14.426; 1949 c. 17 s. 1; Stats. 1949 s. 73.035; 1951 c. 400; 1953 c. 424, 631; 1955 c. 696 s. 17A; 1969 c. 276 s. 338; Stats. 1969 s. 165.60.

165.70 History: 1963 c. 319; Stats. 1963 s. 14.526; 1965 c. 571; 1969 c. 141; 1969 c. 154 s. 362b; 1969 c. 252 ss. 8, 37; 1969 c. 276 s. 44; 1969 c. 384; 1969 c. 424 s. 26; Stats. 1969 s. 165.70.

By virtue of 14.526 (1), Stats. 1963, the attorney general has a legitimate interest in investigating complaints of criminal conduct if, in his opinion, the investigation is warranted. State v. Woodington, 31 W (2d) 151, 142 NW (2d) 810, 143 NW (2d) 753.

165.75 History: 1947 c. 509; 1947 c. 614 s. 27; Stats. 1947 s. 165.01 (1), (2), (3); 1951 c. 696; 1955 c. 204 s. 67; 1957 c. 465; 1967 c. 291 s. 14; 1969 c. 234 ss. 1, 7 (1), (2); 1969 c. 276 ss. 476, 493; 1969 c. 466 ss. 7, 11 (1), (2); Stats. 1969 s. 165.75.

The state crime laboratory board is not authorized to establish an investigative unit as a part of the laboratory's functions. 45 Atty. Gen. 41.

165.76 History: 1947 c. 509; Stats. 1947 s. 165.01 (6), (7); 1949 c. 405; 1955 c. 204 s. 68; Stats. 1955 s. 165.01 (6), (7), (8); 1957 c. 465, 672; 1959 c. 454, 659; 1963 c. 224; 1965 c. 163; 1967 c. 43; 1967 c. 291 s. 14; 1969 c. 234 s. 2; 1969 c. 276 s. 478; 1969 c. 466 s. 8; Stats. 1969 s. 165.76.

On charge back to counties for work done by the state crime laboratory as affected by ch. 454, Laws 1959, see 48 Atty. Gen. 271.

165.78 History: 1947 c. 509; Stats. 1947 s. 165.03; 1961 c. 272; 1969 c. 234 s. 7 (3); 1969 c. 276 s. 483; Stats. 1969 s. 165.78.

165.79 History: 1947 c. 509; Stats. 1947 s. 165.04; 1951 c. 319 s. 215; 1951 c. 696; 1961 c. 298; 1969 c. 234; 1969 c. 255 ss. 32, 64; 1969 c. 276 s. 484; 1969 c. 392 ss. 57w, 59; 1969 c. 466; Stats. 1969 s. 165.79.

165.80 History: 1947 c. 509; Stats. 1947 s. 165.05; 1969 c. 276 s. 484; Stats. 1969 s. 165.80.

165.81 History: 1951 c. 696; Stats. 1951 s. 165.06; 1969 c. 276 s. 484; Stats. 1969 s. 165.81.

165.83 History: 1969 c. 234; 1969 c. 392 s. 60; Stats. 1969 s. 165.83.

165.84 History: 1969 c. 234; Stats. 1969 s. 165.84.

165.85 History: 1969 c. 466; Stats. 1969 s. 165.85.

165.86 History: 1969 c. 466; Stats. 1969 s. 165.86.

165.87 History: 1969 c. 466; Stats. 1969 s. 165.87.

CHAPTER 167.

Safeguards of Persons and Property.

167.07 History: 1913 c. 317; Stats. 1913 s. 1636b; 1923 c. 291 s. 3; Stats. 1923 s. 167.07; 1945 c. 33.

167.10 History: 1929 c. 357; Stats. 1929 s. 340.70; 1931 c. 386; 1947 c. 369; 1949 c. 522, 643; 1953 c. 334; 1955 c. 696 s. 75; Stats. 1955 s. 167.10; 1957 c. 172, 265; 1959 c. 168; 1959 c. 660 s. 56; 1959 c. 664; 1969 c. 274.

Revisor's Note, 1959: Ch. 168 (Bill 339-A.), laws of 1959, authorizes agricultural producers to obtain a permit to use fireworks to protect crops from predatory birds and animals. Unless 167.10 (4) is amended as shown above, such producers could not buy the fireworks from a Wisconsin seller, nor could the seller sell to him. [Bill 719-S]

In granting a permit under 167.10 (2) for a display of fireworks, the mayor of a city acted as an arm of the state pursuant to a power granted to him by the state to carry out its public policy declared by the statute, and he did not act as an agent of the city, and hence the city is not liable for damages sustained through a fire caused by explosion of the fireworks. Flynn v. Kaukauna, 241 W 163, 5 NW (2d) 754.

A sale of Smith's automatic machine gun and Smith's rapid fire machine gun does not violate 340.70 (2), Stats. 1931. 21 Atty. Gen. 434.

167.11 History: 1963 c. 211; Stats. 1963 s. 167.11; 1969 c. 276 s. 584 (1) (b).

167.12 History: 1905 c. 296 s. 1; Supl. 1906 s. 1636—131; 1909 c. 373; 1911 c. 466 s. 1; 1923 c. 291 s. 3; Stats. 1923 s. 167.12.

The seller is not liable for an injury to an employe of the purchaser if the machine, when sold, was equipped as required by law. Deruso v. International H. Co. 157 W 32, 145 NW 771.

A manufacturer's failure to furnish a sufficient safety device was not the proximate cause of injury where the guard was not on the machine at the time of the accident. Elder v. Algoma F. & M. Co. 200 W 471, 229 NW 64.

Where the plaintiff, a farm hand, was sent by the defendant, his employer, to a neighboring farm to do work in exchange for work previously done for the defendant by the neighboring farmer, and was injured while feeding a corn shredder on the neighboring farm at the direction of the neighboring farmer, it was the neighbor who was "using" and "operating" the shredder when the plaintiff was injured, and hence the defendant was absolved from liability for the plaintiff's injuries. Redman v. Hobart, 248 W 508, 22 NW (2d) 532.

167.12 is inapplicable where, as here, a driven machine is involved which feeds itself by its own power as it cuts and proceeds against the stalks while the operator sits on the seat of the tractor and operates the machine by a system of levers. Frei v. Frei, 263 W 430, 57 NW (2d) 731.

167.12 has no application to a tractor-drawn corn picker. Haile v. Ellis, 5 W (2d) 221, 92 NW (2d) 863, 93 NW (2d) 857.

167.13 History: 1909 c. 373; Stats. 1911 s. 1636—131m; 1913 c. 773 s. 47; 1923 c. 291 s. 3; Stats. 1923 s. 167.13.

A complaint of a farm hand, suing his employer for injuries sustained in feeding a corn shredder, and alleging that no competent person was solely in charge to oversee and attend

the operation of the shredder as required by 167.13, did not state a case within such section in the absence of any allegation that the shredder was purchased prior to June 12, 1909. Redman v. Hobart, 248 W 508, 22 NW (2d) 532.

167.14 History: 1905 c. 296 s. 3; Supl. 1906 s. 1636—133; 1923 c. 291 s. 3; Stats. 1923 s. 167.14.

167.151 History: 1905 c. 296 s. 1 to 5; Supl. 1906 s. 1636—134, 4398h; 1909 c. 373; 1911 c. 663 s. 293; 1913 c. 773 s. 72, 73; 1925 c. 4; Stats. 1925 s. 340.79; 1955 c. 696 s. 78; Stats. 1955 s. 167.151; 1957 c. 672.

167.16 History: 1929 c. 470; Stats. 1929 s. 167.16.

A company furnishing electric power is not under obligation to inspect a private wiring system before supplying the current, nor is it obligated to respond in damages for injuries sustained by reason of the defective condition of such system unless it supplies current actually knowing of these conditions and the current is the cause of the injuries sued for, in which case it is the energizing of the line with knowledge of the conditions, and not the conditions themselves, which forms the basis of liability. Snyder v. Oakdale Co-op. Electrical Asso. 269 W 531, 69 NW (2d) 653.

See note to 196.74, citing Musil v. Barron Electrical Co-op. 13 W (2d) 342, 108 NW (2d) 652.

A county board is without authority to employ rural electrical inspectors. 25 Atty. Gen. 316.

The statutes do not authorize the industrial commission to examine and certify qualified electrical inspectors. 25 Atty. Gen. 360.

This section is not applicable to state-owned buildings. 42 Atty. Gen. 305.

167.18 History: 1871 c. 103; R. S. 1878 s. 4396; Stats. 1898 s. 4396; 1925 c. 4; Stats. 1925 s. 340.68; 1955 c. 696 s. 73; Stats. 1955 s. 167.18.

Sec. 4396, R. S. 1878, does not apply to an agricultural society which leaves uncovered a coupling in a shaft used for transmitting power to machinery at a fair. Phillips v. Wisconsin S. A. Society, 60 W 401, 19 NW 377.

167.19 History: 1965 c. 665; Stats. 1965 s. 167.19.

167.20 History: 1923 c. 256; Stats. 1923 s. 167.20.

167.22 History: 1899 c. 79 s. 1; Supl. 1906 s. 1636—101; 1923 c. 291 s. 3; Stats. 1923 s. 110.01; 1927 c. 474 s. 2; Stats. 1927 s. 167.22.

167.25 History: 1955 c. 194; 1955 c. 696 s. 71A; Stats. 1955 s. 167.25.

167.26 History: 1869 c. 85 s. 1; R. S. 1878 s. 4395; 1880 c. 267; Ann. Stats. 1889 s. 4395; Stats. 1898 s. 4395; 1925 c. 4; Stats. 1925 s. 340.67; 1955 c. 696 s. 72; Stats. 1955 s. 167.26.

It is doubtful whether sec. 4395, Stats. 1878, as amended, applies when ice is being removed from a place adjoining that covered by thin ice. Stacy v. Knickerbocker I. Co. 84 W 614, 55 NW 1091.

167.27 History: 1951 c. 562; Stats. 1951 s. 340.86; 1955 c. 696 s. 80; Stats. 1955 s. 167.27; 1969 c. 276 s. 584 (1) (b); 1969 c. 366 s. 117 (2) (a); 1969 c. 392 s. 87 (30).

167.30 History: 1895 c. 107; Stats. 1898 s. 4391a; 1925 c. 4; Stats. 1925 s. 340.61; 1955 c. 696 s. 68; Stats. 1955 s. 167.30.

CHAPTER 168.

Oil Inspection.

168.01 History: 1953 c. 323; Stats. 1953 s. 168.01; 1969 c. 276.

168.02 History: 1953 c. 323; Stats. 1953 s. 168.02.

Deputy oil inspector occupies a public office. 37 Atty. Gen. 474.

168.03 History: 1953 c. 323; Stats. 1953 s. 168.03.

168.04 History: 1941 c. 265, 305; Stats. 1941 s. 168.04; 1943 c. 426, 569; 1947 c. 483; 1949 c. 31; 1953 c. 323, 441.

The requirement in 168.04 (2) (a) that the flash point of any petroleum product designated by name or reference "kerosene" shall not be less than 115° F., is not applicable to petroleum products not designated by name or reference as "kerosene." Barnes v. Murray, 243 W 297, 10 NW (2d) 123 (1943).

168.05 History: 1941 c. 265, 305; Stats. 1941 s. 168.05; 1949 c. 17 s. 23; 1953 c. 323; 1955 c. 652; 1967 c. 137.

A deputy oil inspector is notified of the receipt of a petroleum product subject to inspection by him only when knowledge thereof is received by him. As a practical matter, such notice almost always must be given personally, either directly or by telephone or messenger. 39 Atty. Gen. 197.

168.06 History: 1941 c. 265, 305; Stats. 1941 s. 168.06; 1949 c. 17 s. 23; 1953 c. 323 s. 6 to 9.

168.07 History: 1941 c. 265, 305; Stats. 1941 s. 168.06 (2), 168.07; 1953 c. 323 s. 7, 10; Stats. 1953 s. 168.07.

168.08 History: 1941 c. 265, 305; Stats. 1941 s. 168.08; 1949 c. 17 s. 23; 1953 c. 323.

168.09 History: 1941 c. 265; 305; Stats. 1941 s. 168.09; 1953 c. 323.

168.10 History: 1941 c. 265, 305; Stats. 1941 s. 168.10; 1949 c. 17 s. 23; 1953 c. 323.

168.11 History: 1941 c. 265, 305; Stats. 1941 s. 168.11; 1943 c. 229; 1953 c. 323; 1967 c. 137.

The purpose being to protect the public, sec. 1421o, Stats. 1917, will be construed as imposing liability without requiring actual knowledge or intention. And where a plaintiff, defendant's employe, was injured by an explosion of an unmarked container which, without the defendant's knowledge, had been placed by his clerk where plaintiff was working with a blowtorch, such lack of knowledge was no defense. Knecht v. Kenyon, 179 W 523, 192 NW 82.

The legislative mandate, expressed in 168.11 (2), Stats. 1963, makes it explicit that high vol-