

claim thereon, but in no case shall he be required to pay more than the reasonable and current value of such labor.

Limitation.

Sec. 14. This act is intended only for the protection of laborers for hire, and shall not inure to the benefit of any person interested in contracting, cutting, hauling, banking or driving logs by the thousand.

When act to take effect.

SEC. 15. This act shall take effect and be in force from and after its passage, and all acts or parts of acts inconsistent with this act are hereby repealed. *Provided*, That this act shall not take effect in the first lumber district until October 1st, 1876.

Repeal.

Approved February 28, 1876.

CHAPTER XC.

AN ACT TO PROVIDE FOR THE INSPECTION OF ILLUMINATING OILS MANUFACTURED FROM PETROLEUM OR COAL OILS.

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

Appointment of state inspector.

SECTION 1. That there shall be appointed by the governor, by and with the advice and consent of the senate, a suitable person, resident of the state, who is not interested in manufacturing, dealing or vending any illuminating oils manufactured from petroleum, as state inspector of oils, whose term of office shall be two years from the date of his appointment, or until his successor shall be appointed and qualified. The governor shall have power to remove such person from office whenever it shall appear to him from good and sufficient evidence that such officer is guilty of malfeasance or non-feasance in the performance of his duty, and may fill any vacancy arising from such removal from resignation, death or removal from the state, by a new appointment.

Duty of state inspector.

SEC. 2. It shall be the duty of said state inspector of oils to examine and test the quality of all such oils offered for sale by any manufacturer, vendor, dealer; and if, on testing or examination, the oils [shall] meet the requirements hereinafter specified, he shall affix his brand or device, and the date of the inspection, with the word "approved" upon the barrel, cask or other package containing the same; and it shall be lawful for any manufacturer, vendor, or dealer to sell the same as an illuminator; but if the oil so tested shall not meet the said requirements, he shall mark in plain letters on said barrel, cask or package with device and date as aforesaid, the words "unsafe

Marking of packages.

for illuminating purposes;" and it shall be unlawful for the owner thereof to sell such oil for illuminating; and if any person shall sell or offer for sale such rejected oil, he shall be deemed guilty of a misdemeanor, and shall be punished as provided in section four of this act. *Provided, however,* that all oils inspected under this act shall be inspected within the state of Minnesota.

The state inspector provided for in this act is hereby empowered to appoint a suitable number of deputies; and he shall appoint one such deputy for each and every county, on application to him to that end, which said deputies are hereby empowered to perform the duties of state inspector, and shall be liable to the same penalties as the state inspector. *Provided,* that the state inspector may remove any of said deputies from office at any time, for reasonable cause. It shall be the duty of the inspector and his deputies to provide themselves, at their own proper expense, with the necessary instruments and apparatus for testing the quality of said illuminating oils, and for marking the packages in which the same may be contained; and when called upon for that purpose to promptly inspect all oils herein mentioned, and to report as dangerous or inferior all oils which, by reason of being adulterated, or for any other reason, will, at the temperature of one hundred and thirty degrees of Fahrenheit's thermometer, emit an explosive gas or vapor, or [is] inferior in quality for illuminating purposes. *Provided,* that the quantity of oil used in this test shall not be less than half a pint. The oil tester and mode of testing adopted, recommended by the state board of health, shall be used and followed by the state inspector and his deputies. Said inspector and his deputies are hereby empowered, and shall, upon application and the tender of fees herein provided, enter during business hours into any store, shop or warehouse in which such illuminating oils are kept for sale, and inspect and test such oils, marking the packages in which the same are contained, as hereinbefore provided. The decision of any deputy inspector on any package of oil shall be subject to appeal to the state inspector, whose decision shall be final.

Appointment of
deputies—duties.

Regarding in-
spection.

Decisions.

Sec. 3. The person appointed state inspector shall, before he enters upon the duties of his office, take an oath or affirmation prescribed by the laws of this state, and shall execute a bond to the state of Minnesota, in the sum of five thousand dollars, with such sureties as shall be approved by the secretary of state, conditioned for the faithful performance of his duties under this act, which bond so approved shall be filed with the secretary of state. Each deputy inspector appointed shall, before entering upon the duties of his office, take a like oath or affirmation, and execute a bond as aforesaid, of not less than one thousand nor more than five thousand dollars, as may be directed by the state inspector, which bond, with said sureties as shall be approved by the judge of probate, be, with his approval thereon, filed in the office of the clerk of the district court for the county to which such deputy is appointed: Such

Oath and bond.

Compensation. inspector or deputy shall be entitled to demand or receive from the owner or party calling upon him, or for whom he shall inspect, the sum of forty cents for testing and marking a single barrel, cask or package; thirty cents each when not exceeding five in number; twenty-five cents each when not exceeding ten in number, and twenty cents each when in number or packages greater than ten, submitted at one time for inspection. And it shall be the duty of every deputy inspector to keep a true and accurate record of all oils inspected by him, which record shall state the date of inspection, the number of packages, the number of gallons therein, so near as they can be ascertained, and the name of the person for whom inspected, and shall make to the state inspector, at the end of each month, a report containing a true transcript of such record. And it shall be the duty of the state inspector to keep a like record of all oils inspected by him, and at the end of each year to make a report to the secretary of state of the number of packages and gallons so inspect[ed] therein; also amount of inferior or unsafe oil for illuminating purposes, with the name of dealer in whose hands found, and from whom received by said dealer. Such records shall be open to inspection of any and all persons interested.

Inspectors to keep records.

Inspection.

Violation of this act—penalties.

SEC. 4. All illuminating oil manufactured, refined or compounded within this state of petroleum, coal oil, or their products in part or in whole, shall be inspected before being removed from the manufactory or refinery. And if any person or persons, whether manufacturer, vendor or dealer, shall sell to any person within this state any such 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 he shall be subject to a penalty in any sum not exceeding five hundred (500) dollars. And if any manufacturer, vendor or dealer of such oils shall falsely brand the package, cask or barrel containing the same, as provided in sections one (1) and two (2) of this act, or shall use barrels, casks or packages having the inspector's brand thereon, without having the oil inspected, he shall be deemed guilty of a misdemeanor, and he shall be subject to a penalty in any sum not exceeding five hundred dollars, nor less than one hundred dollars, or be imprisoned in the county jail for a term not exceeding six months, or both, at the discretion of the court.

SEC. 5. It shall be the duty of the state inspector, or of any deputy inspector, who shall know of the violation of any of the provisions of this act, to enter complaint before any court of competent jurisdiction, against any person so offending.

SEC. 6. No inspector or deputy inspector shall while in office, traffic directly or indirectly in any article which he is appointed to inspect. For the violation of this section he shall be liable to a penalty not exceeding one thousand dollars.

SEC. 7. No person shall fraudulently adulterate for the purpose of sale or use, any kerosene or coal oils to be used for illuminating purposes; nor shall any person knowingly sell or offer

for sale, or knowingly use any kerosene or coal oils, or any of the products thereof, which by reason of being adulterated, or for any other reason, will, at the temperature of one hundred and thirty (130) degrees of Fahrenheit's thermometer, emit an explosive vapor or gas, or be deficient in quality for illuminating purposes. *Provided*, that the quantity used for tests shall not be less than one-half pint; *And provided further*, that the gas or vapor from said oils may be used for illuminating purposes, when the oils from which said gas or vapor is generated are contained in reservoirs outside the building illuminated by such gas. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and shall upon conviction thereof be punished by imprisonment in the county jail not more than one year, or by a fine not exceeding five hundred dollars, or by both fine and imprisonment, in the discretion of the court.

Gas from rejected oils may be used.

SEC. 8. Chapter 86, of the general laws of 1875, entitled, "An act to provide for the inspection of mineral oils for illuminating purposes," and all acts or parts of acts inconsistent with the provisions of this act, are hereby repealed.

Repeal.

SEC. 9. This act shall take effect and be in force from and after the first day of April, 1876.

When act to take effect.

Approved March 2, 1876.

CHAPTER XCI.

AN ACT PROVIDING FOR THE ADOPTION OF CHILDREN.

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

SECTION 1. Any inhabitant of this state may petition the district court, in the county of his residence, for leave to adopt a child not his own, and, if desired, for a change of the child's name, but the prayer of such petition, by a person having a husband or wife, shall not be granted unless the husband or wife joins therein.

Petition.

SEC. 2. No such adoption shall be permitted without the consent of such of the parents of the child as may be living, unless it shall appear to the court that either of the parents has abandoned the child or gone to parts unknown, when such consent may be given by the parent if any, having the charge and care of the child. In case neither of the parents is living, or if both parents or the only living parent shall have abandoned the child, such consent may be given by the guardian, if such child has any, and if there be no guardian, such consent may be given by any of the next of kin of such child, residing in this state;

Consent of parents.