

county of Burnett, on the first Tuesday in March, and the third Tuesday in September. In the county of Polk, on the second Tuesday in March, and the first Tuesday in September. In the county of Barron, on the second Tuesday in April, and the fourth Tuesday in September. In the county of Chippewa, on the first Tuesday of May, and the second Tuesday of October.

SECTION 2. All acts and parts of acts conflicting with the provisions of this act are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after the first day of May, A. D. 1897.

Approved March 26, 1897.

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No. 121, A.]

[Published March 29, 1897.

## CHAPTER 114.

AN ACT to provide for the inspection of illuminating oils or petroleum, and petroleum products, for use in the state of Wisconsin, and to repeal chapter 269, of the laws of 1880, as amended by chapter 288, of the laws of 1881, and chapter 158, of the laws of 1883, and chapter 440, of the laws of 1889.

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

Governor authorized to appoint an oil inspector.

SECTION 1. The governor of this state shall, by and with the advice and consent of the senate, appoint a suitable person, who shall be a resident of this state and not pecuniarily interested, either directly or indirectly, in the manufacture, refining, sale or vending of illuminating oils from petroleum or other sources or ma-

terial, as state supervisor of oils, whose term of office shall be for the term of two years from the first day of April in the year of his appointment, or until his successor shall have been duly appointed and qualified. The governor shall have the power to remove such person from office, and may fill any vacancy arising from such removal or from resignation, death or other cause, by an appointment to fill the vacancy for the unexpired portion of the term.

SECTION 2. The person appointed as state supervisor of oils shall, before he enters upon the duties of his office, take the oath or affirmation prescribed by the laws of this state, and shall execute a bond to the state of Wisconsin in the sum of five thousand dollars, with such sureties as shall be approved by the secretary of state, conditioned for the faithful performance of his duties under this act, which bond, so approved, shall be filed with the secretary of state.

Inspector to  
g.ve bonds,  
etc.

SECTION 3. It shall be the duty of the said state supervisor of oils to oversee all deputy inspectors of illuminating oils in this state, to instruct them in the performance of the duties of their office, keep a record of the deputy inspectors' reports to him, and to make a biennial report to the governor on the first day of October, as prescribed by law. He shall prepare, or cause to be prepared, suitable and uniform designs for brands or stencil plates, to be used under the provisions of this act, and he may furnish such brands or stencil plates and testers to all deputy inspectors of oils, at their proper cost and expense, and he shall make such other rules and regulations for the guidance of the deputy inspectors, not inconsistent with the provisions of this act. The state supervisor of oils shall be, and hereby is empowered to appoint such deputy inspectors throughout this state as shall be necessary for the prompt and faithful performance of the duties required under this act.

His duties  
defined.

SECTION 4. Every deputy inspector appointed under the provisions of this act, shall, before entering upon the duties of his office, take an

Duties of deputy  
inspector.

oath or affirmation faithfully to discharge the duties of the same as prescribed by the laws of the state, and shall execute a bond to the people of this state, in a sum not exceeding five thousand dollars, and not less than five hundred dollars, as may be fixed in each case by the state supervisor of oils, conditioned as aforesaid; such bond to be filed in the office of the clerk of the county wherein the deputy inspector executing the same shall reside, and the duplicate copy of the same duly certified by the county clerk, shall be filed in the office of the state supervisor of oils; all bonds executed under the provisions of this act shall be for the use of all persons aggrieved by the acts or neglects of the state supervisor of oils, or of the deputy inspectors respectively executing the same. The sureties on the bonds of the deputy inspectors shall be approved by the judge of probate in the counties in which the deputy inspectors executing the same shall respectively reside. Every deputy inspector appointed by the state supervisor of oils, shall examine and test all oils offered for sale or for use for illuminating or heating purposes, by any person whatsoever in this state, the same having been offered for sale or use in the district assigned the deputy inspector, and not having been previously tested and branded by a Wisconsin deputy inspector. He shall, on the first day of each month, report to the state supervisor of oils, a full statement of the number of barrels of oil inspected, the result of such inspection, and an account of the actual receipts of his office, and he shall at the same time remit the sum of two cents for each barrel of oil he has tested during the preceding month, which payment shall be the salary of the supervisor of oils, and no other allowance shall be made for the expenses of his office. Every deputy inspector shall faithfully comply with all instructions issued by the state supervisor of oils, and shall furnish to him full information regarding any accident or explosion that may come to his knowledge from the use of illuminating or heating oils. The deputy inspectors are hereby em-

powered to demand and receive fees for and payment of, such examining and testing as hereinafter provided, and all deputy inspectors shall be liable to all the penalties hereinafter provided, for any neglect, or for any wilful misconduct or malfeasance in the discharge of the duties of the office. The state supervisor of oils shall have power at any time to remove any deputy inspector so appointed, upon reasonable notice, for reasonable cause.

SECTION 5. All mineral or petroleum oil, or any oil or fluid substance, which is a product of petroleum or into which any product of petroleum enters or is found, as a constituent element, whether manufactured within this state or not, shall be inspected as provided in this act, before being offered for sale or sold for consumption or used for illuminating or combusive purposes within this state; provided, however, that the gas or vapor from said oils may be used for illuminating purposes without inspection when the oils from which said gas or vapor is generated, are contained in closed reservoirs outside the building illuminated or lighted by said gas; provided further, that nothing in this act shall be so construed as to prevent the use in the street or other open air lamps, or in stores for heating purposes, of the lighter products of petroleum, such as gasoline, benzine, benzole or naphtha. Any person who shall either personally or by any clerk or agent, sell or offer for sale or for use, or who shall, in any manner dispose of, or attempt to dispose of, any oil for illuminating or heating purposes, which shall not have been examined or tested under the provisions of this act, or which having been so tested, shall have been marked as rejected, or who shall knowingly use or furnish for use for illuminating or heating purposes, any oil, which shall not have been properly examined or tested as herein provided, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be liable to a penalty of not less than five dollars nor more than five hundred dollars, and

All petroleum oil to be inspected.

any person so offending against the provisions of this act shall be responsible in damages to the party injured, in the event of injury arising or growing out of the use of any oil, so offered or provided for sale or for use. Any person who shall wilfully adulterate any illuminating or heating oil by adding thereto benzine, naphtha, paraffine oil or any substance or thing whatever, shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not less than fifty dollars nor more than five hundred dollars, or by imprisonment in the county jail for a term not exceeding six months. Any person who shall falsely brand or mark any cask, barrel or other package of oil, or who shall either personally or by agent or servant cause the changing, altering or defacing in any manner, any brand or mark or device affixed to any cask or barrel or other package of oil by any deputy inspector duly appointed under the provisions of this act, or who shall refill and use any cask, barrel or other package having an inspector's mark or brand thereon, without obliterating the inspector's brand and having the oil in such cask, barrel or other package properly examined or tested under the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be liable to a penalty of not less than five dollars nor more than five hundred dollars, or to imprisonment in the county jail for a period of not more than six months, or to both such fine and imprisonment, in the discretion of the court, and any person who shall sell or in any way dispose of any empty cask, barrel or other package bearing an inspector's brand without first thoroughly cancelling, defacing or removing such brand, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be liable to a penalty of not less than five dollars nor more than five hundred dollars, or to imprisonment in the county jail for a term not exceeding six months, or to both such fine and imprisonment in the discretion of the court.

SECTION 6. No person shall knowingly sell or offer for sale, or knowingly use any coal or kerosene oil, or any product of petroleum for illuminating or heating purposes, which by reason of being adulterated, or for any other reason, will emit a combustible vapor at a temperature less than one hundred degrees above the zero point of Fahrenheit's thermometer, open test, where tested as provided in section 9, or will burn freely at a temperature less than one hundred and twenty degrees above the zero point of Fahrenheit's thermometer, open test, where tested as provided in section 9. No kerosene oil nor fluid, whether composed wholly or in part of petroleum or its products, which will ignite and burn at a temperature of less than three hundred degrees of Fahrenheit's thermometer, open test, shall be burned in any lamp or vessel, or used for illuminating purposes in any passenger, baggage, mail or express car, on any railroad or steamboat, in which passengers are carried within this state, nor shall the same be carried as freight in any passenger, baggage, mail or express car on any railroad within this state. Any violations of the provisions of this section shall be deemed a misdemeanor, and the offender shall, on conviction thereof, be fined not less than one hundred dollars, nor more than one thousand dollars, and shall be liable for all damages resulting therefrom. Any oil which shall fail to stand the test above described shall be deemed unfit for illuminating or heating purposes, and the barrel, cask, tank or other package containing the same shall be marked "rejected," as hereinafter provided.

Manner of testing.

Penalty for selling unsafe oil.

SECTION 7. It shall be the duty of every deputy inspector appointed under the provisions of this act, to provide at his own cost and expense, all the necessary instruments and apparatus for examining, testing and branding illuminating oils under the provisions of this act, and it shall be his duty to promptly examine and test, when called upon for that purpose, any oils offered for sale or for use for illuminating purposes.

Deputy inspector to furnish his own instruments for inspecting purposes.

ating or heating purposes, and if upon examination or test, such oil shall be found to meet the requirements of this act, he shall affix to the package, cask or barrel containing the same, a brand or stencil containing the word "approved," with the name of the district and day of testing, over his official signature, upon the cask or barrel containing the same, and shall issue to the person for whom inspected, a certificate of inspection and approval relating the number of barrels, or in case of a tank car, the name of the tank car line with the number of said car, with the number of barrels contained, the commercial name of the oil, with the test found and date of the inspection, and it shall be lawful for any person to sell the same as an illuminating or heating oil within this state. But if the oil so tested shall not meet the requirements specified in this act, he shall mark in plain letters, by stencil or brand, the words "rejected for illuminating purposes," with the date of testing, name of the district and his official signature, and issue the certificate of inspection as aforesaid, and it shall be unlawful for the owner thereof, or any other person to sell such oil for illuminating or heating purposes within the state of Wisconsin. Said brand or stencil for the approval of oils shall further contain such numerals indicating the degree such oils test, as the state supervisor of oils may direct, and if any person shall sell or offer for sale any such rejected oil, he shall be deemed guilty of a misdemeanor and shall upon conviction thereof, be punished by a fine not less than one hundred dollars nor more than one thousand dollars, or by imprisonment in the county jail not more than six months, or by both fine and imprisonment, at the discretion of the court.

Deputy inspector authorized to enter premises of any oil manufacturer to look after untested oil.

SECTION 8. And to more effectually carry out the provisions of this act, it shall be lawful for any deputy inspector to enter into or upon the premises of any manufacturer, refiner or vendor of such illuminating oils, and if he shall

find or discover upon said premises any oil which shall not have been examined or tested and properly marked or branded under the provisions of this act, he shall at once proceed to test, and thereafter properly mark, stencil or brand the same, as herein provided.

**SECTION 9.** In all tests of illuminating oils How tested. made under this act, the tester, known as the Tagliabue open cup or commercial tester, shall be used; the oil cup shall be filled to within one-fourth of an inch of the top thereof, or as nearly full as is practicable to fill it without causing the oil to overflow in making the test, and in using the tester, the oil shall not be heated faster than three degrees Fahrenheit per minute up to one hundred degrees, nor more than two degrees Fahrenheit per minute above one hundred degrees Fahrenheit. The taper used in making the test shall be such as shall give a clear flame, as nearly uniform in size as is practicable. The state supervisor of oils shall give such instructions to the deputy inspectors as in his judgment shall be necessary to secure uniformity in the methods of making the test.

**SECTION 10.** Every person appointed as deputy inspector under the provisions of this act, shall be entitled to demand and receive from the owner or other person for whom or at whose request he shall examine or test any oil or sample, the sum of ten cents for every single cask, barrel, package or sample of oil he shall test, and the said fees for examining or testing shall constitute a lien on the oil so inspected. The deputy inspectors may inspect and test illuminating or heating oil in a tank or railroad tank car, so called, when standing upon a railroad track, and such oil shall not be transferred into warehouses or storage tanks or otherwise unloaded until so inspected; provided, however, if any such oils are not inspected within twenty-four hours after arriving at their destination, it may be unloaded and the deputy inspector shall make his inspection after it is Fees due deputy inspector for making tests.

so unloaded, and when such oil has been so inspected, no other inspection shall be necessary, but the deputy inspector shall, when such oil is put in barrels, brand the said barrels without charge. When the amount contained in any such tank or tank car shall exceed fifty gallons, each fifty gallons shall constitute a barrel within the meaning of this act, and the fees for inspecting the same and branding the barrels shall, for each fifty gallons, be the same as prescribed in this act for each barrel, cask or package. The term cask, barrel, package or sample of oil, as used in this act, shall be held and taken to mean a quantity not exceeding that contained in an ordinary commercial barrel, estimated as capable of containing fifty gallons. When the total amount of fees received by any deputy inspector in any district in any one year, dating from the first of October, shall, after the payment of the state supervisor's fees, exceed the sum of two thousand dollars, all sums in excess thereof shall be paid into the hands of the state supervisor of oils, and the state supervisor of oils shall disburse the same to the deputy inspectors in the following manner: First, he shall pay each inspector appointed under the provisions of this act, a sum sufficient to increase his compensation to the sum of twenty-five cents upon each package, cask or barrel actually inspected by him, in lots of less than ten barrels, tested at any one time, during said yearly term; provided, that if there be insufficient funds to pay such increase in full, then the same shall be paid pro rata, as herein provided, in proportion to the number of barrels inspected. Second, any sum remaining in the hands of the state supervisor shall be paid pro rata to all inspectors appointed under the provisions of this act, in proportion to the number of barrels by each inspected during said yearly term. Third, any sum then remaining shall be paid into the state treasury for the benefit of the general fund. The total compensation of any inspector shall not exceed three thousand

dollars. The disbursements required in this section shall be made as soon as practicable after the close of the yearly term on October first.

SECTION 11. It shall be the duty of every deputy inspector appointed under the provisions of this act, to keep a true and accurate record of all casks, barrels, tanks or other packages of oil examined or tested by him, which record shall state the time and place of inspection, the number of casks, barrels or other packages of oil then and there examined or tested, the name of the person for whom or at whose request such examination or test was made, the mark or brand affixed to the casks, barrels or other packages, together with any further facts that may seem to him worthy of record, or shall be required by the state supervisors of oils; such account to be open to examination by any person who may so desire. No inspector, appointed under the provisions of this act, shall during his term of office, traffic either directly or indirectly, in any oil used for illuminating purposes, or be interested in any manner whatever in the manufacture, refining or sale of such oil, and any inspector violating the provisions of this section, shall be removed from office immediately upon proof of such violation, and be liable to a penalty of not less than one hundred dollars nor more than five hundred dollars; provided, that the provisions of this section in regard to dealing in oil shall not apply to deputy inspectors, whose inspections during the term of one year shall not exceed fifteen hundred barrels.

Deputy inspector to keep an accurate record of casks, barrels, etc.

SECTION 12. It shall be the duty of all inspectors appointed under the provisions of this act, who shall know of any violations of any part thereof, to notify the district attorney of the county in which the same shall occur, who shall make complaint before any court of competent jurisdiction, and it shall be the duty of all prosecuting attorneys to represent and prosecute on behalf of the people within their respec-

Inspector to notify district attorney of violations of this act.

tive counties, all cases of offense arising under the provisions of this act or any section thereof. And any inspector who shall have knowledge of any violation of this act or any section thereof, and who shall fail to enter complaint against the person or persons so offending, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be liable to a penalty not exceeding fifty dollars, and shall be removed from his office, and in case the death of any person or persons shall result from the explosion of a lamp or other vessel containing illuminating oil sold or used or furnished for use in violation of the provisions of this act, or of any section thereof, the person selling or furnishing said oil for use shall be deemed guilty of manslaughter in the third degree, and upon conviction thereof, shall suffer the penalty in that case made and provided by the revised statutes of this state. All illuminating oil manufactured or refined in this state shall be inspected, examined and tested as herein provided before being removed from the premises of the manufacturer or refiner.

Oil in trans-shipment not to be molested.

SECTION 13. Nothing contained in the provisions of this act, shall be so construed as to prevent manufacturers, refiners or dealers in this state from keeping in their warehouses or tanks, for transshipment to other states, of illuminating oil of a grade below the test prescribed in this act. It is hereby declared to be the true intent and meaning of this act that the terms oils, illuminating oils, oils used for illuminating and heating purposes, and all similar words, terms and expressions used herein, shall be held to mean any mineral or petroleum oil or any fluid or substance which is the product of such oil or of petroleum, or in which oil or fluid or substance so obtained shall be a constituent part, by whatsoever name or title such oil, fluid or other substance may be known or called.

Not to affect crude petroleum.

SECTION 14. Nothing contained in the provisions of this act shall be so construed as to apply to crude petroleum.

SECTION 15. All acts or parts of acts inconsistent with or contravening any of the provisions of this act, are hereby repealed.

SECTION 16. This act shall take effect and be in force from and after its passage and publication.

Approved March 26, 1897.

No. 467, A.]

[Published March 29, 1897.

## CHAPTER 115.

AN ACT to cede to the United States the jurisdiction of the state of Wisconsin over certain lands, in the city of Eau Claire, for the purpose of erecting thereon a public building for the use of the United States.

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

SECTION 1. The consent of the state of Wisconsin is hereby given to the purchase by the United States of any tract or tracts of land in the city and county of Eau Claire, for the purposes of erecting and maintaining thereon a public building for the United States; and the said state of Wisconsin hereby cedes to the United States exclusive jurisdiction over such tract or tracts of land as shall be purchased for the purposes aforesaid, so long as they shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said state and the service of civil process therein.

United States given permission to purchase site in Eau Claire on which to erect a public building.

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

Approved March 26, 1897.