

patent for the said right-of-way. The title to said right-of-way shall convey the right only to use the land embraced within said right-of-way for railroad purposes, and subject to such use the title shall remain in the State.

Emergency. SEC. 4. An emergency exists and this act shall take effect immediately.

Passed the House March 8th, 1907.

Passed the Senate March 14th, 1907.

Approved by the Governor March 15th, 1907.

CHAPTER 192.

[H B. 345.]

INSPECTION OF OILS.

AN ACT creating the office of State Oil Inspector, defining his powers and duties, providing for the inspection of illuminating oils, gasoline, benzine, distillate and volatile products of petroleum, providing a penalty for the violation thereof, and repealing chapter 161 of the Session Laws of 1905, entitled; "An act creating the office of State Oil Inspector providing for his compensation, and providing for the inspection of petroleum and its products used for illuminating purposes, and providing a penalty for the violation thereof."

Be it enacted by the Legislature of the State of Washington:

Governor shall appoint oil inspector.

SECTION 1. The Governor shall appoint, by and with the consent of the Senate, a qualified elector of this State who shall not be interested in the manufacture or sale of any illuminating oils, gasoline, benzine, distillate, or any volatile product of petroleum, to be known as State Oil Inspector, who shall hold office for four years from the date of appointment or until his successor is appointed and has qualified. Such person, so appointed, shall, before he enters upon the discharge of his duties, take an oath or affirmation of office as prescribed by the Constitution of this State, and shall execute a bond in the sum of Five Thousand (\$5,000) Dollars to the State of Washington,

Term.

Oath.

Bond.

conditioned for the faithful performance of the duties of his office, to be approved by the Governor, which bond and oath of office shall be filed in the office of the Secretary of State. Such bond shall be for the use of all persons injured by the act or neglect of said Oil Inspector or his deputies. The State Oil Inspector shall receive a salary of Two Thousand (\$2,000) Dollars per annum, and necessary office and traveling expenses, to be paid monthly out of the general fund, upon vouchers to be audited by the State Auditor.

Compen-
sation.

The State Oil Inspector shall appoint, by and with the consent of the Governor, a deputy State Oil Inspector who shall receive a salary of one hundred and twenty-five (\$125) dollars per month, and necessary traveling expenses, to be paid in the same manner as the expenses and salary of State Oil Inspector.

Deputies.

He may also appoint such additional deputies as may be necessary, who shall receive one hundred dollars per month while in the actual service of the State, and necessary expenses, to be paid in the same manner as the State Oil Inspector.

The Deputy State Oil Inspector shall, before he enters upon the duties of his office, take and subscribe an oath of office and shall execute a bond in the sum of Two Thousand (\$2,000) Dollars, to be approved by the State Oil Inspector, which bond and oath of office, together with the certificate of appointment, shall be filed in the office of the Secretary of State.

Oaths.

Bond.

SEC. 2. The State Oil Inspector shall obtain the necessary instruments and apparatus for testing the quality of such illuminating oils, gasoline, benzine, distillate or volatile product of petroleum, and it shall be the duty of said State Oil Inspector, or his deputies, to examine and test the quality of all illuminating oils, gasoline, benzine, distillate or volatile product of petroleum intended for sale for consumption within this State for illuminating, manufacturing, domestic or power purposes, and in the discharge of such duty it shall be lawful for said State Oil Inspector and his deputies, and they shall have the right

Instru-
ments and
apparatus
for testing.

Duty to
examine
and test.

to enter into or upon the premises of any manufacturer, vendor or dealer in any such oil, gasoline, benzine, distillate or other petroleum product for the inspection of the same as provided in this act.

Must be inspected before sale.

SEC. 3. All gasoline, benzine, distillate or other volatile product of petroleum intended for use or consumption in this State for illuminating, manufacturing, domestic or power purposes, before being sold or offered for sale by any firm, corporation, manufacturer, dealer, vendor, or other person, shall first be inspected and tested for its specific gravity, and, after having been so inspected and tested, the State Oil Inspector, or his deputies, shall issue a certificate of inspection thereof and shall cause every package, barrel, cask or other receptacle thereof to be labeled or branded with its exact specific gravity over his official signature.

Brands on barrels and casks.

It shall also be the duty of said State Oil Inspector, or his deputies, to examine and test the quality of all illuminating oils offered for sale for consumption within this State, and to reject for illuminating purposes all oils which will take fire and burn at a temperature less than 120 degrees Fahr. thermometer. The quantity of oil used in making such test shall not be less than one-half pint, and the oil tester adopted and used shall be the open-cup Taglibue electric spark, or one similar in construction and result. If the oil so inspected shall meet such requirement he shall brand or label each and every package, barrel, cask or other receptacle containing the same with the word "approved," and the date of such inspection, over his official signature. Should oil so tested or examined be contained in tank cars, upon finding the oil so contained to meet the requirements hereinbefore specified, he shall furnish the owner or person in charge of such oil with a certificate stating the number and letters or other marks of designation of the tank car inspected, the number of gallons of oil contained in it, the date of inspection, the name of the owner, the city or town in which such tank was inspected, the temperature at which such oil took fire and burned and that such oil is approved. Upon each barrel,

Inspection of illuminating oils.

Approval.

cask or other receptacle, drawn from such tank car and offered for sale, shall be fixed the same brand or device as is required for oil inspected in barrels or casks.

If the oil or other petroleum product so tested shall not meet said requirements the State Oil Inspector, or his deputies, shall mark in plain letters on the package, barrel or cask, the word "rejected" over his official signature, and if any oil or other petroleum product contained in tank car shall fail to meet said requirements it shall be rejected by the State Oil Inspector or his deputy, and a written notice, stating the number and letters or other marks of designation of the tank car so rejected, the date and place of inspection, and that the oil or other petroleum product has been rejected, which notice, signed by the State Oil Inspector, or his deputy, shall be placed in the hands of the person owning or in charge of such oil or other petroleum product.

Rejection
of oils.

All illuminating oils, gasoline, benzine, distillate or any volatile product of petroleum, manufactured or refined in this State shall be inspected before being removed from the manufactory or refinery.

Whenever complaint is made to the Oil Inspector in regard to the illuminating qualities of illuminating oil that may have been so inspected, it shall be his duty to secure a sample of such oils complained of which shall be turned over to the chemist of the State University who shall thoroughly analyze and test said oils for their illuminating qualities. If upon such analysis and test the chemist of the State University shall decide that although the oil be of the required test it is of inferior illuminating quality then the Oil Inspector, upon receipt of the chemist's report, shall brand such oil: "State of Washington. Rejected. Quality inferior," with the date of inspection over his official signature. Such report of the State Chemist shall be *prima facie* evidence of the character and quality of the oil or other petroleum product so analyzed and tested.

Complaints.

Chemist at
University
to test,
When.

SEC. 4. The State Oil Inspector, or his deputies, shall charge and collect a fee of forty (40c) cents per barrel for the first two (2) barrels; thirty (30c) cents per barrel

Fees to be
collected.

for the next three (3) barrels; twenty (20c) cents per barrel for the next five (5) barrels; and fifteen (15c) cents per barrel for the next fifteen (15) barrels of not less than fifty (50) gallons each, and one-fifth of one cent for each and every gallon thereafter inspected at any one time of any oil, gasoline, benzine, distillate or volatile petroleum product so inspected: *Provided*, That where the same is offered for inspection in carload lots or over, then the fee shall be one-fifth of one cent for each and every gallon contained in such carload lot or over so inspected. Such inspection fee shall be paid by the owner, agent or other person in charge or possession of such oil at the time of the inspection thereof, and shall be a lien upon the oil, gasoline, benzine, distillate or other petroleum product so inspected, to be immediately collected and enforced by said State Oil Inspector.

Records kept.—Reports of inspection.

SEC. 5. It shall be the duty of the State Oil Inspector, or his deputies, to keep true and accurate records of all oil, gasoline, benzine, distillate or other petroleum product inspected and branded by them, which record shall state the date of inspection, the number of gallons rejected, the number of gallons approved, the number of gallons inspected, the number and kind of tanks, barrels, casks or packages with the names of the persons for whom inspected, and the moneys received for such inspection, which record shall be open to the inspection of all persons interested.

To remit fees collected.

The Deputy Oil Inspector, and all deputy inspectors, shall, on the first Monday in each month forward to the State Oil Inspector true duplicate copies of such record for the preceding month, and shall pay over to the State Oil Inspector all moneys received for such inspection; and, on the fifteenth day of each month the State Oil Inspector shall pay to the State Treasurer all moneys received by him or by his deputies during the preceding calendar month, which shall be credited to the general fund of the State. In the month of January of each year the State Oil Inspector shall make and deliver to the Governor of the State duplicate reports of all inspections made by himself or his deputies during the preceding calendar year,

Report to Governor.

showing the amount, kind and character of the oil, gasoline, benzine, distillate or other petroleum product inspected; the amount inspected for each individual, firm or corporation; the amount, kind and character of all such petroleum products rejected; the amount of fees collected, in detail, together with such other information as he may deem proper or the Governor may request.

SEC. 6. If any person or persons, whether manufacturer, vendor or dealer, or as agent or representative of any manufacturer, vendor or dealer, shall sell or attempt to sell to any person, firm or corporation in this State, any illuminating oil, gasoline, benzine, distillate or any volatile product of petroleum, intended for use or consumption within this State for illuminating, manufacturing, domestic or power purposes, that has not been inspected and branded according to the provisions of this act; or shall sell or offer for sale any rejected oil or other product of petroleum for consumption within this State; or shall use any package, cask, barrel or other receptacle having the brand of the State Oil Inspector thereon, without the oils, gasoline, benzine, distillate or other petroleum products therein having been so inspected; or shall sell or dispose of any empty barrel, cask, package or other receptacle before thoroughly canceling, removing or effacing the inspection brand on the same; or shall alter or change or counterfeit any certificate, inspection brand or label, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine in any sum not exceeding three hundred (\$300) dollars, or by imprisonment in the county jail not exceeding one year, or by both such fine and imprisonment.

Penalty for
selling
without
inspection.

SEC. 7. If the State Oil Inspector, or any deputy State Oil Inspector, shall know or be informed of the violation of any of the provisions of this act, it shall be his duty to enter a complaint in a court of competent jurisdiction against the person so offending. If said State Oil Inspector, or any deputy State Oil Inspector, having knowledge of the violation of the provisions of this act shall fail or neglect to enter such complaint, or shall issue any false certificate, or shall falsely brand any oil, gasoline, benzine,

Violation of
act—duty
of oil
inspector.

distillate or volatile product of petroleum, or shall while in office traffic, directly or indirectly, in any article or substance which it is his duty to inspect, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine in any sum not exceeding one thousand (\$1,000) dollars, or by imprisonment in the county jail not exceeding one year, or by both such fine and imprisonment.

Repeal.

SEC. 8. Chapter 161 of the Session Laws of 1905 entitled "An Act creating the office of State Oil Inspector, providing for his compensation, and providing for the inspection of petroleum and its products used for illuminating purposes, and providing a penalty for the violation thereof," is hereby repealed.

Passed the House March 13th, 1907.

Passed the Senate March 9th, 1907.

Approved by the Governor March 15th, 1907.

CHAPTER 193.

[H. B. 465.]

RELIEF OF CLARKE COUNTY.

AN ACT for the relief of Clarke County, Washington.

Be it enacted by the Legislature of the State of Washington:

Amount
due \$2,705.30.

SECTION 1. That there is due to Clarke county, Washington, the sum of \$2,705.30 on account of moneys erroneously charged against said county for State taxes on land incorrectly assessed by the county assessor of said Clarke county in the year 1904.

Duty of
auditor.

SEC. 2. The State Auditor is hereby directed to credit said Clarke county, Washington, for the said sum of \$2,705.30 for the said year of 1904 as follows: General fund, \$884.90; school fund, \$1,799.80; military fund, \$35.60.

Passed the House March 8th, 1907.

Passed the Senate March 13th, 1907.

Approved by the Governor March 15th, 1907.