

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-

atility petroleum products must be delivered in red containers, with the flash point of 110° F. determining the dividing line between the 2 categories. Johnson v. Chemical Supply Co. 38 W (2d) 194, 156 NW (2d) 455.

Drums in which gasoline is shipped into this state need not be painted red. Such drums, when used for delivery of gasoline within the state, after it has ceased to be a subject of interstate commerce, must be painted red. Both the vendor and vendee are guilty of an offense if such drums are used for delivery within the state without being painted red. 1912 Atty. Gen. 701.

The provisions of 168.11 (1), Stats. 1945, preventing a dealer from delivering kerosene "in" certain types of containers, would probably not cover the act of delivering kerosene from an unobjectionable container into one which did not conform to the law. Such act might be prosecuted criminally as aiding and abetting the offense of the receiver in keeping the kerosene in an unsatisfactory container. 35 Atty. Gen. 63.

A container of gasoline, of a capacity of more than one quart, must be painted red. A container of kerosene may not be. 35 Atty. Gen. 321.

**168.12 History:** 1941 c. 265, 305; Stats. 1941 s. 168.12; 1943 c. 132; 1949 c. 17 s. 23; 1949 c. 197; 1953 c. 323 s. 15, 16; 1955 c. 204 s. 69; 1955 c. 221 s. 51; 1955 c. 652; 1959 c. 636; 1967 c. 43, 137.

Inspection fees may be collected under 168.12, Stats. 1947, for inspection of a commingled petroleum product even though the commingled product does not meet the standards prescribed by 168.04 for gasoline and kerosene. 37 Atty. Gen. 201.

**168.13 History:** 1941 c. 265, 305; Stats. 1941 s. 168.13; 1949 c. 17 s. 23; 1953 c. 323.

**168.14 History:** 1945 c. 98; Stats. 1945 s. 168.155; 1949 c. 17 s. 19; 1953 c. 323 s. 19; Stats. 1953 s. 168.14; 1967 c. 137.

**168.15 History:** 1941 c. 265, 305; Stats. 1941 s. 168.15; 1945 c. 98; 1953 c. 323; 1967 c. 137.

**168.16 History:** 1953 c. 323; Stats. 1953 s. 168.16.

**168.17 History:** 1953 c. 323; Stats. 1953 s. 168.17.

**168.18 History:** 1941 c. 265, 305; Stats. 1945 s. 168.16; 1953 c. 323 s. 21; Stats. 1953 s. 168.18.

## CHAPTER 170.

### Strays and Lost Chattels.

**170.01 History:** R. S. 1849 c. 36 s. 1; R. S. 1858 c. 43 s. 1; 1869 c. 54; R. S. 1878 s. 1608; Stats. 1898 s. 1608; 1923 c. 291 s. 3; Stats. 1923 s. 170.01.

"Stray" denotes a wandering beast whose owner is, at the time it is taken up, unknown to the person who takes it up. Roberts v. Barnes, 27 W 422.

170.01, Stats. 1923, confines within narrow limits the right of individuals to take up animals running at large. Fox v. Koehnig, 190 W 528, 209 NW 708.

**170.02 History:** R. S. 1849 c. 36 s. 2, 3; R. S. 1858 c. 43 s. 2, 3; 1869 c. 54; R. S. 1878 s. 1609; Stats. 1898 s. 1609; 1923 c. 291 s. 3; Stats. 1923 s. 170.02; 1965 c. 252.

"If to him known" must be understood as referring to a case in which the owner becomes known within 7 days. Roberts v. Barnes, 27 W 422.

**170.03 History:** R. S. 1849 c. 36 s. 4; R. S. 1858 c. 43 s. 4; 1869 c. 54; R. S. 1878 s. 1610; Stats. 1898 s. 1610; 1923 c. 291 s. 3; Stats. 1923 s. 170.03; 1945 c. 110; 1967 c. 276 s. 39; 1969 c. 87.

**170.04 History:** R. S. 1849 c. 36 s. 5, 6; R. S. 1858 c. 43 s. 5, 6; 1869 c. 54; R. S. 1878 s. 1611; Stats. 1898 s. 1611; 1923 c. 291 s. 3; Stats. 1923 s. 170.04; 1945 c. 110; 1967 c. 276 ss. 39, 40; 1969 c. 87.

**170.05 History:** R. S. 1849 c. 36 s. 7; R. S. 1858 c. 43 s. 7; 1869 c. 54; 1874 c. 167; R. S. 1878 s. 1612; Stats. 1898 s. 1612; 1923 c. 291 s. 3; Stats. 1923 s. 170.05; 1969 c. 87, 241.

**170.06 History:** R. S. 1849 c. 36 s. 8, 9; R. S. 1858 c. 43 s. 8, 9; 1869 c. 54; R. S. 1878 s. 1613; Stats. 1898 s. 1613; 1923 c. 291 s. 3; Stats. 1923 s. 170.06.

**170.07 History:** R. S. 1849 c. 36 s. 10; R. S. 1858 c. 43 s. 10; R. S. 1878 s. 1614; Stats. 1898 s. 1614; 1923 c. 291 s. 3; Stats. 1923 s. 170.07.

Paper money concealed by an unknown owner in a ball of carpet rags, and found by a woman to whom a quantity of carpet rags had been delivered by an aid society to be woven into rugs, was "treasure-trove," to which 170.07 to 170.11 did not apply, and hence the finder, without complying with such statutes, was entitled to keep the money as against the aid society and the town in which the money was found. Zech v. Accola, 253 W 80, 32 NW (2d) 232.

**170.08 History:** R. S. 1849 c. 36 s. 11; R. S. 1858 c. 43 s. 11; R. S. 1878 s. 1615; Stats. 1898 s. 1615; 1923 c. 291 s. 3; Stats. 1923 s. 170.08; 1945 c. 110; 1965 c. 252; 1967 c. 276 s. 39; 1969 c. 87.

After appraisal a certificate of title for an abandoned automobile may be issued to the finder and the finder may sell same. 19 Atty. Gen. 354.

**170.09 History:** R. S. 1849 c. 36 s. 12; R. S. 1858 c. 43 s. 12; R. S. 1878 s. 1616; Stats. 1898 s. 1616; 1923 c. 291 s. 3; Stats. 1923 s. 170.09.

**170.10 History:** R. S. 1849 c. 36 s. 13; R. S. 1858 c. 43 s. 13; R. S. 1878 s. 1617; Stats. 1898 s. 1617; 1923 c. 291 s. 3; Stats. 1923 s. 170.10.

**170.11 History:** R. S. 1849 c. 36 s. 14; R. S. 1858 c. 43 s. 14; R. S. 1878 s. 1618; Stats. 1898 s. 1618; 1923 c. 291 s. 3; Stats. 1923 s. 170.11.

## CHAPTER 171.

### Unclaimed Property.

**171.01 History:** R. S. 1849 c. 37 s. 1, 2; R. S. 1858 c. 44 s. 1, 2; R. S. 1878 s. 1637; Stats. 1898 s. 1637; 1923 c. 291 s. 3; Stats. 1923 s. 171.01.