

## PETROLEUM.

widow to receive any benefit therefrom who have received pension already under the act of March twelfth, one thousand eight hundred and seventy-four, or any supplement thereto.

Repealer.

**14. SEC. 2.** That all acts or parts of acts inconsistent herewith be and the same are hereby repealed, and that this act shall be deemed a public act and take effect immediately.

## Petroleum.

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| <ul style="list-style-type: none"> <li>1. Amended by section 6.</li> <li>2. Penalty for selling petroleum in manner contrary to law.</li> <li>3. Amended by section 7.</li> <li>4. How samples may be obtained for testing.</li> <li>5. Repealer.</li> <li>6. Regulations and restrictions for selling petroleum.</li> <li>7. State board of health to determine the means of testing petroleum.</li> <li>8. Repealer.</li> <li>9. Definition of term "pipe-line."</li> <li>10. How constructed across fresh-water streams.</li> </ul> | <ul style="list-style-type: none"> <li>11. When to be reconstructed.</li> <li>12. When commissioners of water-supply to give notice of hearing.</li> <li>13. When to give notice of decision.</li> <li>14. Of specifications for reconstruction of pipe-line.</li> <li>15. When pipe-line may be removed.</li> <li>16. Commissioners may enter upon lands, &amp;c.</li> <li>17. Review of proceedings by <i>certiorari</i>.</li> <li>18. Penalty for failure to reconstruct.</li> <li>19. Who shall be commissioners.</li> </ul> |
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## An act to regulate the sale of petroleum and its products.

Approved March 31, 1882.

P. L. 1882, p. 236.

Penalty for selling petroleum in manner contrary to law.

**1.** [Amended and supplied by Sec. 6, *post.*]  
**2.** That if any person shall sell, or offer or expose for sale, for use within this state, except in the manner permitted by this act, any petroleum or product thereof, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars, or imprisonment at hard labor or otherwise for a term not exceeding one year, or both, and any sale in quantity less than one barrel shall be presumed to be for use within this state.

How samples may be obtained for testing.

**3.** [Amended and supplied by Sec. 7, *post.*]  
**4.** That it shall be lawful at any time during business hours for any member of the state board of health, or any analyst or inspector authorized by said board, or for any member of a county, city or township board of health, to visit any place where kerosene or other product of petroleum is on sale, and to secure such quantity thereof as shall be sufficient for testing, at the rate of the usual retail price of said article, and if the same is found to be of such a character as is by this act prohibited from sale for lighting or illuminating purposes generally, the person having the same for sale may be enjoined and prohibited by written notice, signed by such member of a board of health, analyst or inspector, and served upon such person, or upon any agent, servant or employe in charge of said article, from the sale of the same for use within this state for such purposes; and if, thereafter, any of the same shall be so sold or offered, or exposed for sale for lighting or illuminating purposes, except as permitted by this act, the person thus selling or offering, or exposing for sale the same, shall be liable to the penalties hereinbefore provided.

When prohibited from selling.

Repealer.

**5.** That the act entitled "An act to regulate the sale and keeping of inflammable and explosive fluids," approved April twenty-first, anno domini one thousand eight hundred and seventy-six [see Secs. 313 and 314, on page 1107, *ante*], and all other acts and parts of acts inconsistent herewith, be and the same are hereby repealed.

## Supplement.

Approved March 22, 1883.

P. L. 1883, p. 112.

Regulations and restrictions for selling petroleum.

**6. SEC. 1.** That section one of the act to which this is a supplement be amended so as to read as follows:  
 [That hereafter petroleum or any of the products thereof may only be sold for use within this state under the following regulations and restrictions, namely, (a) benzole, gasoline, naphtha and benzine must be sold under

their true names respectively, and such names must be plainly shown upon the barrel, can or vessel in which the same are sold or offered or exposed for sale, respectively, or upon a label securely fastened thereto; (b) petroleum or kerosene which will flash at a less temperature than one hundred degrees Fahrenheit, flash test, must have plainly designated upon the barrel, can or vessel in which the same is sold or offered or exposed for sale, or on a label securely fastened thereto, the number of degrees Fahrenheit, flash test, below which the same will not flash; (c) only such product of petroleum as will not flash at a less temperature or flash test than one hundred degrees Fahrenheit, may be sold for lighting or illuminating purposes, except where the same is to be used in street lamps or open-air receptacles, or in gas machines, in which case (as to petroleum or kerosene) there shall be plainly marked on the barrel, can or vessel in which the same is sold, or offered or exposed for sale, or on a label securely fastened thereto, the words, "not for inside light;" *provided*, that this act shall not apply to petroleum or its products sold in tanks used for transportation.]

Proviso.

7. SEC. 2. That section three of the act to which this is a supplement shall be amended so as to read as follows:

[That the state board of health of this state shall determine and declare what shall be the means of ascertaining whether or not petroleum or kerosene to be sold for lighting or illuminating purposes is of the character required by this act, and shall notify each local board of health of the same, and publish notices thereof in at least one leading newspaper in each county of the state, and distribute circulars as to the same for common information.]

State board of health to determine the means of testing petroleum.

8. SEC. 3. That all other acts or parts of acts inconsistent herewith be and the same are hereby repealed.

Repealer.

**An act to regulate the constructing and maintaining, across the fresh-water streams of this state, of pipe-lines through which petroleum is conveyed, and to place such pipe-lines under the control of the state commissioners of water-supply.**

Approved May 9, 1884. P. L. 1884, p. 293.

9. SEC. 1. That the term "pipe-line," wherever used in this act, shall mean any conduit through which petroleum or any of its products is conveyed or intended so to be.

Definition of term "pipe-line."

10. SEC. 2. That hereafter it shall not be lawful to construct any pipe-line across any fresh-water streams in this state except in the manner to be approved by the state commissioners of water-supply.

How constructed across fresh-water streams.

11. SEC. 3. That if any pipe-line now existing or hereafter constructed is or shall be so constructed that there is danger of the escape of its contents into any of the fresh-water streams of this state, it shall be reconstructed or removed in accordance with the provisions of this act.

When to be reconstructed.

12. SEC. 4. That whenever the said commissioners shall be of the opinion that any pipe-line now existing, or hereafter constructed, is so constructed that there is danger of the escape of its contents into any of the fresh-water streams, springs, rivers, or the tributaries thereof, or in the waters of any lake, pond, storage reservoir or conduit from which water is drawn, of this state, they shall give notice in writing of such opinion to the owners or users of such pipe-line, specifying the location and extent of the portion of such pipe-line which, in their opinion, is so constructed, and naming a time and place to hear such owners or users on the subject; if either of such owners or users be a corporation, such notice may be served on any of its officers, agents or servants.

When commissioners of water-supply to give notice of hearing.

13. SEC. 5. That if, after having afforded the owners or users of such pipe-line an opportunity to be heard, on such notice, said commissioners shall decide that the portion of such pipe-line, specified in such notice, is so constructed that there is danger of the escape of its contents into any of the fresh-water streams of this state, or into the springs, rivers, or the tributaries thereof, or in the waters of any lake, pond, storage reservoirs or conduit from which water is drawn, they shall give like notice of such decision.

When to give notice of decision.

Of specifications for reconstruction.

**14. SEC. 6.** That within fifteen days after such service of notice of such decision, the owners or users of such pipe-line shall submit to said commissioners written specifications for the reconstruction of the portion of such pipe-line specified in such decision; the said commissioners shall thereupon give like notice to such owners or users of approval of such specifications, or if they do not approve the same, then they shall specify by like notice the manner of reconstruction thereof, which they do approve, and said portion of said pipe-line shall thereupon be reconstructed by the owners or users thereof, at their own expense, in the manner approved by said commissioners.

When pipe-line may be removed.

**15. SEC. 7.** That if the reconstruction, in the manner approved by said commissioners of the portion of such pipe-line specified in their decision, shall not be begun within thirty days after service of the last-named notice, and continued with such dispatch as to the said commissioners shall appear reasonable, then it shall be the duty of the said commissioners to remove, or cause the removal, of the portion of such pipe-line specified in their decision, or any part thereof, and the cost and expense of such removal shall be recoverable at law in any court of competent jurisdiction, by the said commissioners, in the name of the state of New Jersey, from the owners or users of such pipe-line.

Commissioners authorized to enter upon lands, &c., for purpose of removing pipe-line.

**16. SEC. 8.** That in such case said commissioners are hereby authorized to enter upon any lands, bridges or structures for the purpose of removing any part of the portion of such pipe-line specified in their decision, and shall not be liable for any damage done to said lands, bridges or structures by such removal, nor for any damage resulting from such removal, but the same shall be recoverable at law in any court of competent jurisdiction, from the owners or users of such pipe-line.

Proceedings of commissioners may be reviewed on certiorari.

**17. SEC. 9.** That any order, decision, judgment or proceeding of the said commissioners, under the provisions of this act, may be reviewed on certiorari, and the court shall inquire into the merits of the case and may determine disputed questions of fact as well as of law, in such manner as is according to the practice of the court, and may reverse or amend such order, decision, judgment or proceeding in such manner as to the court shall seem reasonable and just; and in any case where, by the rupture or leakage of the pipe-line, injury is done to the waters of any river, or the tributary thereof, or to the waters of any lake, pond, storage reservoir or conduit from which potable water is drawn, or which are used for furnishing a public water-supply, the state commissioners are hereby authorized to apply directly to any court of competent jurisdiction in this state for an immediate remedy either at common law or by equity proceedings, as they may deem advisable.

When injury is done to waters by rupture of pipe-line, commissioners may apply for immediate remedy.

Penalty for failure to reconstruct as approved by commissioners.

**18. SEC. 10.** That if any pipe-line shall hereafter be constructed or maintained across any fresh-water stream in this state, except in the manner approved by the state commissioners of water-supply, the owners or users so constructing or maintaining the same shall be liable to a penalty of five hundred dollars for each day they shall delay reconstructing the same, as shall be or shall have been approved by the said commissioners, according to the provisions of this act, which shall be recoverable at law in any court of competent jurisdiction, by the said commissioners, in the name of the state of New Jersey, from the owners or users of such pipe-line; *provided, however,* that the owners of pipe-lines now constructed shall not be liable to this penalty until after due notice and hearing, as provided in this act; *and provided further,* that nothing shall be so construed in this act as to relieve the owners or users of pipe-lines from liability for damages which may ensue by reason of breakage or leakage, notwithstanding said pipes were constructed according to the direction and with the approval of the state commissioners of water-supply.

Proviso.

Proviso.

State commissioners of water-supply defined.

**19. SEC. 11.** That the state commissioners of water-supply, referred to in the title and body of this act, are the commissioners appointed under chapter one hundred and eighty-nine, laws of one thousand eight hundred and eighty-two, and their successors however appointed or designated. [See Secs. 391, &c., on page 2207, *ante.*]