

Sec. 3. Not to affect certain laws.—This act shall not be construed as repealing or in any manner modifying the provisions of Chapter 177, Laws of Minnesota for 1917.

Approved April 19, 1923.

CHAPTER 367—S. F. No. 519.

An act relating to the inspection of oils and to the division of oil inspection of the dairy and food department.

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

Section 1. Salary of chief oil inspector.—That Section 3, of Chapter 520, Laws of 1919, as amended, be and the same hereby is amended so as to read as follows:

“Section 3. The dairy and food commissioner is hereby authorized to appoint with the consent of the governor, a chief oil inspector who shall be in charge of and shall administer the division of oil inspection and shall receive an annual salary of \$3600. The chief oil inspector shall be a skilled and suitable person with experience and knowledge of petroleum and its by-products and who is not interested in the manufacture of or dealing in such products. He shall hold office for four years unless sooner removed by the dairy and food commissioner, and in the performance of his duties, he shall at all times be subject to the control of and supervision by the dairy and food commissioner.”

Sec. 2. Inspection districts to be established.—That Section 4, of Chapter 520, Laws of 1919, as amended, be and the same hereby is amended so as to read as follows:

“Section 4. The dairy and food commissioner in conjunction with the chief oil inspector, is hereby authorized to create not to exceed sixty-seven inspection districts in the state. In the creation of said district due consideration shall be given to important shipping centers. Said commissioner with the advice of the chief oil inspector is hereby authorized to appoint when necessary one deputy for each inspection district so established. He shall take such measures as he deems necessary to prevent duplication of effort by inspectors under his control and to effect economy in the administration of the inspection laws, and to that end he shall detail dairy and food inspectors to perform the duties of deputy oil inspectors as far as practicable. The deputy inspectors shall receive compensation on a graded scale based upon their qualifications and the volume of work they perform; such salaries not to be less than seventy-five dollars per month, nor to exceed eighteen hundred dollars per annum; and they shall be reimbursed for all expenses necessarily incurred by them in the performance of their official duties; such salaries to be determined by the dairy and food commissioner upon the advice of the chief oil inspector. *For the*

purpose of effecting more efficiency and economy in the service the chief oil inspector is authorized, whenever he finds it advantageous and practical, to detail deputy oil inspectors to inspect petroleum products in storage outside of the state at places from which such products are transferred to dealers or consumers within the state.

Sec. 3. **Kerosene must be inspected.**—That Section 3622, General Statutes of Minnesota for 1913, as amended, be and the same hereby is amended so as to read as follows:

"3622. No person shall sell, or offer for sale for illuminating purposes, any *kerosene*, unless the same has been inspected and branded as provided by this act.

All *kerosene* sold or offered for sale in this state shall conform to the following conditions:

1. It shall be water white.
2. It shall not contain glue or suspended matter.
3. It shall not contain water.
4. It shall not contain more than five per cent. of residue after being distilled at a temperature of not more than 600 degrees Fahrenheit.

5. It shall not flash at a temperature below 120 degrees Fahrenheit, nor shall it burn at a temperature below 130 degrees Fahrenheit.

The instrument to be used in making *kerosene* test shall be the Tagliabue Open Cup and the gravity of said oils shall be determined by the Tagliabue Standard Registered Hydrometer Beaume Scale at a temperature of 60 degrees Fahrenheit.

There shall be printed or stencilled on each tank wagon, sale ticket, car, can, cask, barrel or tank covering delivery of *kerosene* the following:

"This is to certify that the oil covered by this sale has a *less than 5 per cent. residue in distillation to 600 degrees Fahrenheit*, and a fire test of not less than 130 degrees, and has been inspected and approved by the chief oil inspector.

.....
(Name of person or coporation selling or furnishing same shall be signed, printed or stencilled on the above line).

Every person or corporation selling or delivering oil in bulk by means of portable tanks, shall, in lieu of the stamp or brand herein provided for, furnish and deliver to the purchaser a certificate as the above set forth.

Kerosene distillate which may be used for domestic heating purposes is hereby declared to be subject to inspection and the fees for inspection shall be the same as fixed for the inspection of kerosene.

No person shall sell, or offer for sale for domestic heating purposes any *kerosene distillate*, unless the same has been inspected and branded as herein provided.

All kerosene distillate sold or offered for sale in this state shall have a flash test of not below 120 degrees Fahrenheit.

There shall be printed or stencilled on each tank wagon, sale ticket, car, can, cask, barrel, or tank used in the delivery of kerosene distillate the following:

'This is to certify that the kerosene distillate covered by this sale has a flash test of not below 120 degrees Fahrenheit, and has been inspected and approved by the chief oil inspector.'

(Name of person or corporation selling or furnishing same shall be signed, printed or stencilled on the blank line as above indicated.)

Every person or corporation selling or delivering kerosene distillate in bulk by means of portable tanks, shall, in lieu of the stamp or brand herein provided for, furnish and deliver to the purchaser a certificate in the form as above set forth.

Sec. 4. Gasoline must be inspected.—That Section 3625, General Statutes for Minnesota for 1913, as amended, be and the same is hereby amended so as to read as follows:

"3625. For the purposes of this act all gasoline *as herein-after defined*, shall be deemed to be subject to the inspection and control as herein provided for; and it shall be unlawful for any person, dealer or vendor, to sell or offer for sale any gasoline, for any purpose, that has not been so inspected and approved.

Motor gasoline shall also comply with the following specifications:

Quality-Gasoline to be high grade, refined and free from water and all impurities.

Inspection—Before being sold or offered for sale the gasoline shall be inspected. The samples immediately after drawing will be retained in a clean, absolutely tight closed vessel and a sample for tests taken from the mixture in this vessel directly in to the test vessel.

Test—One hundred cubic centimeters shall be taken as a test sample, and these rules shall be followed:

(a) The initial boiling point must not be higher than 140 degrees Fahrenheit.

(b) 20% of the sample must distill below 225 degrees F.

(c) 50% must distill below 315 degrees F.

(d) 90% must distill below 420 degrees F.

(e) The end or dry point of distillation must not be higher than 450 degrees F.

(f) After complete distillation the residue shall not be over 3%.

(g) Not less than 92% shall be recovered in distillation.

Blended gasoline may be approved when it shows a recovery in distillation of not less than 86%.

All gasoline, shall be tested as to 'end point' and shall be brand-

ed 'Unsafe for Illuminating purposes', and every barrel, cask, or package which contains gasoline, shall be labeled or branded with the word 'Gasoline', in large letters at least two inches in size and the 'end point' thereof shall be printed or stencilled on each barrel, can, cask, tank, or other vessel covering deliveries of such gasoline, the following:

'This is to certify that the *gasoline* covered by this sale has an 'end point' of *not over 450 degrees F.* and has been inspected and approved by the chief oil inspector.'

.....
(Name of corporation or person selling or furnishing same shall be signed, printed or stencilled on the above line).

Provided, however, that any person or corporation selling or delivering gasoline, in bulk by tanks, shall, in lieu of the stamp or brand herein provided for, furnish and deliver to the purchaser a certificate as above set forth.

All visible containers and all devices used for drawing gasoline from underground containers at filling stations, garages and other places, where gasoline is sold or offered for sale, shall be stamped or labeled in a visible place with one inch letters: STATE INSPECTED GASOLINE, PRICE PER GALLON — CENTS.

The word gasoline as used in this Section, Chapter and Minnesota Oil Inspection law shall mean any fluid used, or which may be used for motor vehicle power purposes."

Sec. 5. Duties of oil inspector and deputies.—That Section 3626, General Statutes of Minnesota for 1913, as amended, be and the same hereby is amended so as to read as follows:

"3626. The chief oil inspector and his deputies are empowered and it is hereby made their duty to enter into or upon the premises of all wholesale and retail dealers in, or any manufacturer, refiner or vendor of *kerosene, kerosene distillate or gasoline* and to inspect the receptacles in which said products are stored; and it is made the duty of all dealers in such products to keep such receptacles free from water, dirt or other solid matter; and when such receptacles are found to contain water, dirt or other solid matter, the inspector shall make a written order to have the same properly cleaned, and upon failure of the owner to comply with said order within ten days from the date thereof, the inspector shall confiscate and cause the contents to be destroyed or removed. And if such inspector shall find or discover on said premises any, *kerosene, kerosene distillate or gasoline*, which shall not have been examined or tested and properly marked, stamped, sealed, or branded, he shall at once proceed to test and thereafter mark, stamp, seal or brand the same.

Every agent and employe of any railroad company or other transportation company having the custody of books or records showing the shipment or receipt of the *kerosene, kerosene distillate*

or gasoline mentioned in this act shall give and permit the chief oil inspector and his deputies free access to such books and records for the purpose of determining the amount of *kerosene, kerosene distillate or gasoline* shipped and received. Any such agent or employe of any railroad company or other transportation company refusing or neglecting to comply with these provisions shall be guilty of a misdemeanor and shall be punished by a fine not to exceed fifty dollars or by imprisonment in the county jail not to exceed sixty days, or by both such fine and imprisonment."

Sec. 6. Sale of adulterated kerosene or gasoline forbidden.—That Section 3627, General Statutes of Minnesota for 1913, as amended, be and the same hereby is amended so as to read as follows:

"3627. The sale of any adulterated *kerosene, kerosene distillate or gasoline* is hereby forbidden and prohibited. The chief inspector and his deputies are not required in every case to make a complete analysis of the oils inspected to ascertain every form of impurities such as sulphur, tar-like matter, but whenever in the opinion of the chief inspector or his deputies it is necessary that any of the oils provided for in this section shall be more thoroughly analyzed, it shall be their duty to procure a sample of such oil and forward same to the chemist of the state dairy and food department, for the purpose of a more detailed analysis to determine in what particular the impurities or imperfections exist. And if upon such analysis it is demonstrated that some other impurities or imperfections exist in said oil not in this act specified, which would render such oil in any way unfit for purposes *intended*, it shall be his duty to reject such oil for such purposes. It shall be the duty of such chemist to make such analysis without delay and return such sample of oil at the earliest practicable moment to the inspector from whom it was received, together with the report of his official analysis of the same.

All clerks, bookkeepers, express agents, railroad agents, or officials, employes or common carriers or other persons, shall render the oil inspectors, chemists or agents all assistance in their power when so requested, in tracing, finding and inspecting such oils."

Sec. 7. Must be inspected before unloading.—That Section 3628, General Statutes of Minnesota for 1913, as amended, be and the same hereby is amended so as to read as follows:

"3628. *Kerosene, kerosene distillate or gasoline* shipped in tanks or tank cars shall not be unloaded until it is duly inspected, provided such inspection is made within twenty-four hours after the arrival and notice setting forth the number of the car and the date of its arrival has been given to the inspector, without delay and at the expense of the dealer. Each fifty gallons or major fraction thereof, shall be considered a barrel in computing the inspection fees. If such *kerosene, kerosene distillate or gasoline* be afterwards placed in barrels the person, firm or corporation so

barreling same shall brand each barrel as hereinbefore provided. No person shall use as a receptacle for oils any barrel, tank, or other vessel previously used for that purpose and having said inspector's brand thereon, without first cancelling such previous brand; nor shall any person falsely brand, mark, or otherwise represent any such vessel as containing oil that has been inspected. Every violation of this section shall be deemed a misdemeanor. All *kerosene* barrels shall be painted blue, yellow or green; gasoline barrels red.

All cans used as gasoline containers shall be painted red.

Tank wagons with separate compartments for gasoline and kerosene shall have a red tag on the faucet from which gasoline is drawn.

No person under sixteen years of age shall be allowed to deliver gasoline from tank wagons or at filling stations.

Gasoline and kerosene must not be pumped through the same pipe line, nor through the same pump. All pipes through which gasoline is drawn shall be painted red."

Sec. 8. **Fees for inspection.**—That Section 3630, General Statutes of Minnesota for 1913, as amended, be and the same hereby is amended so as to read as follows:

"3630. The fees for inspecting shall be uniform, fixed by the chief oil inspector and not to exceed five cents per barrel of fifty gallons.

Provided, that when *kerosene, kerosene distillate or gasoline* is shipped outside of the state after inspection has been performed the firm shipping same shall be given credit by the inspector for such fees, but that notices of such outshipments, acknowledged and sworn before a notary public is given the chief inspector not later than the *fifteenth* day of the following month, or else no such credit shall be given.

Whenever the chief inspector finds it necessary to check up such outshipments, the firm claiming credit for same shall procure books, shipping bills, etc. for such outshipments and provide one of its clerks to perform the checking up with an employe of the oil inspection division."

Sec. 9. **Testing stations.**—*The chief oil inspector shall make the necessary preparation for testing lubricating oils in not more than ten different localities within the state. After September 1, 1923, any deputy oil inspector shall cause to be tested at the nearest station equipped for such work any sample of such oil furnished him for such purpose. Thereafter the deputy oil inspector so receiving such sample shall in accordance with the rules of the oil inspection department cause the same to be tested and a report of the result of the test shall be furnished to the person requesting the same. Such test shall be as to viscosity, gravity, flash and fire. The methods employed by the American Society for Testing Ma-*

terials shall govern all such tests; the viscosity to be taken by the Saybolt Viscosimeter at two different temperatures, to-wit: 100 degrees and 212 degrees Fahrenheit.

A fee of two dollars shall be paid to the deputy oil inspector by the person and at the time the sample to be tested is furnished. Deputy oil inspectors shall promptly transmit to the chief oil inspector, with a statement of the names and addresses of the persons paying, all moneys so received. On the first day of each month the chief oil inspector shall deposit with the state treasurer all such moneys theretofore received by him.

Approved April 19, 1923.

CHAPTER 368—S. F. No. 577.

An act to legalize and validate certain certificates of sale made under Judgments and Decrees of the District Court, and the records thereof.

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

Section 1. **Certain certificates of sale legalized.**—In all sales of real property under judgments and decrees of the district court wherein the sheriffs' certificates of sale were filed for record and recorded in the office of the proper registers of deeds prior to October 1, 1921, and within thirty days, but not within twenty days after the dates of the respective orders confirming such sales, such certificates of sale and the records thereof are hereby legalized and validated to the same extent and with the same effect as though such certificates had been so filed for record and recorded within twenty days after the dates of such respective orders of confirmation. Provided, that the provisions of this act shall not apply to or affect any action or proceeding now pending involving the validity of such certificates or the records thereof.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved April 19, 1923.

CHAPTER 369—S. F. No. 587.

An act authorizing any parish of the Protestant Episcopal Church incorporated under any law of this state to amend its articles of incorporation as to the time of holding its annual parish meeting.

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

Section 1. **Incorporated parish of Protestant Episcopal**