

FOR THE STATE NORMAL SCHOOL AT BELLINGHAM.

For maintenance .....	\$ 70,000.00
For general science, supplies and equipment ....	2,500.00
For repairs and improvements .....	5,000.00
For museum .....	500.00
For campus .....	2,000.00
	\$ 80,000.00

For the payment of the salaries of the Judges of the Superior Court appointed since January 1, 1905, up to March 31, 1905 .....\$ 600.00

Passed the House March 8, 1905.  
 Passed the Senate March 9, 1905.  
 Approved by the Governor March 11, 1905.

CHAPTER 161.

(H. B. No. 21)

CREATING THE OFFICE OF STATE OIL INSPECTOR.

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:*

Appointment  
by Governor.

SECTION 1. The Governor shall appoint, by and with the consent of the Senate, a suitable person, resident of this State, who is not interested in manufacturing, dealing in or vending any illuminating oils manufactured from petroleum, as state inspector of oils, whose term of office shall be four years from the date of appointment, or until his successor shall be appointed and shall qualify. It shall be the duty of said state inspector, or his deputies hereinafter provided, to examine and test the quality of all such oils offered for sale for consumption within this State by any manufacturer, vendor or dealer, and if, upon such testing or examination the oils shall meet the requirements hereinafter specified, he shall fix his brand or device, viz: "Approved," with the date, over his official signature, upon the package, barrel or cask containing the same. Should oil so tested

Duties of  
inspector and  
deputies.

or examined be contained in tank cars, it shall be the duty of the inspector, or one of his deputies, upon finding the oil so contained to meet the requirements hereinafter specified, to furnish the owner of such oil with a certificate, either written or printed, or partly written and partly printed, and signed by the inspector or one of his deputies, who shall inspect such oils, which certificate shall state 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 the oil took fire and burned, and that such oil is "approved." Upon each barrel or cask drawn from such tank car, and offered for sale, the same brand or device shall be affixed as is required for oil inspected in barrels or casks, and to more effectually carry out the provisions of this act it shall be lawful for the state inspector or his deputies, to enter into or upon the premises of any manufacturer, vendor or dealer of said oils, and if they shall find or discover any kerosene oil, or any other product of petroleum intended for sale for consumption within this State for illuminating purposes, that has not been inspected and branded according to the provisions of this act, they shall proceed to inspect and brand the same. And it shall be lawful for any manufacturer, vendor or dealer to sell the oil so tested and approved as an illuminator; but if the oil or other product of petroleum so tested shall not meet said requirements, he shall mark in plain letters on said package, barrel or cask, over his official signature, the words: "Rejected for illuminating purposes," and any oil contained in tank cars which shall fail to meet said requirements, shall be rejected by the inspector or his deputy, and a written notice, stating number and letters, or other marks of designation, of the tank car so rejected, date and place of inspection, and that the oil has been "rejected for illuminating purposes," which notice, signed by the inspector or deputy, shall be placed in the hands of the owner of such oil, and it shall be unlawful for the owner thereof to sell such oil or other product of petroleum for illuminating purposes, and if any person shall sell or offer for sale such rejected oil or other product of petroleum for such purpose for consumption within this State, he shall be deemed guilty of a misdemeanor and upon conviction

Brands on  
barrels and  
casks.

Rejection of  
oil.

Fraudulent  
sales—pen-  
alty therefor.

thereof, shall be subject to a fine not exceeding three hundred dollars, or by imprisonment in the county jail not more than one year, or both such fine and imprisonment in the discretion of the court: *Provided*, That whenever complaint is made to the inspector in regard to the illuminating qualities of illuminating oil so inspected, it shall be the duty of the inspector of oils to secure a sample of such oils complained of which shall be turned over to the chemist of State University, who shall thoroughly analyze and test said oils with reference to its illuminating qualities. If after analyzing and testing oils, the chemist of State University, shall decide although the oil be of the required test it is yet of inferior illuminating quality, then the inspector upon receipt of the chemist's report shall brand such oil "State of Washington," "Rejected," "Quality Inferior," with name and date of inspection. The state chemist is hereby constituted the referee whose decision shall be final in all cases of dispute regarding oils: *Provided further*, That the same penalties applying to oils which fail to meet the fire test of the State of Washington shall also apply to oils of inferior illuminating quality.

State chemist to make analysis.

Deputies—appointment, removal, and duties of.

SEC. 2. The state inspector provided for in this act is hereby empowered to appoint a suitable number of deputies, which deputies are hereby empowered to perform the duties of inspection, and shall be liable to the same penalties as the state inspector: *Provided*, That the state inspector may remove any of said deputies for reasonable cause. It shall be the duty of the inspector and his deputies to provide themselves at their own expense with the necessary instruments and apparatus for testing the quality of said illuminating oils, and when called upon for that purpose to promptly inspect all oils hereinbefore mentioned, and to reject for illuminating purposes all oils which will take fire and burn at a temperature of less than one hundred and twenty degrees of Farenheit's [Fahrenheit's] thermometer: *Provided*, The quality of oil used in the test shall not be less than one-half a pint. The oil tester adopted shall be the open Tagli-bue electric cup or one similar in construction and result, which shall be used by the inspector and his deputies.

Quality of oil.

Oath of inspectors.

SEC. 3. Every person appointed state inspector shall, before he enters upon the discharge of his duties as such, take an oath or affirmation prescribed by the constitution and laws of this State, and shall file the same in the office

of the secretary of state. The state inspector shall execute a bond in the sum of five thousand dollars to the State of Washington, to be approved by the secretary of state, conditioned for the faithful performance of the duties imposed upon him by this act, which bond shall be for the use of all persons aggrieved by the act or neglect of said inspector or his deputies, and the same shall be filed with the secretary of state. The deputy inspector shall, before he enters upon the duties of his office, take an oath, and execute a bond in the sum of two thousand dollars, to be approved by the county clerk and state inspector, and file such oath and bond with the county clerk of the county in which such deputy inspector resides. Such deputy shall also forward the county clerk's certificate of such filing to the state inspector. The state inspector or deputy inspector shall collect forty cents per barrel for the first two barrels; thirty cents per barrel for the next three; twenty cents per barrel for the next five barrels, and fifteen cents for the next fifteen barrels of not less than fifty gallons each and one-fifth of a cent for each and every gallon thereafter inspected at any one time: *Provided*, That should any person or persons offer for inspection oil in car load lots or over, then the fee shall be one-fifth of a cent for each and every gallon so inspected, and each deputy inspector shall pay over to the state inspector, at the commencement of each month fifty per cent of all moneys received by him for inspection and retain fifty per cent as his compensation, and in any case of inspection or branding, said fee shall be a lien upon the oil so inspected. It shall also be the duty of every inspector or deputy inspector to keep a true and accurate record of all oils so inspected and branded by him, 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, the name of the person for whom inspected, and the money received for such inspection, and said records shall be open to the inspection of all persons interested. It shall be the duty of every deputy inspector, at the commencement of every month, to forward to the state inspector, true duplicate copies of such records for the preceding month. In the month of January in each year, the state inspector shall make and deliver to the governor of the State annual duplicate reports of the in-

Bond of  
inspector.

Bond of  
deputy.

Fees to be  
collected.

Record of  
tests to be  
kept.

Report to  
Governor.

When inspection shall be made.

spection by himself and his deputies during the preceding calendar year. All illuminating oils manufactured or refined in this State shall be inspected before being removed from the manufactory or refinery; and if any person or persons, whether manufacturer, vendor or dealer, shall sell or attempt to sell to any person in this State, any illuminating oils, whether manufactured in this State or not, before having the same inspected as provided in this act, he shall be deemed guilty of a misdemeanor and shall be subject to a fine in any sum not exceeding three hundred dollars or be imprisoned in the county jail not exceeding one year, or be both fined and imprisoned in the discretion of the court; and if any manufacturer, vendor or dealer, in either or any of said illuminating oils, shall falsely brand the package, cask or barrel containing the same as provided in sections one and two of this act, or shall use packages, casks or barrels having the inspector's brand thereon, without having the oils inspected, he shall be deemed guilty of a misdemeanor, and shall be subject to a fine in any sum not exceeding three hundred dollars, nor less than one hundred dollars, or be imprisoned in the county jail not exceeding one year, or both, in the discretion of the court.

Cancellation of brands on empties.

SEC. 4. No person selling or dealing in illuminating or heating oils produced from petroleum, shall sell or dispose of any empty kerosene barrel, cask or package before thoroughly cancelling, removing or effacing the inspection brand on the same, and no person shall knowingly use any illuminating oil or product of petroleum for illuminating purposes before the same has been inspected and approved by the state inspector of oils or his deputy. Any person violating any of the provisions of this section, shall be punished by a fine not exceeding ten dollars, or be imprisoned in the county jail not exceeding one month or by both such fine and imprisonment in the discretion of the court.

Salary of inspector.

SEC. 5. The state oil inspector shall receive a salary of eighteen hundred dollars per annum and necessary office and traveling expenses to be paid monthly out of the fees collected. And all oil fees collected in excess of said salary and expenses shall be by him turned into the general fund of the State treasury.

Complaints for violation, entry of.

SEC. 6. It shall be the duty of the state inspector, or any deputy inspector, who shall know of the violation of any of the provisions of this act, to enter a complaint before

any court of competent jurisdiction, against any person so offending and in case the state inspector or deputy inspector having knowledge of the violation of the provisions of this act, shall neglect to enter complaint as required by and provided for in this section, he shall be deemed guilty of a misdemeanor and shall be subject to a fine in any sum not exceeding three hundred dollars, or be imprisoned in the county jail not exceeding one year, or be both fined and imprisoned in the discretion of the court, and shall in addition thereto be removed from office.

SEC. 7. It shall be the duty of all prosecuting attorneys <sup>Duty of county attorneys.</sup> to represent and prosecute in behalf of the State, within their respective counties, all cases of offenses arising under the provisions of this act.

SEC. 8. No inspector or deputy inspector shall, while in office, traffic, directly or indirectly in any article or substance which he is appointed to inspect. For a violation of any of the provisions of this section he shall be liable to a penalty not to exceed three hundred dollars. <sup>Inspector not to traffic in oil, etc.</sup>

SEC. 9. It shall be the duty of the governor to remove <sup>Removal by Governor.</sup> from office, and to appoint a competent person in the place, of any inspector who is unfaithful to the duties of his office.

SEC. 10. All acts and parts of acts in conflict herewith <sup>Repeal.</sup> are hereby repealed.

Passed the House March 8, 1905.

Passed the Senate March 9, 1905.

Approved by the Governor March 11, 1905.