanilla Extract shall contain in one hundred (100) cubic centimeters the soluble matters from not less than ten (10) grams of vanilla bean.

Olive Oil has a refractive index (25° C.) not less than one and forty-six hundred and sixty ten-thousandths (1.4660) and not exceeding one and forty-six hundred and eighty ten-thousandths (1.4680), and an iodine number not less than seventy-nine (79) and not exceeding ninety (90).

All Vinegars shall contain four (4) grams of acetic acid in one hundred (100) cubic centimeters (20° C.).

Cider Vinegar shall contain not less than one and six-tenths (1.6) grams of apple solids, and not less than twenty-five hundredths (0.25) grams of apple ash in one hundred (100) cubic centimeters (20° C.).

Malt vinegar shall contain in one hundred (100) cubic centimeters (20° C.) not less than two (2) grams of solids and not less than two-tenths (0.2) grams of ash.

Wine vinegar shall contain not less than one (1) gram of grape solids and not less than thirteen-hundredths (0.13) gram of grape ash in one hundred cubic centimeters (20° C.).

Ice cream is a frozen substance, made from cream, or milk and cream and sugar, with or without the additions of such other wholesome substances as have customarily been used in making ice cream, and contains not less than eight per cent (8%) milk fat and manufactured, stored, distributed and dispensed in a sanitary manner. The following other substances have customarily been used in making ice cream: Eggs, flours, starches, butter, gelatin, flavoring, harmless colors, nuts, fruits, pastries and condensed milks.

In the enforcement of this act and in the construction thereof all articles of food not defined in this act when offered for sale or exposed for sale, or sold, shall conform to the definition and analytical requirements of the standard adopted and promulgated from time to time by the Food Standards Commission: *Provided*, that standards of quality, purity or strength, for food products, adopted from time to time by the Food Standards Commission and the regulations concerning the labeling of food products, adopted from time to time by the State food commissioner, shall constitute *prima facie* evidence in the trial of all cases in court of the proper standard or of the proper labeling: *Provided*, that nothing in this section shall be construed to prevent the sale of any wholesome food product which is below such standard, if such article of food be labeled so as to clearly indicate such variation: *Provided, further*, that in all places where foods below such standards are sold in bulk or have been removed from its original package, there shall be placed in a prominent position a placard in large letters of not less than one inch in length which shall clearly indicate such variation so as to be easily read by customers. (This and the following section amended by act becoming a law July 12, 1915. L. 1915, p. 700.)

309. *Illegal Food, Sale.*

SEC. 39a. The sale of food which violates any of the provisions of this act is hereby prohibited; and whoever offers for sale, exposes for sale or sells any food that violates any of the provisions of this act shall be guilty of a misdemeanor and punished as herein provided.

310. Eggs.

Sec. 39a1. It shall be unlawful to ship or otherwise dispose of in any kind of a container, or in any other manner, any collection of eggs or any eggs known as "yolks stuck to the shell," "heavy blood rings," "partially hatched," "moldy eggs," "black spots," "black rots" or any other eggs of an unwholesome nature, unless the same are broken in the shell, and then denatured, so as to render the same unfit for human food.

Eggs exclusive of the above named varieties which are not intended for sale to the trade in shell form are hereby declared "Breaking Stock." "Breaking Stock," when packed in cases sealed with proper identifying strips, that have been approved by the Director of the Department of Agriculture, may be shipped from within or without the State of Illinois, either directly or otherwise, to licensed egg breaking establishments in Illinois.

All persons, firms or corporations that engage in the State of Illinois in the business of removing eggs from their shells in the manufacture of frozen liquid, dessicated, or any other form of whole egg, yolks, whites, or any mixture of yolks and whites with or without the additions of any other ingredients, shall before engaging in such business, apply to the Director of the Department of Agriculture for a license. Thereupon, the Director of the Department of Agriculture, or his agents, shall inspect the establishment and equipment of said egg breaking establishment, and he shall also ascertain, if the said establishment complies in method and equipment with the sanitary law and the rules and regulations that shall from time to time be established by the Director of the Department of Agriculture, for the governing of these establishments. If after such inspection it shall appear that the said establishment complies with the provisions of the sanitary law and the rules and regulations governing egg breaking establishments, then the said Director of the Department of Agriculture shall certify to the State Treasurer that the said establishment is entitled to a license.

Every person, firm or corporation engaged in the breaking of eggs and whose establishment has been inspected and approved as above described, shall pay annually during the month of December of each year a license fee of three hundred dollars (\$300.00) for each establishment to the treasurer of the State of Illinois. Said treasurer shall in each case at once certify to the Director of the Department of Agriculture the payment of such fee, and thereupon the Director of the Department of Agriculture shall issue a license to such establishment.

It shall be unlawful for any one to have in his possession eggs known as "yolks stuck to the shell," "heavy blood rings," "partially hatched," "moldy eggs," "black spots," "black rots," or any other unwholesome eggs, unless the same are broken in the shell, and then denatured so as to render the same unfit for human food.

Every egg breaking establishment, when it has received its license, shall be furnished with an identifying establishment number. Said number shall be included as part of the proper labeling of all cans or other receptacles in which frozen or dessicated egg products are offered for sale. The form and manner of placing said number on containers shall be under rules and regulations promulgated by the Director of the Department of Agriculture.

Brokers, commission men, or ordinary receivers of eggs who have eggs shipped to them in these "breaking stock" identified cases may break the seal and examine the stock, but they must reseal the identified strip where it is cut, with another identifying strip, which carries their name and address and the date on which they inspected the eggs. They will be held responsible for any tampering of the contents of the identified cases.

Whoever shall violate any of the provisions of this section shall be guilty of a misdemeanor and shall be punished as provided in this act, and in addition thereto the Director of the Department of Agriculture shall at once revoke such offender's license. (Amended by act approved June 26, 1917, in force July 1, 1917.)

311. Preliminary Hearing.

SEC. 40. When it appears from the examination or analysis that the provisions of this act have been violated, the food commissioner shall cause notice of such fact, together with a copy of the findings, to be given to the party or parties from whom the sample was obtained; and to the party, if any, whose name appears upon the label as manufacturer, packer, wholesaler, retailer, or other dealer; by registered mail. The party or parties so notified shall be given an opportunity to be heard under such rules and regulations as may be prescribed as aforesaid. Notices shall specify the date, hour and place of the hearing. The hearing shall be private and the parties interested therein may appear in person or by attorney. If, after such hearing, the commissioner shall believe this act has been violated, he shall cause the party or parties whom he believes to be guilty, to be prosecuted forthwith, under the provisions of this act.

In all proceedings or prosecutions brought under this act, it shall not be necessary to allege in the pleadings that a hearing was had before the commissioner. A certified copy of the records of the State Food Commissioner's office, showing that notice of hearing was sent by registered mail, together with a copy of such notice of hearing and the receipt of the post office department for such registered notice shall be received as evidence that such notice of hearing was given.

A certificate in the following form shall be sufficient:

"I,Chief Clerk (or other employee) in the State Food Commissioner's office, do hereby certify that the attached is a true, correct and complete copy or copies of the notice of hearing on Inspector's Sample No.

That the said notice of hearing was enclosed by me in an envelope, properly stamped and addressed to..... of.....and was deposited and registered in the post office department at Chicago, Illinois, on the.....day of..... A. D. 19..., and that the attached receipt of the post office department is the receipt received by this office for the said notice.

....."

"I hereby certify that.....is the chief clerk (or clerk) having custody of the records of Inspector's Sample No. in the State Food Commissioner's office and that the above, and the attached papers are a true, correct and complete record of the matters therein certified as appears by the records of my office."

Given under my hand and seal this.....day of.....

.....
State Food Commissioner.

(This and the following section amended by act becoming a law July 12, 1915. L. 1915, p. 700.)

SEC. 40a. No action or prosecution shall be instituted against any person for a violation of the provisions of this act, unless the same shall have been commenced within six months from the taking of said sample or unless begun by and with the advice and consent of the State's attorney of the proper county, first had and obtained therefor; and such prosecution shall at all times be under and within the control of said State's attorney.

312. Penalty.

SEC. 41. An person convicted of violating any of the provisions of the foregoing act shall, for the first offense, be punished by fine in any sum not less than fifteen (15) dollars and not more than one hundred (100) dollars, or by imprisonment in the county jail not exceeding thirty days, or by both such fine and imprisonment, in the discretion of the court, and for the second and each subsequent offense by a fine of not less than twenty-five (25) dollars and not more than two hundred (200) dollars, or by imprisonment in the county jail not exceeding one year, or both, in the discretion of the court; or the fine above may be sued for and recovered before any justice of the peace or any other court of competent jurisdiction in the

county where the offense shall have been committed, at the instance of the State food commissioner, or any other person in the name of the people of the State of Illinois as plaintiff and shall be recovered in an action of debt.

313. Judgment, Capias, Repeal.

SEC. 42. When the rendition of the judgment imposes a fine as provided in any of the sections of this act, it shall be the duty of the justice of the peace or other court rendering such judgment also to render a judgment for costs and such justice of the peace or other court shall forthwith issue a capias or warrant of commitment against the body of the defendant, commanding that unless the said fine and costs be forthwith paid the defendant shall be committed to the jail of the county and the constable or other officer, to whose hands said capias or warrant shall come, shall in default of such payment, arrest the defendant and commit him to the jail of the county, thereto remain as provided in section 171 of "An Act to revise the law in relation to criminal jurisprudence," in force July 1, 1895, unless such fine and costs shall sooner be paid.

SEC. 43. All acts and parts of acts inconsistent with this act are hereby repealed: *Provided*, that nothing in this act contained shall be construed as repealing the act entitled, "An Act to regulate the manufacture and sale of substitutes for butter," approved June 14, 1897, in force July 1, 1897, or any part thereof.

DAIRY CONTAINERS.

AN ACT to protect the public and the manufacturers of dairy products from frauds and imitations and to prevent the public from being deceived in the use of adulterated foods by providing for marking, stamping and branding of cans or other containers for the handling and transportation of dairy products; for the registration of such mark or brand and prohibiting the use of such marked can, bottle or other container for any other than the designated purpose; and for preventing the use of any such brand or mark of another; and from defacing or removing the same; and providing penalties for violation thereof; and making it the duty of the Food and Dairy Commissioner to enforce the law. Approved June 25, 1917, in force July 1, 1917.

314. Brand, Adoption.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That in order to protect the public against frauds and imitations in the sale of dairy products, and prevent the public from being deceived in the purchase and use of adulterated foods and to protect the manufacturers from being wrongfully charged with the manufacture, storage, transportation or sale of impure or adulterated foods, any person, firm or corporation engaged in the manufacture or transportation of any dairy products, including milk, cream and ice cream, may adopt a suitable mark, stamp or brand for use upon any can, bottle or other container used in the handling and transporting any of said products and may file in the office of the Secretary of State a description of such mark, stamp or brand so desired to be used.

315. Brand, Device, Registration.

SEC. 2. Such brand, stamp or mark may consist of a name, design or device, either in color, enamel or otherwise and shall be registered by the Secretary of State, provided, it can be suitably distinguished from any other mark, stamp or brand theretofore registered; and such registered mark, stamp or brand may be affixed in any suitable and permanent manner to the can, bottle or other container, but nothing in this act shall be construed as permitting the registration or use by any person, firm or corporation, of any brand, stamp, mark, name, design or device which, but for this act, such person, firm or corporation would not be entitled to use.

316. Registered Brand Protected.

SEC. 3. It shall be unlawful for any person, firm or corporation to use any brand, stamp or mark which has already been selected and registered under the provisions of this act upon any can, *bottle* or other container for any commodity.

317. Same.

SEC. 4. It shall be unlawful for any person, firm or corporation, other than the rightful owner thereof, to use any can, *bottle* or other container marked, stamped or branded as herein provided.

318. Brand, Defacing.

SEC. 5. It shall be unlawful for any person, firm or corporation, other than the rightful owner thereof, to deface, remove or injure any such brand, stamp or mark upon any such can, *bottle* or other container referred to herein.

319. Penalty.

SEC. 6. Any person, firm or corporation who shall violate any *provision* of this act shall be guilty of a misdemeanor and upon conviction shall be fined for each such offense by a fine not less than five (\$5.00) dollars, nor more than one hundred (\$100.00) dollars, or by imprisonment in the county jail not to exceed thirty (30) days.

320. Enforcement of Act.

SEC. 7. It is hereby made the duty of the Food and Dairy Commissioner to enforce all of the provisions of this act.

COLD STORAGE.

AN ACT to regulate cold storage of certain articles of food. Became a law June 28, 1917, in force July 1, 1917.

321. Terms Defined.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* For the purpose of this act, "cold storage" shall mean the storage or keeping of articles of food at or below a temperature above zero of 45 degrees Fahrenheit in a cold storage warehouse; "cold storage warehouse" shall mean any place artificially cooled to or below a temperature above zero of 45 degrees Fahrenheit, in which articles of food are placed and held for thirty days or more; "article of food" shall mean fresh meat and fresh meat products and all fish, game, poultry, eggs and butter.

322. License Fee.

SEC. 2. No person, firm or corporation shall maintain or operate a cold storage warehouse without a license so to do issued by the Department of Agriculture. Any person, firm or corporation desiring such a license shall make written application to the Department of Agriculture for that purpose, stating the location of the warehouse. The Department of Agriculture thereupon shall cause an examination to be made of said warehouse and, if it be found by him to be in a proper sanitary condition and otherwise properly equipped for its intended use, he shall issue a license authorizing the applicant to operate the same as a cold storage warehouse during one year. The license shall be issued upon payment of (by) the applicant of a license fee of twenty-five (\$25.00) dollars per annum to the Department of Agriculture.

323. Unsanitary Condition.

SEC. 3. In case any cold storage warehouse, or any part thereof, shall at any time be deemed by the Department of Agriculture to be in an unsanitary condition, or not properly equipped for its intended use, he (it) shall

notify the licensee of such condition and upon the failure of the licensee to put such cold storage warehouse in a sanitary condition or to properly equip the same for its intended use, within a time to be designated by the Department of Agriculture, he (it) shall revoke such license.

324. *Record, Reports.*

SEC. 4. Every such licensee shall keep accurate records of the articles of food received in and of the articles of food withdrawn from his cold storage warehouse, and the Department of Agriculture shall have free access to such records at any time. Every such licensee shall submit a monthly report to the Department of Agriculture, setting forth in itemized particulars the quantities and kinds of articles of food in his cold storage warehouse. Such monthly reports shall be filed on or before the fifth day of each month, and the reports so rendered shall show the conditions existing on the last day of the preceding month reported and a summary of such reports shall be prepared by the Department of Agriculture and shall be open to public inspection on or before the tenth day of each month.

325. *Inspection and Supervision.*

SEC. 5. The Department of Agriculture shall inspect and supervise all cold storage warehouses and make such inspection of articles of food therein as he (it) may deem necessary to secure the proper enforcement of this act, and he (it) shall have access to all cold storage warehouses at all reasonable times. The Department of Agriculture may appoint such persons as he (it) deems qualified to make any inspection under this act.

326. *Storing Food Articles.*

SEC. 6. No article of food intended for human consumption shall be placed, knowingly, received or kept in any cold storage warehouse, if diseased, tainted, otherwise unfit for human consumption, or in such condition that it will not keep wholesome for human consumption. No article of food, for use other than for human consumption, shall be placed, received or kept in any cold storage warehouse unless previously marked, in accordance with forms to be prescribed by the Department of Agriculture, in such a way as to indicate plainly the fact that such article of food is not to be sold or used for human food.

327. *Labeling Food Articles, Evidence.*

SEC. 7. No person, firm or corporation shall place, receive or keep in any cold storage warehouse in this State articles of food unless the same shall be plainly marked, stamped or tagged, either upon the container in which they are packed, or upon the article of food itself, with the date when placed therein; and no person, firm or corporation shall remove, or allow to be removed, such article of food from any cold storage warehouse unless the same shall be plainly marked, stamped or tagged, either on the container in which it is enclosed or upon the article of food itself, with the date of such removal, and such marks, stamps and tags shall be *prima facie* evidence of such receipt and removal and of the dates thereof. All articles of food in any cold storage warehouse at the time this act goes into effect shall, before being removed therefrom, be plainly marked, stamped or tagged with the date when this act goes into effect and the date of removal therefrom.

328. *Storing Food Articles, Duration, Removal.*

SEC. 8. No person, firm or corporation shall hereafter keep or permit to remain in any cold storage warehouse any article of food which has been held in cold storage either within or without the State, for a longer aggregate period than twelve months, except with the approval of the Director of the Department of Agriculture as hereinafter provided. The Director of the Department of Agriculture may, from time to time, upon application in writing, extend the period of storage beyond twelve months for any particular article of food, provided the same is found upon examination by the Department of Agriculture to be in wholesome condition for further cold

storage. The length of time for which such further storage is allowed shall be specified in the order granting the extension. A report on each case in which such extension of storage may be permitted, including information relating to the reason for the action of the said director, the kinds and amounts of the articles of food for which the storage period was extended, and length of time for which this extension was granted, shall be filed, open to public inspection, in the office of said director.

The Director of Agriculture shall have power to order any article of food held in cold storage to be removed therefrom before the expiration of the first period of twelve months or before the expiration of any period of extension granted by him for any of the following reasons:

(1) That the storage of the article of food beyond the time fixed by the Director of the Department of Agriculture in his order of removal will render such article of food unwholesome;

(2) That the person, firm or corporation storing such article of food has entered into a contract, agreement or understanding for the purpose or with the intent of fictitiously increasing the price of such article of food;

(3) That the storage of such article of food is for the purpose or with the intent of fictitiously increasing the price thereof;

(4) That the storage of such article of food tends to create a monopoly;

(5) That the storage of such article of food tends to restrain or prevent competition in this State in the supply or price of such article.

Before such article of food shall be ordered removed from storage, the Director of Agriculture shall give at least five days' notice in writing of his intention to make such order, and shall accord the person, firm or corporation receiving such notice a full hearing thereon.

329. *Sale.*

Sec. 9. It shall be unlawful to sell, or to offer for sale, any article of food which has been held for a period of thirty days or over in cold storage either within or without the State, without notifying persons purchasing, or intending to purchase, the same, that it has been so held, by the display of a placard plainly and conspicuously marked, "Cold Storage Goods," on the bulk mass or articles of food; and it shall be unlawful to represent or advertise as fresh any article of food which has been held in cold storage for a period of thirty days or over.

330. *Returned Goods, Etc.*

Sec. 10. It shall be unlawful to return to any cold storage warehouse any article of food which has been once released from storage for the purpose of placing it on the market for sale. It shall be unlawful to transfer any article of food from one cold storage warehouse to another if such transfer is made for the purpose of avoiding any provision of this act, and such transfer shall be unlawful unless all prior stampings, markings and taggings upon such article shall remain thereon.

331. *Rules and Regulations.*

Sec. 11. The Department of Agriculture may make all necessary rules and regulations to carry this act into effect. Such rules shall be filed in the director's office, and shall not take effect until five (5) days after such filing.

332. *Penalty.*

Sec. 12. Any person, firm or corporation violating any provision of this act shall be guilty of a misdemeanor and shall upon conviction be punished for the first offense by a fine not exceeding one hundred (\$100) and for the second or any subsequent offense by a fine not exceeding five hundred (\$500) or by imprisonment of not more than six months, or by both such fine and imprisonment in the discretion of the court.

333. *Construction of Act.*

Sec. 13. This act shall be so interpreted and construed as to effect its general purpose to make uniform the law of those states which enact it.

334. *Short Title.*

SEC. 14. This act may be cited as the Uniform Cold Storage Act.

335. *Repeal.*

SEC. 15. All acts or parts of acts inconsistent with this act hereby repealed.

IMMATURE VEAL.

AN ACT to regulate the sale of veal. Approved June 16, 1887, in force July 1, 1887. L. 1887, p. 307.

336. *Calves under Four Weeks Old, Penalty.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That if any person kills, or causes to be killed, for the purposes of sale, any immature calf, or any calf less than four weeks old, or knowingly sells or has in his possession with intent to sell, for food the meat of any immature calf, or any calf killed when less than four weeks old, he shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than \$25, nor more than \$50, or by imprisonment in the county jail not exceeding 30 days, or by both fine and imprisonment, and all such meat exposed for sale or kept with intent to sell, may be seized and destroyed by any health officer, or any sheriff or deputy sheriff, constable or police officer.

SANITARY FOOD.

AN ACT to prevent the preparation, manufacture, packing, storing, or distributing of food intended for sale, or sale of food, under unsanitary, unhealthful or unclean conditions or surroundings, to create a sanitary inspection, to declare that such conditions shall constitute a nuisance, and, to provide for the enforcement thereof. Approved June 5, 1911, in force July 1, 1911. L. 1911, p. 528.

337. *Manufacturing Establishments, Lighting Draining and Ventilating.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That every building, room, basement, enclosure or premises, occupied, used or maintained as a bakery, confectionery, cannery, packing house, slaughter house, creamery, cheese factory, restaurant, hotel, grocery, meat market, or as a factory, shop, warehouse, any public or place or manufacturing establishment used for the preparation, manufacture, packing, storage, sale or distribution of any food as defined by statute, which is intended for sale, shall be properly and adequately lighted, drained, plumbed and ventilated, and shall be conducted with strict regard to the influence of such conditions upon the health of the operatives, employees, clerks, or other persons therein employed, and the purity and wholesomeness of the food therein produced, prepared, manufactured, packed, stored, sold or distributed.

338. *Unsanitary Condition Defined.*

SEC. 2. The floors, side walls, ceilings, furniture, receptacles, implements and machinery of every such establishment or place where such food intended for sale is produced, prepared, manufactured, packed, stored, sold or distributed, and all cars, trucks, and vehicles used in the transportation of such food products shall at no time be kept or permitted to remain in an unclean, unhealthful or unsanitary condition; and for the purpose of this act, unclean, unhealthful and unsanitary conditions shall be deemed to exist if food in the process of production, preparation, manufacture, packing, storing, sale, distribution or transportation is not securely protected from flies, dust, dirt, and as far as may be necessary, by all reasonable means, from all other foreign or injurious contamination; or if the refuse, dirt or waste products subject to decomposition and fermentation, incident to the

manufacture, preparation, packing, storing, selling, distributing, or transportation of such food are not removed daily or if all trucks, trays, boxes, buckets or other receptacles, or the chutes, platforms, racks, tables, shelves, and knives, saws, cleavers or other utensils, or the machinery used in moving, handling, cutting, chopping, mixing, canning or other processes are not thoroughly cleaned daily; or if the clothing of operatives, employees, clerks or other persons therein employed, is unclean.

339. Sidewalls and Ceilings, Construction.

SEC. 3. The sidewalls and ceilings of every bakery, confectionery, creamery, cheese factory, and hotel or restaurant kitchen shall be so constructed that they can easily be kept clean; and every building, room, basement, or inclosure occupied or used for the preparation, manufacture, packing, storage, sale or distribution of food shall have an impermeable floor made of cement or tile laid in cement, brick, wood or other suitable material which can be flushed and washed clean with water.

340. Doors and Screens.

SEC. 4. All such factories, buildings, and other places containing food shall be so provided with proper doors and screens adequate to prevent contamination of the product from flies.

341. Toilet Rooms.

SEC. 5. Every such building, room, basement, inclosure, or premises occupied, used or maintained for the production, preparation, manufacture, canning, packing, storage, sale or distribution of such food, shall have adequate and convenient toilet rooms, lavatory or lavatories. The toilet rooms shall be separate and apart from the room or rooms where the process of production, preparation, manufacture, packing, storing, canning, selling and distributing is conducted. The floors of such toilet rooms shall be of cement, tile, wood, brick or other nonabsorbent material, and shall be washed and scoured daily. Such toilet or toilets shall be furnished with separate ventilating flues and pipes discharging into soil pipes or shall be on the outside of and well removed from the building. Lavatories and wash rooms shall be adjacent to toilet rooms, or when the toilet is outside of the building, the wash room shall be near the exit to the toilet and shall be supplied with soap, running water and towels and shall be maintained in a sanitary condition.

342. Nuisance Defined.

SEC. 6. If any such building, room, basement, inclosure or premises occupied, used or maintained for the purposes of the aforesaid, or if the floors, sidewalls, ceilings, furniture, receptacles, implements, appliances or machinery of any such establishment, shall be constructed, kept, maintained, or permitted to remain in a condition contrary to any of the requirements or provisions of the preceding five (5) sections of this act, the same is hereby declared a nuisance, and any toilet, toilet room, lavatory or wash room as aforesaid, which shall be constructed, kept, maintained or permitted to remain in a condition contrary to the requirements or provisions of section five (5) of this act, is hereby declared a nuisance; and any car, truck, or vehicle used in the moving or transportation of any food product as aforesaid, which shall be kept or permitted to remain in an unclean, unhealthful or unsanitary condition is hereby declared a nuisance. Whoever unlawfully maintains, or allows or permits to exist a nuisance as herein defined shall be guilty of a misdemeanor, and, on conviction thereof, shall be punished as herein provided.

343. Cuspidors.

SEC. 7. Every person, firm, or corporation operating or maintaining an establishment or place where food is produced, prepared, manufactured, packed, stored, sold or distributed shall provide the necessary cuspidors for the use of the operatives, employees, clerks, and other persons and each

cuspidor shall be thoroughly emptied and washed out daily with water or a disinfectant solution, and five ounces thereof shall be left in each cuspidor while it is in use. Whoever fails to observe the provisions of this section shall be guilty of a misdemeanor and punished as hereinafter provided.

344. *Expectorating, Penalty.*

SEC. 8. No operative, employee, or other persons shall expectorate on the food or on the utensils or on the floors or sidewalls of any building, room, basement, or cellar where the production, preparation, manufacture, packing, storing or sale of any such food is conducted. Operatives, employees, clerks, and all other persons who handle the material from which such food is prepared or the finished product before beginning work, or after visiting toilet or toilets, shall wash their hands thoroughly in clean water. Whoever fails to observe or violates the provisions of this section, shall be guilty of a misdemeanor and punished by a fine of not more than twenty-five dollars.

345. *Sleeping in Work Room.*

SEC. 9. It shall be unlawful for any person to sleep, or to allow or permit any person to sleep in any work room of a bake shop, kitchen, dining room, confectionery, creamery, cheese factory, or any place where food is prepared for sale, served or sold, unless all foods therein handled are at all times in hermetically sealed packages.

346. *Contagious Diseases.*

SEC. 10. It shall be unlawful for an employer to require, suffer or permit any person who is affected with any contagious or venereal disease to work, or for any person so affected to work, in a building, room, basement, inclosure, premises or vehicle occupied or used for the production, preparation, manufacture, packing, storage, sale, distribution, or transportation of food.

347. *Inspection, Reports, Prosecutions.*

SEC. 11. It shall be the duty of the State Food Commissioner and those appointed by him to enforce this act, and for that purpose the State Food Commissioner and his appointees shall have full power at all times to enter every such building, room, basement, inclosure or premises occupied or used or suspected of being occupied or used for the production, preparation or manufacture for sale, or the storage, sale, distribution or transportation of such food, to inspect the premises and all utensils, fixtures, furniture and machinery used as aforesaid; and if upon inspection any such food producing or distributing establishment, conveyance, or any employer, employee, clerk, driver or other person is found to be violating any of the provisions of this act, or if the production, preparation, manufacture, packing, storage, sale, distribution or transportation of such food is being conducted in a manner detrimental to the health of the employees and operatives, or to the character or quality of the food therein being produced, manufactured, packed, stored, sold, distributed or conveyed, the officer or inspector making the inspection or examination shall report such conditions and violations to the State Food Commissioner. The State Food Commissioner or the assistant commissioner shall thereupon issue a written order to the person, firm or corporation responsible for the violation or condition aforesaid to abate such condition or violation or to make such changes or improvements as may be necessary to abate them, within such reasonable time as may be required in which to abate them. Notice of such order may be served by delivering a copy thereof to said person, firm or corporation or by sending a copy thereof by registered mail, and the receipt thereof through the post office shall be *prima facie* evidence that notice of said order has been received. Such person, firm or corporation shall have the right to appear in person or by attorney before the State Food Commissioner, or the person appointed by him for such purpose, within the time limited in the order, and shall be given an opportunity to be heard and to show why such order or instructions should not be obeyed. Such hearing shall be under such rules and regulations as may be prescribed by the State Food Commissioner. If after such hearing it shall appear that the provisions or requirements of this act have not been violated,

said order shall be rescinded. If it shall appear that the requirements or provisions of this act are being violated, and that the person, firm or corporation notified as aforesaid is responsible therefor, said previous order shall be confirmed or amended, as the facts shall warrant, and shall thereupon be final, but such additional time as is necessary may be granted within which to comply with said final order. If such person, firm or corporation is not present or represented when such final order is made, notice thereof shall be given as above provided. On failure of the party or parties to comply with the first order of the State Food Commissioner within the time prescribed, when no hearing is demanded, or upon failure to comply with the final order, within the time specified, the State Food Commissioner shall certify the facts to the State's attorney of the county in which such violation occurred, and such State's attorney shall proceed against the party or parties for the fines and penalties provided by this act, and also for the abatement of the nuisance: *Provided*, that the proceedings herein described for the abatement of nuisances as defined in this act shall not in any manner relieve the violator from prosecution in the first instance for every such violation, nor from the penalties for such violation prescribed by section 13 of this act.

348. Fines, Payment.

SEC. 12. All fines collected under the provisions of this act shall be paid into the county treasury of the county in which the prosecution is brought, and it shall be the duty of the State's attorneys in the respective counties to prosecute all persons violating or refusing to obey the provisions of this act.

349. Penalty.

SEC. 13. Whoever violates any of the provisions of this act, or who refuses to comply with any lawful order or requirement of the State Food Commissioner, duly made in writing as provided in section 11 of this act, shall be guilty of a misdemeanor and on conviction shall be punished for the first offense by a fine of not less than ten dollars (\$10.00) nor more than two hundred dollars (\$200.00), and for the second and subsequent offenses by a fine of not less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200.00), or by imprisonment in the county jail for not more than ninety days, or both, in the discretion of the court, and each day after the expiration of the time limit for abating unsanitary conditions and completing improvements to abate such conditions, as ordered by the State Food Commissioner as aforesaid, shall constitute a distinct and separate offense.

OLEOMARGARINE.

²⁷AN ACT to regulate the manufacture and sale of substitutes for butter.
Approved June 14, 1897, in force July 1, 1897. L. 1897, p. 3.

350. Imitation Butter Defined.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That for the purpose of this act, every article, substitute or compound other than (that) which is produced from pure milk or cream therefrom, made in the semblance of butter and designed to be used as a substitute for butter made from pure milk or its cream, is hereby declared to be imitation butter: *Provided*, that the use of salt and harmless coloring matter for coloring the product of pure milk or cream shall not be construed to render such product an imitation.

351. Coloring.

SEC. 2. No person shall coat, powder or color with annatto or any coloring matter whatever any substances designed as a substitute for butter

²⁷ This act is a reasonable and appropriate exercise of the police power in that it is designed to prevent manufacturers and dealers from coloring oleomargarine or other substitutes for butter

to make them resemble genuine butter and thereby deceive purchasers. *People v. Freeman* (1909), 242 Ill. 373, 379.

whereby such substitute or product so colored or compounded shall be made to resemble butter, the product of the dairy.

No person shall combine any animal fat or vegetable oil or other substance with butter, or combine therewith, or with animal fat or vegetable oil, or combination of the two, or with either one, any other substance or substances, for the purpose or with the effect of imparting thereto a yellow color or any shade of yellow so that such substitute shall resemble yellow or any shade of genuine yellow butter, nor introduce any such coloring matter or such substance or substances into any of the articles of which the same is composed: *Provided*, nothing in this act shall be construed to prohibit the use of salt, rennet and harmless coloring matter for coloring the products of pure milk or cream from the same.

No person shall, by himself, his agents or employees produce or manufacture any substance in imitation or semblance of natural butter, nor sell nor keep for sale, nor offer for sale any imitation butter, made or manufactured, compounded or produced in violation of this section, whether such imitation butter shall be made or produced in this State or elsewhere.

This section shall not be construed to prohibit the manufacture and sale, under the regulations hereinafter provided, of substances designed to be used as a substitute for butter and not manufactured or colored as herein provided.

352. Branding.

SEC. 3. Every person who lawfully manufactures any substances designed to be used as a substitute for butter, shall mark by branding, stamping or stenciling upon the top and side of each box, tub, firkin or other package in which such article shall be kept, and in which it shall be removed from the place where it is produced, in a clear and durable manner in the English language, the word "oleomargarine," or the word "butterine," or the words "substitute for butter," or the words "imitation butter" in printed letters in plain Roman type, each of which shall not be less than three-quarters of an inch in length.

353. Notice to Purchaser.

SEC. 4. It shall be unlawful to sell or offer for sale any imitation butter without informing the purchaser thereof, or the person or persons to whom the same is offered for sale, that the substance sold or offered for sale is imitation butter.

354. Shipment, Marking.

SEC. 5. No person by himself or others, shall ship, consign or forward by any common carrier, whether public or private, any substance designed to be used as a substitute for butter unless it shall be marked or branded on each tub, box, firkin, jar, or other package containing the same, as provided in this act, and unless it be consigned by the carriers and receipted for by its true name: *Provided*, that this act shall not apply to any goods in transit between foreign states across the State of Illinois.

355. Unmarked Package, Possession.

SEC. 6. No person shall have in his possession or under his control any substance designed to be used as a substitute for butter, unless the tub, firkin, jar, box or other package containing the same be clearly and durably marked as provided in this act: *Provided*, that this section shall not be deemed to apply to persons who have the same in their possession for the actual consumption of themselves [or] their families. Every person who shall have possession or control of any imitation butter for the purpose of selling the same which is not marked as required by the provisions of this act, shall be presumed to have known during the time of such possession or control the true character and name, as fixed by this act, of such product.

356. Unmarked Substance, Intention.

SEC. 7. Whoever shall have possession or control of any imitation butter or any substance designed to be used as a substitute for butter, contrary

to the provisions of this act, for the purpose of selling the same, or offering the same for sale shall be held to have possession of such property with intent to use it in violation of this act.

357. *Actions, Parties.*

SEC. 8. No action shall be maintained on account of any sale or contract made in violation of, or with intent to violate, this act, by or through any person who was knowingly a party to such wrongful sale or contract.

358. *Removing Marks.*

SEC. 9. Whoever shall deface, erase or remove any mark provided by this act, with intent to mislead, deceive or to violate any of the provisions of this act, shall be guilty of a misdemeanor.

359. *Penalty, Prosecutions.*

SEC. 10. ²⁸Whoever shall violate any of the provisions of this act shall be punished by a fine of not less than \$50 nor more than \$200, or by imprisonment in the county jail not to exceed 60 days for each offense or by both fine and imprisonment, in the discretion of the court, or the fine alone may be sued for and recovered before any justice of the peace in the county where the offense shall be committed, at the instance of any person in the name of the People of the State of Illinois as plaintiff.

SEC. 11. It is hereby made the duty of the State's attorney of each county in this State to prosecute all violations of this act upon complaint of any person, and there shall be taxed as his fees in the case the sum of ten dollars (\$10), which shall be taxed as costs in the case.

BRANDING BUTTER.

AN ACT to prevent fraud in the branding and sale of process and renovated butter. Approved April 24, 1901, in force July 1, 1901. L. 1901, p. 315.

360. *Renovated Butter, Sale.*

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That no person, firm, corporation, agent or employee shall manufacture, sell, offer or expose for sale in this State any butter that is produced by taking original packing stock butter, or other butter, or both, and melting the same so that the butter fat can be drawn off or extracted, then mixing the said butter fat with skimmed milk, or milk, or cream, or other milk product, and rechurning or reworking the said mixture, or that produced by any process that is commonly known as boiled, process or renovated butter, unless the same is branded or marked as provided in Sec. 2 of this act.

361. *Renovated Butter, Branding.*

SEC. 2. No person, firm, corporation, agent or employee, shall sell, offer or expose for sale, or deliver to purchaser, any boiled, process or renovated butter, as defined in section 1 of this act, unless the words "Renovated Butter" shall be plainly branded with gothic or bold-faced letters at least three-fourths of an inch in length, on the top and sides of each tub, or box, or pail, or other kind of a case, or package, or on the wrapper of prints or rolls in which it is put up. If such butter is exposed for sale uncovered or not in a case or package, a placard containing the label so printed shall be attached to the mass of butter in such manner as to easily be seen and read by the purchaser. The branding or marking of all packages shall be in the English language, and in a conspicuous place, so as to be easily seen and read by the purchaser.

²⁸ Prosecutions under this act are not dependent upon a compliance with section 4 of the Pure Food Law; the two acts not being in *pari materia*.

People v. Anderson Tea Co. (1913), 178 Ill. App. 124, 126.

362. *Commissioner's Duty, Costs.*

SEC. 3. The State Food Commissioner and his assistants, experts and chemists, by him appointed, shall be charged with the proper enforcement of all the provisions of this act. When complaint is made by the said State Food Commissioner, his assistants, employees or chemists, or by any other person authorized by the said State Food Commissioner, security for costs shall not be required.

363. *Penalty.*

SEC. 4. Whoever violates any provision of this act shall be deemed guilty of a misdemeanor, and shall for each offense, upon conviction thereof, be subject to a fine of not less than twenty-five dollars nor more than fifty dollars, or of imprisonment in the county jail for any period not to exceed six months.

364. *Commissioner's Powers.*

SEC. 5. The said commissioner and his assistants, experts, chemists or agents, shall have access and ingress to all places of business, factories, stores and buildings, used for the manufacture or sale of butter. They also shall have power and authority to open any tub, box, pail or other kind of case or package containing any butter that may be manufactured, sold or exposed for sale.

STOCK FOOD.

AN ACT to regulate the sale and analysis of concentrated feeding stuffs. Approved May 18, 1905, in force July 1, 1905. L. 1905, p. 393.

365. *Certificates, Requisites.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* Every lot or parcel of concentrated commercial feeding stuffs, as defined in section 2 of this act, used for feeding live stock or poultry, sold or offered or exposed for sale within this State, shall have affixed thereto, in a conspicuous place on the outside thereof, a plainly printed statement in the English language clearly and truly certifying:

- (a) The net weight of the contents of the package, lot or parcel;
- (b) The name, brand, or trade-mark;
- (c) The name and principal address of the manufacturer, or the person or persons responsible for placing the commodity on the market;
- (d) The minimum per centum of crude protein; the minimum per centum of crude fat; and the maximum per centum of crude fibre; (to be determined by the methods adopted by the Association of Official Agricultural Chemists of the United States).
- (e) The specific name of each ingredient used in its manufacture.

A copy of said statement shall be filed with the State Food Commissioner during the month of December, of each year, or before any concentrated commercial feeding stuffs is offered for sale, exposed for sale or sold.

If the feeding stuff is sold in bulk, there shall (be) placed in a prominent position upon the bin or other container in which such feeding stuff is contained a placard in large letters of not less than one-half inch in length which shall clearly set forth the requirements contained in sub-sections b, c, d and e of this section, so as to be easily read by customers, or if it is put up in packages belonging to the purchaser, the agent or dealer shall furnish him with a certified statement described in this section. (As amended by act approved June 25, 1915, in force July 1, 1915. L. 1915, p. 713.)

366. *Concentrated Commercial Feeding Stuff Defined.*

SEC. 2. The term "concentrated commercial feeding stuffs," as used in this act, shall include cottonseed meals, linseed meals, pea meals, bean meals, peanut meals, cocoanut meals, gluten meals, gluten feeds, maize feeds, starch feeds, sugar feeds, sucrene feeds and oil meals of all kinds, dried distillers'

grains, wet distillers' grains, dried brewers' grains, wet brewers' grains, malt sprouts, malt refuse, dried beet pulp, dried meat refuse, ground meat or fish scraps, meat and bone meals, blood meals, tankage, chop feeds, hominy feeds, cereline feeds, rice meals, rice bran, oat middlings, rye bran, rye middlings, corn bran, oat feeds, corn and oat feeds, corn, oat and barley feeds, which are not composed of the whole and entire grains of corn, oats and barley or to which other substances have been added, wheat middlings and wheat bran which contain screenings or other substances, all mixed feeds, except as otherwise provided in section 3 of this act—clover and alfalfa meals, and any mixture of any of the before mentioned substances with each other or with any other substances, condimental stock and poultry feeds, medicinal stock and poultry feeds consisting of or containing any of the substances included as concentrated commercial feeding stuffs as defined in this section, patented, proprietary or trade marked stock and poultry feeds and all other materials of a similar nature intended for stock or poultry, not included in section 3 of this act.

That for the purpose of this act, concentrated commercial feeding stuffs shall be held to be different brands, if said concentrated commercial feeding stuffs shall differ one from the other in one or more ingredients, or if being of similar composition said commercial feeding stuffs are sold, offered for sale or exposed for sale under different names or brands. (Amended as above.)

367. *Term Not to Include Wheat, "Mix-Feed," Etc.*

SEC. 3. The term "concentrated commercial feeding stuffs," as used in this act shall not include wheat flour and other flours, hays, straws, the whole seeds nor the unmixed meals made directly from and composed of the whole and entire grains of wheat, rye, barley, oats, Indian corn, buckwheat, kaffir corn, milo maize and broom corn and not containing other substances, neither shall it include pure wheat bran or pure wheat middlings not containing screenings or other substances, but sold separately as distinct articles of commerce, nor pure wheat bran and pure wheat middlings mixed together and not containing screenings or other substances and known to the trade as "mixed feed." (Amended as above.)

368. *Penalty.*

SEC. 4. Any manufacturer, importer, agent or other person or persons who shall offer for sale, expose for sale, or sell any concentrated commercial feeding stuffs within the meaning of this act without filing with the State Food Commissioner the statement required by section 1 of this act, or any concentrated commercial feeding stuffs included in section 2 of this act without the printed statement required by section 1 of this act, or with a label or tag stating that the said feeding stuffs contain a larger percentage of either crude protein or crude fat than is actually present therein, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of fifty dollars (\$50.00) for the first offense and one hundred dollars (\$100.00) for each subsequent offense. (Amended as above.)

369. *Samples and Inspection. Penalty.*

SEC. 5. The State Food Commissioner is hereby authorized, in person or by deputy, to enter any premises where feed stuffs are stored and to take a sample not exceeding two pounds in weight, from any lot or package of any commercial feed stuff used for feeding any kind of farm live stock or poultry, as defined in section 2 or of excepted materials named in section 3 of this act, which may be in possession of any manufacturer, importer, agent or dealer. Any sample so taken shall be put in a suitable vessel and a label signed by the State Food Commissioner or his deputy, placed on or within the vessel, stating the name or brand of the feed stuff or material sampled, the guaranty, the name of the manufacturer, importer or dealer, the name of the person, firm or corporation from whose stock the sample was taken, and the date and place of taking: *Provided, however,* that whenever a

request to that effect is made the sample shall be taken in duplicate and carefully sealed in the presence of the person or persons in interest, or their representative, in which case one of the said duplicate samples shall be signed and retained by the person or persons whose stock was sampled. Any person who shall obstruct the State Food Commissioner or his deputy while in the discharge of his duty under this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) for each offense. The aforesaid State Food Commissioner shall cause at least one analysis of each feed stuff collected as herein provided to be made annually. Said analysis shall include the determinations of crude protein, of crude fat, of crude fiber, and of such other ingredients as it is deemed advisable at any time to determine. Said State Food Commissioner shall cause the results of the analysis of the sample to be furnished the Agricultural Experiment Station from time to time to be published in annual bulletins or special circulars, together with such additional information concerning the character, composition and use thereof, as circumstances may require.

370. *Adulteration, Penalty.*

SEC. 6. Any person who shall adulterate any whole or ground grain with milling or manufacturing offals, or with any foreign substance whatever, or adulterate any bran or middlings or mixtures of wheat bran or wheat middlings known in the trade as "mixed feed," or any other standard by-product made from the several grains or seeds with any foreign substance whatever, for the purpose of sale, unless the true composition, mixture or adulteration thereof is plainly marked or indicated upon the package containing the same or in which it is offered for sale and any person who knowingly sells or offers for sale any whole or ground grain, bran, or middlings, or mixture of wheat bran and wheat middlings, known in the trade as "mixed feed," or other standard by-product, which has been so adulterated, unless the true composition, mixture or adulteration is plainly marked or indicated upon the package [containing] the same or in which it is offered for sale, shall on conviction be fined not less than twenty-five dollars (\$25.00) or more than one hundred dollars (\$100.00) for each offense and such fines shall be paid into the treasury of the State.

371. *Commissioner's Duty.*

SEC. 7. It shall be the duty of the State Food Commissioner to prosecute the person or persons violating any provisions of this act, and for this purpose the State Food Commissioner may, if necessary, employ experts, and may further designate some person connected with his office or some other suitable person, to make complaints in his behalf; and in making complaints for violations of this act the person so designated shall not be required to enter any recognizance or to give security for the payment of costs: *Provided, however,* that there shall be no prosecution in relation to the quality of any unadulterated commercial feed stuff if the same shall be found to be substantially equivalent to the statement of analysis made by the manufacturers or importers.

372. *License, Fee.*

SEC. 8. Each manufacturer, importer, agent or seller of any concentrated commercial feeding stuffs shall pay annually during the month of December in each year, to the treasurer of the State of Illinois, a license fee of twenty-five dollars (\$25.00) for each and every brand of concentrated commercial feeding stuffs offered for sale, exposed for sale or sold. Said treasurer shall in each case at once certify to the State Food Commissioner the payment of such license fee. Each manufacturer, importer, person or persons who has complied with the provisions of this section shall be entitled to receive a certificate from the State Food Commissioner setting forth said facts. For violation of any of the provisions of this act the State Food Commissioner shall have the authority to revoke any such license.

It shall be unlawful to offer for sale, expose for sale or sell any concentrated commercial feeding stuffs, unless the manufacturer, importer, agent or seller shall have paid the license fee as herein provided, and whoever shall offer for sale, expose for sale or sell any concentrated commercial feeding stuffs without first securing a license as herein required, shall be guilty of a separate and distinct misdemeanor for each and every sale made without such license, and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) or the fine may be sued for and recovered before any court of competent jurisdiction in the county where the offense shall have been committed at the instance of the State food commissioner or any other person in the name of the People of the State of Illinois as plaintiff in an action of debt: *Provided, however,* when the manufacturer, importer or shipper of concentrated commercial feeding stuffs shall have filed the statement required by section 1 of this act and paid the license fee as prescribed in this section, no agent or seller for such manufacturer, importer or shipper, shall be required to file such statement or pay such fee. In all proceedings or prosecutions brought under this section a certificate from the treasurer of the State of Illinois, stating that the defendant has not paid into the State treasury the license fee required by this section, shall be received in all courts as evidence that such license fee has not been paid.

A certificate in the following form shall be sufficient:

I,, Treasurer of the State of Illinois, hereby certify that the records of my office show that.....has not paid the license fee on.....brand of concentrated commercial feeding stuffs in December.....nor at any time since the year of.....

Given under my hand and seal, this.....day of.....

.....
State Treasurer.

(Amended as above.)

373. Exemption.

Sec. 9. This act shall not affect persons manufacturing, importing or purchasing feed stuffs for their own use and not to sell in this State.

374. "Importer," Defined.

Sec. 10. The term "importer," for all the purposes of this act, shall be taken to include all who procure or sell concentrated commercial feed stuffs.

375. Judgment, Costs.

Sec. 11. When the rendition of a judgment imposes a fine as provided in any of the sections of this act, it shall be the duty of the justice of the peace or other court rendering such judgment also to render a judgment for costs, and such justice of the peace or other court shall forthwith issue a *capias* or warrant of commitment against the body of the defendant commanding that unless said fine and costs be forthwith paid, the defendant shall be committed to the jail of the county, and the constable or other official to whose hands said *capias* or warrant shall come, shall in default of such payment arrest the defendant and commit him to the jail of the county, there to remain as provided by section 171 of "An Act to revise the law in relation to criminal jurisprudence," in force July 1, 1895, unless such fine and costs shall sooner be paid.

Sec. 12. All acts and parts of acts inconsistent with this act, be and they are hereby repealed.

PAINTS AND OILS.

AN ACT to regulate the sale of paints, oils and other articles or compounds used in connection therewith. Approved June 21, 1917, in force July 1, 1917.

376. *Paints, Labeling.*

SECTION 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly: That every person, firm or corporation who shall expose for sale, or sell, within this State, any white lead or paint shall accurately label the same as hereinafter required.

377. *Paint Defined.*

SEC. 2. The term "paint," as used in this act, shall include white lead in oil or any compound intended for the same use, paste or semi-paste, and liquid or mixed paint of any kind ready for use, or any compound intended for the same use.

378. *Labeling.*

SEC. 3. Labels required by this act shall clearly and distinctly state the name and address of the manufacturer of the article, or the dealer therein, or of the party for whom the same is manufactured, and for the purposes of this act paint shall be deemed to be improperly labeled or misbranded: (1) If it be an imitation of, and offered for sale under the name of another article; or (2) if the contents of the package as originally put up shall have been removed in whole or in part, and other contents shall have been placed in such package; or (3) if any label of the package containing it shall bear any statement, design or device regarding the ingredients or composition of the paint which statement, design or device shall be false or misleading in any respect. The label shall also state, in case of liquid paints, and other compounds, on packages holding one quart or more, the net measure of contents of each can, package or container. In case of white lead and other paints and compounds, the label shall show on packages weighing four pounds or more the net weight of each can, package or container.

379. *Raw Linseed Oil, Sale.*

SEC. 4. No person, firm or corporation shall expose for sale, sell or take orders for sale and delivery within this State, any "raw linseed oil," unless the same is wholly obtained from the seeds of the flax plant (*Linum usitatissimum*), and unless the same fulfills all the requirements recognized by the United States Pharmacopoeia.

380. *Pharmacopoeia Defined.*

SEC. 5. The term "United States Pharmacopoeia," as used in this act, shall refer to the latest revision of the United States Pharmacopoeia, official at the time of the sale in question.

381. *Boiled Linseed Oil, Sale.*

SEC. 6. No person, firm or corporation shall expose for sale, sell or take orders for sale and delivery within this State any "boiled linseed oil" or so-called "boiled oil" unless the same has been prepared from pure raw linseed oil and lead and manganese driers. And for the purpose of this act, it shall also be deemed a violation hereof if boiled linseed oil does not conform to the following requirements:

First—Its specific gravity at 25 degrees Centigrade as compared with water at 25 degrees Centigrade must be not less than 0.933 and not greater than 0.945.

Second—Its saponification number must be not less than 186 nor greater than 195.

Third—Its iodine absorption number (Hanus method) shall not be less than 168.

Fourth—Its acid number must not be greater than 8.

Fifth—It must yield on analysis not more than one and one-half (1.5) per cent of unsaponifiable matter.

Sixth—It must yield on analysis not less than two-tenths (0.2) of one per cent, nor more than seven-tenths (0.7) of one per cent of ash.

Seventh—It must yield on analysis not less than one-tenth (0.1) of one per cent of lead.

Eighth—It must yield on analysis not less than three-hundredths (0.03) of one per cent of manganese.

Ninth—It must yield on analysis not more than three-tenths (0.3) of one per cent of calcium.

382. *Linseed Oil, Sale.*

SEC. 7. No person, firm or corporation shall expose for sale or sell any flaxseed or linseed oil unless it is exposed for sale or sold under its true name, and each original unbroken tank car, tank, barrel, keg or vessel containing such oil has distinctly and durably marked thereon the true name of such oil, and the name and place of business of the manufacturer thereof, in ordinary bold-faced capital letters not less than five lines pica in size, the words "Pure Linseed Oil—Raw," "Pure Linseed Oil—Boiled," as the case may be.

383. *Linseed Oil Compounds, Sale.*

SEC. 8. No person, firm or corporation shall expose for sale, sell or take orders for sale and delivery within this State, any compound or mixture of linseed oil (raw or boiled) with other products, except as provided in section six (6) of this act or any product which is intended to be used as a substitute for linseed oil (raw or boiled), unless it is exposed for sale and sold under the name, "Substitute for linessed oil," and, if the words "linseed" or "flaxseed" are used other than in the name, the true name of each and every ingredient of said product shall also appear, giving preference of order to the ingredients present in the greater proportion, but all letters used in naming the ingredients shall be of the same size and color, using the style of type as hereinafter specified. Each tank car, tank, barrel, keg, can, jug or vessel (both wholesale and retail), also all storage receptacles containing said product, shall be distinctly and durably marked in a conspicuous place, using the English language and kind of type as hereinafter specified, giving the name under which it is sold, the names of ingredients when required, and the name and place of business of the manufacturer thereof, in continuous list, with no intervening matter.

384. *Violation Defined.*

SEC. 9. Any failure to label said article as above specified or any erasures, defacements or carelessness in printing or stamping labels or any statement regarding the composition of said article or any statements of any kind which are misleading, deceptive or which are not true, are hereby declared a violation of this act.

385. *Turpentine, Sale.*

SEC. 10. No person, firm or corporation shall expose for sale, sell or take orders for sale and delivery within this State any "oil of turpentine" or so-called "spirits of turpentine," "turpentine" or "turps," unless the same is wholly the volatile oil derived from the oleo-resinous exudation from, or the resinous wood of various species of coniferous trees. And for the purpose of this act, it shall also be deemed a violation hereof if oil of turpentine does not conform to the standard specifications for turpentine as appearing in the latest biennial issue of the "A. S. T. M. Standards" issued by the American Society for testing materials.

386. *Turpentine, Marking.*

SEC. 11. No person, firm or corporation shall expose for sale or sell any oil of turpentine unless it is exposed for sale or sold under its true name, and each original unbroken tank car, tank, barrel, keg or vessel containing

such oil has distinctly and durably marked thereon the true name of such oil, and the name and place of business of the manufacturer thereof, in ordinary bold-faced capital letters not less than five lines pica in size.

387. Turpentine Substitutes, Sale.

SEC. 12. No person, firm or corporation shall expose for sale, sell, or take orders for sale and delivery within this State, any compound or mixture of oil of turpentine with other products, or any product which is intended to be used as a substitute for oil of turpentine unless it is exposed for sale and sold under the name, "Substitute for oil of turpentine," and, if the word, "turpentine" is used other than in the name, the true name of each and every ingredient of said product shall also appear, giving preference of order to the ingredients present in the greater proportion, but all letters used in naming the ingredients shall be of the same size and color, using the style of type as hereinafter specified. Each tank car, tank, barrel, keg, can, jug, or vessel (both wholesale and retail), also all storage receptacles containing said product, shall be distinctly and durably marked in a conspicuous place, using the English language and kind of type as hereinafter specified, giving the name under which it is sold, the names of ingredients when required and the name and place of business of the manufacturer or jobber thereof, in continuous list, with no intervening matter of any kind, using ordinary bold-faced capital letters not less than five lines pica in size and there shall be such a contrast between the color of the type and the background of the label as to render the same easily and plainly legible.

388. Violation Defined.

SEC. 13. Any failure to label said article as above specified or any erasures, defacements or carelessness in printing or stamping labels or any statement regarding the composition of said article or any statements of any kind which are misleading or deceptive or which are not true are hereby declared a violation of this act.

389. Enforcement of Act.

SEC. 14. It is hereby made the duty of the Department of Agriculture to enforce the provisions of this act. The inspectors, assistants and chemists appointed by the Department of Agriculture shall perform the same duties and have the same authority under this act as are prescribed by an act entitled, "An Act to prevent fraud in the sale of dairy products, their imitation or substitutes, to prohibit and prevent the manufacture and sale of unhealthful, adulterated or misbranded food, liquors or dairy products, to provide for the appointment of a State food commissioner and his assistants, to define their powers and duties and to repeal all acts relating to the production, manufacture and sale of dairy and food products and liquors in conflict herewith," approved May 14, 1907, in force July 1, 1907, as amended.

390. Penalty.

SEC. 15. Whoever shall violate any of the provisions of this act shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine of not exceeding one hundred dollars (\$100.00).

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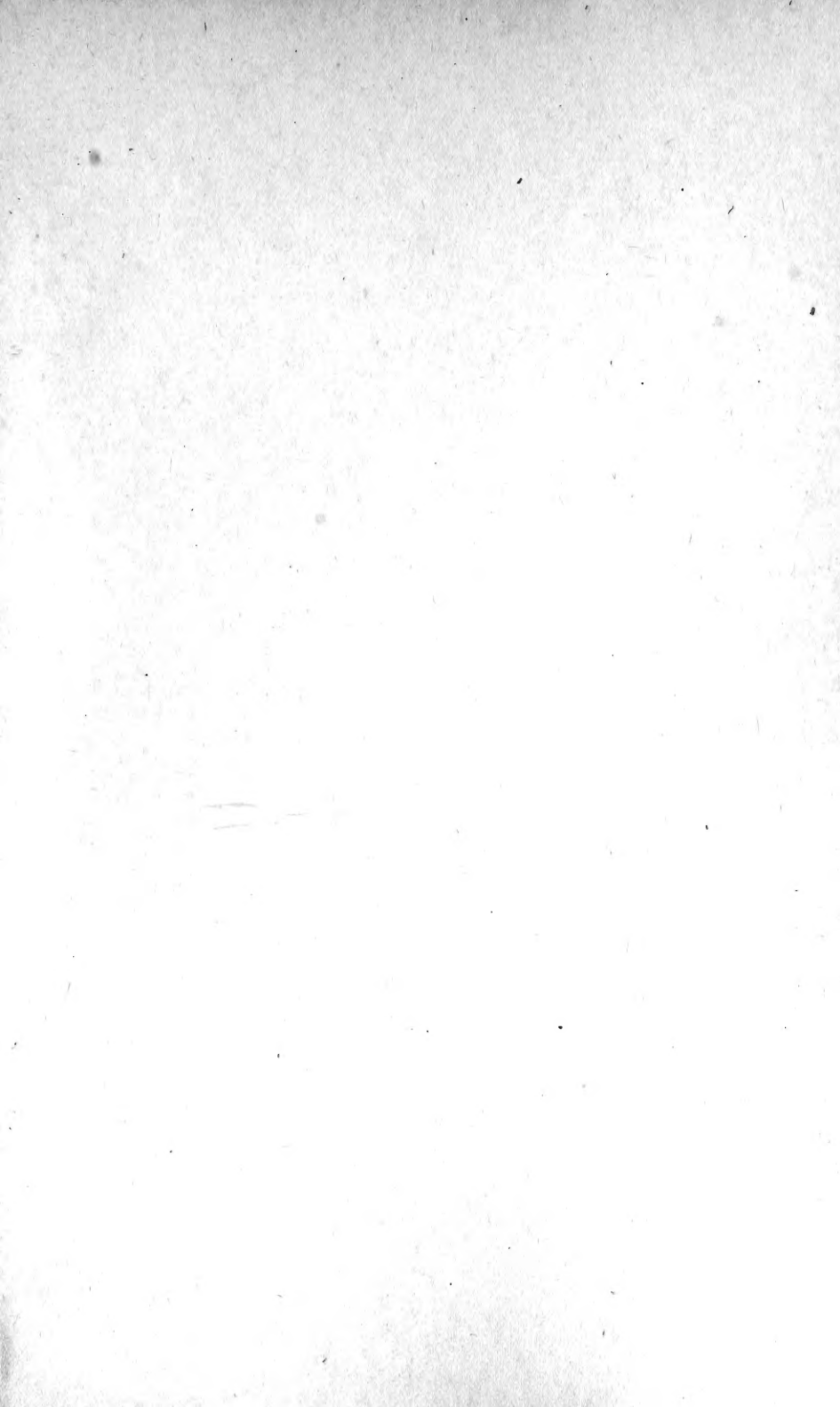
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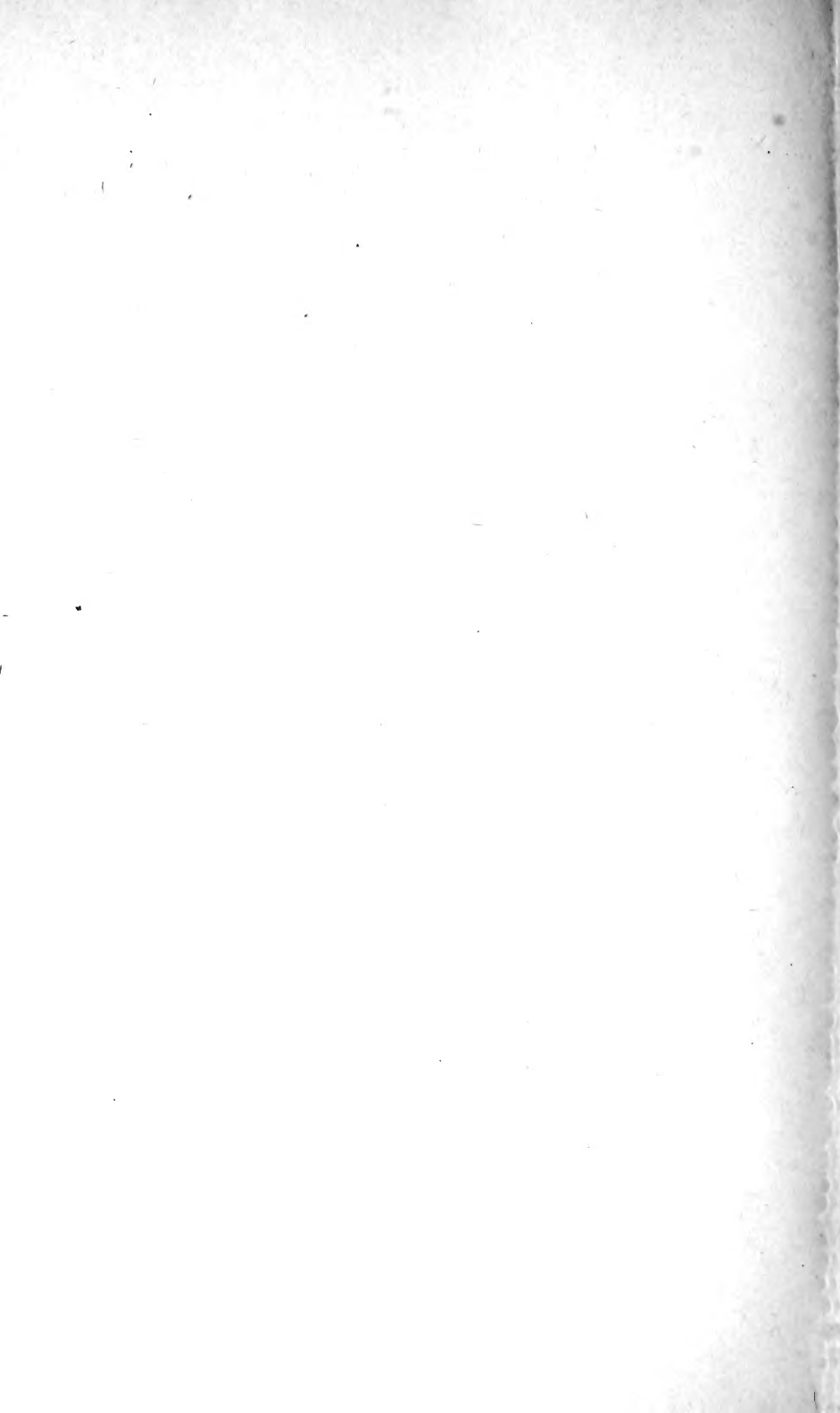
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