

CHAPTER 167.

SAFEGUARDS OF PERSONS AND PROPERTY.

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167.01 to 167.06 [Repealed by 1943 c. 140]

167.07 Manufacture, storage and distribution of matches. (1) No person, association or corporation shall manufacture, store, offer for sale, sell, or otherwise dispose of or distribute white phosphorus, single-dipped, strike-anywhere matches of the type popularly known as "parlor matches;" nor manufacture, store, sell, offer for sale, or otherwise dispose of or distribute white phosphorus, double-dipped, strike-anywhere matches, or other type of double-dipped matches, unless the bulb or first dip of such match is composed of a so-called safety or inert composition, nonignitable on an abrasive surface; nor manufacture, store, sell or offer for sale, or otherwise dispose of or distribute matches which, when packed in a carton of five hundred approximate capacity and placed in an oven maintained at a constant temperature of two hundred degrees F., will ignite in eight hours; nor manufacture, store, offer for sale, sell or otherwise dispose of or distribute Blazer, or so-called wind matches, whether of the so-called safety or strike-anywhere type.

(2) No person, association or corporation shall offer for sale, sell or otherwise dispose of or distribute any matches, unless the package or container in which such matches are packed bears plainly marked on the outside thereof the name of the manufacturer and the brand or trade-mark under which such matches are sold, disposed of or distributed; nor shall more than one case of each brand of matches of any type or manufacture be opened at any one time in the retail store where matches are sold or otherwise disposed of; nor shall loose boxes or paper-wrapped packages of matches be kept on shelves or stored in such retail stores at a height exceeding five feet from the floor; all matches, when stored in warehouses, excepting manufacturers' warehouses at place of manufacture, when such warehouses contain automatic sprinkler equipment, must be kept only in properly secured cases, and not piled to a height exceeding ten feet from the floor; nor be stored within a horizontal distance of ten feet from any boiler, furnace, stove or other like heating apparatus, nor within a horizontal distance of twenty-five feet from any explosive material kept or stored on the same floor; all matches shall be packed in boxes or suitable packages, containing not more than seven hundred matches in any one box or package; provided, however, that when more than three hundred matches are packed in any one box or package, the said matches shall be arranged in two nearly equal portions, the heads of the matches in the two portions shall be placed in opposite directions, and all boxes containing three hundred and fifty or more matches shall have placed over the matches a center holding or protecting strip, made of chipboard, not less than one and one-quarter inches wide; said strip shall be flanged down to hold the matches in position when the box is nested into the shuck or withdrawn from it.

(3) All match boxes or packages shall be packed in strong shipping containers or cases; maximum number of match boxes or packages contained in any one shipping container or case, shall not exceed the following number:

Number of Boxes	Nominal Number of Matches per Box
One-half gross.....	700
One gross.....	500
Two gross.....	400
Three gross.....	300
Five gross.....	200
Twelve gross.....	100
Twenty gross.....	over fifty and under 100
Twenty-five gross.....	under 50

No shipping container or case constructed of fiber board, corrugated fiber board, or wood, nailed or wirebound, shall exceed a weight, including its contents, of seventy-five pounds; and no lock-cornered wooden case containing matches shall have a weight, includ-

ing its contents, exceeding eighty-five pounds; nor shall any other article or commodity be packed with matches in any such container or case; and all such containers and cases in which matches are packed shall have plainly marked on the outside of the container or case the words "Strike-Anywhere Matches" or "Strike-on-the-Box Matches."

(4) Any person, association or corporation violating any of the provisions of this section shall be fined for the first offense not less than \$5 nor more than \$25, and for each subsequent violation not less than \$25. [1945 c. 33]

167.08 to 167.11 [Repealed by 1929 c. 274]

**167.12 Safety appliances.** Any person, firm, or corporation who shall sell, offer or expose for sale, or use any machine to be operated by steam, or other power, for the purpose of husking or shredding corn or corn stalks shall provide such machine with safety or automatic feeding devices for the protection from accident by the snapping rollers, husking rollers, and shredding knives of any person using or operating such machine in the discharge of their duty, and such machine shall be so guarded that the person feeding said machine shall be compelled to stand at a safe distance from the snapping rollers; and any person, firm, or corporation operating such machine shall maintain thereon such safety or automatic feeding devices. The duty to equip such machine with safety or automatic feeding devices, as well as the duty to maintain the same, shall be absolute; and the exercise of ordinary care on the part of such person, firm, or corporation operating such machine shall not be deemed a compliance with such duty; and in case any person in the employ of such person, firm, or corporation operating such machine continues in such employment when such device has not been installed and maintained, as above provided, such employe shall not be deemed guilty of a want of ordinary care, on account of so continuing in such employment.

**Note:** 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 neighbor-

ing 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.

**167.13 Operation.** No person, firm or corporation shall use, operate or permit to be used or operated any such machine purchased prior to June 12, 1909, unless during all the time such machine shall be used and operated it shall be in charge of a competent person whose sole duty shall be to oversee and attend to the operation and use of the same; nor use, operate or permit to be used or operated any such machine whatever while the safety devices or guards are detached.

**Note:** 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 this section, 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 Sale regulated.** No such machine shall be sold or offered or exposed for sale unless the said machine shall have plainly marked upon it the name and location of the person, firm or corporation manufacturing the same.

**167.15 Enforcement.** It shall be the duty of the industrial commission to enforce the provisions of sections 167.12 to 167.15, inclusive, provided, that nothing therein contained shall be construed to authorize such industrial commission to select or compel the adoption of any particular or special safety device, and that the question of the reasonable safety of any such device used by any manufacturer shall be subject to judicial determination.

**167.16 Regulation of electric wiring.** (1) It is hereby made the duty of every contractor and other person who does any electric wiring in this state to comply with the Wisconsin state electrical code, and the company furnishing the electric current shall obtain proof of such compliance before furnishing such service; provided, that nothing therein contained shall be construed as prohibiting any municipality from making more stringent regulations than those contained in the above mentioned code. Proof of such compliance shall consist of a certificate furnished by a municipal or other recognized inspection department or officer, or if there is no such inspection department or officer it shall consist of an affidavit furnished by the contractor or other person doing the wiring, indicating that there has been such compliance.

(2) Any person who shall violate the provisions of this section shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars, or by imprisonment in the county jail not less than thirty days nor more than six months.

**Note:** County board is without authority to employ rural electrical inspectors. 25 Atty. Gen. 316. Statutes do not authorize industrial commission to examine and certify qualified electrical inspectors. 25 Atty. Gen. 360.

167.17 to 167.19 [Repealed by 1927 c. 474 s. 1]

**167.20 Stairway guards.** (1) The owner of any building or other structure which has an open stairway or area way leading to or abutting upon any sidewalk, and the owner of any real estate adjacent to or abutting upon any sidewalk and which is lower than such sidewalk, shall sufficiently guard such stairway or area way or property as to prevent accidents.

(2) Any person who shall violate the provisions of this section shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars, or by imprisonment in the county jail not less than thirty days nor more than six months. Each day during which a violation of the provisions of this section continues shall be deemed a separate offense.

167.21 [Repealed by 1939 c. 363]

**167.22 Cigars not to be manufactured in basements.** No shop or place wherein cigars are manufactured shall be located below the ground floor.