

public offense within the meaning of chapter 50, of title 25 of the Code; *provided*, that it shall be the duty of the officer who serves a search warrant issued for imitation butter or imitation cheese, or any substance designed to be used as a substitute for butter or cheese, to deliver to the State Dairy Commissioner, or to any person by such Commissioner, authorized in writing to receive the same, a perfect sample of each article seized by virtue of such warrant, for the purpose of having the same analyzed, and forthwith to return to the person from whom it was taken, the remainder of each article seized as aforesaid. If any sample be found to be imitation butter, or imitation cheese, or substance designed to be used as a substitute for butter or cheese, it shall be returned to and retained by the magistrate, as and for the purpose contemplated by section 4648 of the Code, but if any sample be found not to be imitation butter or imitation cheese, or a substance designed to be used as a substitute for butter or cheese, it shall be returned forthwith to the person from whom it was taken.

Search warrant.

Seizure for the purpose of analysis.

Disposal of sample seized.

Approved April 24th, 1894.

CHAPTER 47.

AN ACT to regulate the testing of milk.

H. F. 227.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. Any person by himself or his agents, servants or employes, or any corporation, its agents, servants or employes who shall operate a creamery, cheese factory or condensed milk factory in this state, and who shall use a chemical milk test for the purpose of determining the quantity of butter fat in milk purchased or received from the patrons of such creamery, cheese factory or condensed milk factory, is hereby required to use reliable and accurate tests, and no such tests shall be considered reliable and accurate unless the same shall be clear oil and free from any foreign substance, and produce such measurements of butter fat as would result from the use of a standard Babcock milk tester. And every such person or corporation so engaged, and who shall use a chemical milk test as aforesaid is hereby required to procure from the state dairy commissioner's office one standard tube or bottle for testing milk, which shall be certified and marked as provided in section 2 hereof, and which said test tube or bottle, so certified and marked as aforesaid, shall be kept for the inspection of such patrons and for the purpose, of verifying the tests so used by such person or corporation.

Where chemical milk test is used it must be accurate and reliable.

Standard tube or bottle required.

Certified.

And in any cause of action in any court, arising between such person, corporation or factory and a patron thereof, the burden of proving such milk test to be reliable shall be upon such person, corporation or factory, and he shall show or establish that the test by him made, and the results there-

Proof in cause of action.

from, correspond with or are equivalent to the measurements of butter fat which would result from the use of the standard Babcock milk tester.

Penalty for violation of this act.

Any person operating such creamery or factory as aforesaid, or any agent, servant or employe of such person, or of any such corporation so engaged, who shall violate 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, nor more than one hundred dollars.

Supply of test tubes or bottles to be kept in stock.

SEC. 2. It is hereby made the duty of the state dairy commissioner to keep on hand a supply of standard Babcock test tubes or bottles for testing milk, and he shall furnish to any person or corporation desiring the same, one such tube or bottle, and upon request shall certify the same to be accurate, reliable and standard, and shall place thereon the letters "D. C." as a permanent mark thereon, such tube or bottle so furnished to be at the actual cost thereof.

Approved April 24, 1894.

CHAPTER 48.

S. F. 120.

AN ACT to amend Chapter forty-four of the Acts of the Twenty-fourth General Assembly, in relation to warehouse receipts, making the same apply to butter, eggs, cheese, and dressed poultry.

Be it enacted by the General Assembly of the State of Iowa:

Sec. 1, ch. 44, 24 G. A., amended to include butter, eggs, cheese and poultry.

SECTION 1. That section one, of chapter forty-four, of the acts of the Twenty-fourth General Assembly, be and the same is hereby amended by inserting the words, "Or in buying or selling of butter, eggs, cheese, or dressed poultry" in the second line of said section one after the word "hogs."

"Meat" stricken out.

That section two and three of said act shall be amended by striking out the word "meat" wherever it appears therein and inserting in lieu thereof the word "said."

That section five of said act shall be amended by striking out the word "meat" in the fourth line thereof.

Publication clause.

This act being deemed of immediate importance shall be in full force and effect upon publication in the Iowa State Register and Des Moines Leader, newspapers published at Des Moines, Iowa.

Approved April 24, 1894.

I hereby certify that the foregoing act was published in the Iowa State Register, May 5, and the Des Moines Leader, May 2, 1894.

W. M. MCFARLAND, Secretary of State.