

[No. 42, A.]

[Published April 9, 1881.]

CHAPTER 288.

AN ACT to regulate the sale of illuminating oils and to repeal chapter two hundred and sixty-nine, of the laws of 1880, entitled, an act to provide for the inspection of illuminating oils manufactured from petroleum or coal oils, and to regulate the sale thereof, and to repeal section four thousand three hundred and fifty nine, of chapter one hundred and eighty-one, revised statutes of 1878.

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

Appointment of
inspectors.

SECTION 1. Section three of chapter two hundred and sixty-nine of the laws of 1880, is hereby amended by striking out all after the number of said section, and inserting the following in lieu thereof: The state supervisor of inspectors of illuminating oils shall appoint, in accordance with the provisions of this act, inspectors of illuminating oils, who shall examine and test all illuminating oils offered for sale or for use in this state by any person whatsoever, and shall demand and receive all fees in payment for such examining and testing, and who shall be liable to all the penalties hereinafter provided, for any neglect, or for any willful misconduct or malfeasance in the discharge of the duties aforesaid; and the said state supervisor shall have power at any time to remove any inspector, so appointed, upon reasonable notice, or for reasonable cause. And the said supervisor, and all inspectors appointed under the provisions of this act, shall, before entering upon the duties of their respective offices, take an oath or affirmation faithfully to discharge the duties of the same as prescribed by the constitution and laws of this state, and the said supervisor shall execute a bond to the people of the state in the sum of two thousand dollars, conditioned for the faithful performance of all the duties imposed by this act, said bond to be filed in the office of the secretary of state; and every inspector appointed under this act shall execute a bond to the people of this state, in such sum, not exceeding two thousand dollars, as may be fixed in each case by the state supervisor, conditioned as aforesaid, such bond to be filed in the office of the clerk of the county wherein the inspector executing the same shall reside, and a duplicate copy thereof, duly certified by the county clerk, shall be filed in the office of the state supervisor; and all bonds, executed under the provisions of this act, shall be for the use of all persons aggrieved by the acts or neglect of the state supervisor, or of the inspectors re-

Oath of office
and bond.

spectively executing the same. The sureties on the bond of the state supervisor shall be approved by the secretary of state, and the sureties on the bonds of inspectors, shall be approved by the judge of probate, in the counties in which the inspectors executing the same shall respectively reside: provided, that the said state supervisor shall, on the request of the city council of any city, the board of trustees of any incorporated village, or the board of supervisors of any town, appoint any suitable person whom such council, board of trustees or board of supervisors, shall nominate, inspector of illuminating oils for said city, village, or town, and for such territory adjacent to said city, village, or town, as the said state supervisor shall determine. It shall be the duty of every 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 promptly to examine or test, when called upon for that purpose, any oils offered for sale, or for use for illuminating purposes; and if, upon such examination or test, such oils 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 device, containing the word "approved," with the date of testing, over his official signature, upon the package, cask or barrel, containing the same, and it shall be lawful for any person to sell the same, as an illuminating oil within this state; but if the oil so tested, shall not meet the aforesaid requirements, he shall brand in plain letters on the package, cask or barrel, containing the same, over his official signature, the words, "rejected for illuminating purposes in the state of Wisconsin," with the date of testing thereof, and it shall be unlawful for the owner thereof to sell such oil for illuminating purposes.

Supervisors of
cities and
villages.

Duty of inspec
tors.

SECTION 2. Section five, of chapter two hundred and sixty-nine, of the laws of 1880, is hereby amended by striking out all after the number of said section, and inserting the following in lieu thereof: Any illuminating oil which, on the application of a well lighted taper, or similar flame, will take fire and burn at a temperature below that of one hundred and twenty degrees above the zero point of Fahrenheit's thermometer (120° Fahr.), shall be deemed unfit for illuminating purposes, and the cask, barrel, or other package, containing the same, shall be marked "rejected," as hereinbefore provided.

Test 120° Fahr

Tester, and
manner of
testing.

SECTION 3. Section six of said chapter, is hereby amended by striking out all after the number thereof, and inserting in lieu thereof the following: In all tests of illuminating oils made under this act, the tester heretofore in use in this state may continue to be used, but the cover of the same shall be removed and the oil cup shall be filled to within one-fourth of an inch of the top thereof, or as nearly full as it is practicable to fill it without causing the oil to overflow in making the test, provided that the tester known as the tagliabue open cup, or commercial tester, may be substituted in lieu thereof; and in using the tester, the oil shall not be heated after it has attained the temperature of one hundred degrees Fahrenheit, faster than at the rate of three degrees per minute, and the flame of the lamp shall be so adjusted as that the rise in temperature shall be as near to two degrees per minute as is practicable, and the taper used in making the test shall be such as shall give a clear flame, as nearly uniform in size as is practicable, and the state supervisor shall give such instructions as in his judgment shall be necessary to secure uniformity in the methods of making the tests.

Compensation
of inspectors.

SECTION 4. Section seven of said act, is hereby amended by striking out all after the number of said section, and inserting in lieu thereof the following: Every person appointed as an 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 thereof, 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: provided, that if the total amount of fees received by all inspectors in every county, in any one year, dating from the day upon which this act shall take effect and be in force, shall, after the payment of the supervisors fees, exceed the sum or two thousand dollars, all sums in excess thereof shall be paid into the hands of the state supervisor of inspectors, and the state supervisor shall disburse the same as follows: First. He shall pay to 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 inspected by him in lots of less than ten barrels, tested at 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 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: provided, that neither the supervisor of inspectors, nor any inspector, shall receive more than three thousand dollars; and the disbursements required in this section shall be made as soon as practicable after the close of each yearly term; any sum then remaining shall be paid into the state treasury, for the benefit of the general fund.

SECTION 5. Section nine of said chapter, is hereby amended by adding thereto the following: provided, the provisions of this section shall not apply to inspectors whose inspections during the term of one year shall not exceed two hundred and fifty barrels. Certain super-
visors excepted.

SECTION 6. Section two of chapter two hundred and sixty-nine, of the laws of 1880, is hereby amended by adding thereto, at the end thereof, the following: And two thousand copies of the same shall be printed by the state printer for the use of the legislature.

SECTION 7. This act shall take effect on the first day of the month following its passage and publication.

Approved April 27, 1881.

[No. 376, A.]

[Published April 8, 1881.]

CHAPTER 289.

AN ACT to amend section one, chapter three hundred and twenty-one of the general laws of 1880, entitled an act for the protection of brook trout in the state of Wisconsin.

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

SECTION 1. Any person who shall catch or take, or attempt to do so, from any stream, lake or other waters in this state, any brook trout, by any device or means whatsoever, between the fifteenth day of August and the succeeding fifteenth day of May in any year, or who shall catch or take, or attempt so to do, from any such stream, lake or other waters, at any time, by any device or means other than hook and line or angling, or who shall have any brook trout in his possession or custody, taken by any means or device, except hook and line or angling, or between the fifteenth day of August and the succeeding fifteenth day of May in any year, shall be punished by fine not less than five Unlawful to
take trout.