

or vessel, and thereupon and thereafter it shall be unlawful for such company or any of its officers or agents to bring or cause to be brought within this state such car or vessel, except it be done in accordance with such reasonable rules and regulations as the said board shall adopt applicable to such case.

Penalties.

Any person or corporation who shall violate any of the provisions of this act shall be punished therefor by a fine not to exceed one thousand dollars, or by imprisonment in the state prison not more than one year, or by both such fine and imprisonment.

SEC. 6. This act shall take effect and be in force from and after its passage.

Approved April 13, 1893.

H. F. No. 612

CHAPTER 20.

illuminating oils.

An Act to govern the inspection and use and sale of illuminating oils, or petroleum and petroleum products, for use in the state of Minnesota, and defining the duties of inspectors and prescribing penalties and inspection fees and the manner of appointment of inspectors.

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

Inspector to be appointed.

SECTION 1. There shall be appointed by the governor, by and with the 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 illuminating oils, whose term of office shall be for the term of two years, or until his successor is appointed and qualified. The governor shall have the 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, or from resignation, death or removal from the state, by a new appointment; provided, however, that nothing in this act shall in any way affect the term of office or powers of the present state inspector of illuminating oils.

Oath and bond required.

SEC. 2. The person appointed as state inspector of illuminating oils shall, before he enters upon the duties of his office, take the 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.

Inspector may appoint deputies and require bonds.

SEC. 3. The state inspector of illuminating oils shall and is hereby empowered to appoint such deputy in-

spectors in the different counties of the state as shall be necessary for the prompt and faithful performance of the duties required under this act, and such deputies are hereby empowered to perform the duties of the state inspector of illuminating oils, and shall be liable to the same penalties as the state inspector; provided, that the state inspector may, at any time, remove any of the deputies for reasonable cause and appoint others in their place. Such deputy inspector shall, when so appointed, before he enters upon the duties of his office, take a like oath or affirmation and execute a bond as aforesaid, in a sum not less than one thousand dollars nor more than five thousand dollars, with good and sufficient sureties, which bond, with such sureties as shall be approved by the judge of the district court, shall be filed with his approval in the office of the clerk of the district court for the county to which said deputy is appointed.

SEC. 4. No inspector or deputy inspector shall, while in office, traffic, either directly or indirectly, in any article which he is appointed to inspect. For violation of this section he shall be liable to a penalty not exceeding one thousand dollars.

Must not traffic
in oils.

SEC. 5. It shall be the duty of the deputy inspector to keep a true and correct record of all oils inspected by him, which record shall state the date and place of inspection, the number of packages inspected, and the number of gallons therein contained so near as can be ascertained, and at the end of each month make a true transcript of such record and forward it to the state inspector. It shall be the duty of the state inspector of illuminating oils to keep a true and correct record of all oils inspected by himself or deputies in the same manner prescribed for deputy inspectors, and at the end of each year he shall make a detailed report to the secretary of state of the number of packages and number of gallons inspected, date of inspection by months, the number of packages and gallons approved and the number rejected, the date and place of rejection if rejected, the name of the dealer in whose hands found and from whom the dealer received the same, and these records shall be open at all times and to all persons.

Record of in-
spections to be
reported month-
ly.

SEC. 6. No person, firm or corporation shall knowingly sell or offer for sale or knowingly use in this state any kerosene or coal oils or any product thereof which by reason of adulteration or for any other reason will at a temperature of one hundred and twenty degrees Fahrenheit ignite and burn. 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 of the building illuminated by such gas, and that an oil which will ignite and burn at a lower temperature than one hundred and twenty degrees Fahrenheit may be sold and used for fuel purposes. Any person violating the

Oil test to be
above 120 de-
grees.

provisions of this section 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 both fine and imprisonment in the discretion of the court.

All oils must be inspected.

SEC. 7. All illuminating oils manufactured, refined or compounded within this state from petroleum or coal oil or their products shall be inspected before being removed from the refinery or manufactory; and if any person or persons, whether manufacturer, vendor or dealer, shall sell to any person for use or sale within this state any such illuminating oils, whether manufactured within this state or not, before having the same inspected, as provided for in this act, or shall sell or offer for sale or represent for the purpose of sale any such illuminating oil as having a higher flash or fire test than that which such oil shall have been found to have stood when inspected by any of the inspectors provided for in this act, he or they shall be deemed guilty of a misdemeanor and shall, upon conviction thereof, be subject to a fine not exceeding five hundred dollars nor less than one hundred dollars. Any manufacturer, vendor or dealer who shall sell or cause to be sold any package containing gasoline, naphtha or benzine, or fill for the purpose of sale or use any package with gasoline, naphtha or benzine marked or branded as kerosene or any other illuminating oil or fluid without first erasing such brand or mark, or shall sell or cause to be sold any package containing gasoline, naphtha or benzine without such package being plainly tagged, labeled or branded with the name of its contents, or if any manufacturer, vendor or dealer shall sell to any person or persons any naphtha, benzine or gasoline for use within this state in barrels, casks or packages containing forty or more gallons without first having branded as directed by the state inspector of illuminating oils the words "unsafe for illuminating purposes," shall be deemed guilty of a misdemeanor, and, upon conviction, shall be subject to a penalty not exceeding five hundred dollars nor less than one hundred dollars.

Packages of benzine, gasoline or naphtha must be tagged.

False branding.

If any manufacturer, vendor or dealer of such oils shall falsely brand or cause to be branded any package, cask or barrel, or shall use or cause to be used any barrel, cask or package having the inspector's brand thereon without first having the oil therein inspected as required in this act, he shall be deemed guilty of a misdemeanor and, upon conviction, shall be subject to a penalty 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, in the discretion of the court.

Inspected oils to be branded as to legal test and approved.

SEC. 8. It shall be the duty of said state inspector of illuminating oils, or one of his deputies, to examine and test the quality of all such oils offered for sale by any manufacturer, vendor or dealer, and if on testing or ex-

aming the oils shall meet the requirements hereinafter specified, he shall affix his brand or device showing the date of inspection and the legal test of said oil, with the word "Approved" and the name of the inspector upon the barrel, cask or package containing the same, and shall issue to the person for whom inspected a certificate of inspection and approval relating the package, number of gallons, test and date inspected, whereupon it shall be lawful for any manufacturer, vendor or dealer to sell the same as an illuminating oil or for heating purposes; but if the oil so tested shall not meet the said requirements, then he shall mark in plain letters upon said barrel, cask or package the words "Unsafe for illuminating purposes," and shall issue a certificate of inspection and rejection, relating the package, number of gallons, test and date rejected; and if any person shall sell or offer for sale any such rejected oil he shall be deemed guilty of a misdemeanor and shall, upon conviction, be punished as provided for in section six of this act; provided, however, that all aforesaid oils sold for use within this state of Minnesota must be inspected and all packages branded by the state inspector of illuminating oils, or his regularly appointed deputies. It shall also be the duty of the state inspector of illuminating oils or one of his deputies, when called upon, to brand all barrels, casks or packages containing forty or more gallons of benzine, naphtha or gasoline with the words "Unsafe for illuminating purposes," together with the name of the inspector; provided, however, that he shall not be entitled to demand or receive any fee or other compensation for such work. It shall be necessary for the state inspector of illuminating oils and his deputies to provide themselves, at their own proper expense, with the necessary instruments and apparatus for testing the aforesaid illuminating oils and marking the packages in which the same are contained; and, when called upon, to promptly inspect all oils herein mentioned and to reject as dangerous or unsafe for illuminating purposes all oils which by reason of adulteration or for any other reason will, at a temperature of one hundred and twenty degrees Fahrenheit, ignite or burn; provided, the quantity of oil in such test shall not be less than one-half pint. The oil tester and mode of test shall be that recommended by the state board of health, and shall be used and followed by the state inspector of illuminating oils and his deputies. Said inspector and his deputies are hereby empowered and shall upon application and tender of the fees herein provided, enter, during business hours, into any store, shop, manufactory or warehouse in which said illuminating oils are kept for sale, and inspect and test such oils, marking the packages in which the same are contained as provided in this act. The decision of any deputy inspector on any package of oil shall be subject to an appeal to the state inspector of illuminating oils, whose decision shall be final.

Branding of unsafe oils.

Branding of gasoline, naphtha and benzine barrels.

Oil tester and mode of testing to be recommended by state board of health.

Where oil may
be inspected.

SEC. 9. All oils in quantities of less than fifty barrels shall be inspected at a railroad or river station unless the party requesting shall pay the inspector in advance and in addition to the fees provided for in this act, ten cents per mile for each mile necessarily traveled in going to and returning from the place where such inspection is made, the distance to be computed from the place of residence of such inspector. Provided no mileage shall be required for any distance traveled outside of the county where such oil is inspected.

Said inspector and his deputies are hereby authorized and empowered to enter, during business hours, without being requested so to do, any store, shop, warehouse or yard or other place in which he believes oil uninspected or unsafe for illuminating purposes for sale or use within this state, may be found, and inspect and test such oils and to brand any barrel, cask or package in which said oil may be contained as provided for in this act; and in such cases the inspector shall be entitled to receive and demand from the owner of such oil inspected the same fees and mileage as provided for in this act. Provided, that nothing herein contained shall authorize the state inspector of illuminating oils or his deputies to demand fees for the inspection of oils which have been once before inspected by himself or deputies, or upon oils in transit for use in other states, or sold for delivery to other states.

Inspecting oils
in tanks.

Persons who shall refill or sell any empty barrel, cask or package having the inspector's brand "Approved" thereon without first erasing the brand, shall be deemed guilty of a misdemeanor and shall be subject to a penalty of a fine not exceeding five hundred dollars.

SEC. 10. The state inspector of illuminating oils or his deputies may inspect and test illuminating oils in a tank, or railroad tank-car, so-called, standing upon a railroad track, and such oil shall not be transferred into warehouse or storage tanks or otherwise unloaded until so inspected. Provided, however, if any such oils are not inspected within twenty-four hours after arriving at their destination it may be unloaded and the inspector shall make his inspection after it is so unloaded, and when such oil has been so inspected no other inspection shall be necessary, but the inspector or his deputy shall, when such oil is put into barrels, brand the said barrels without charge. When the amount contained in any such tank shall exceed fifty-five gallons, each fifty-five gallons shall constitute a barrel within the meaning of the law, and the fees for inspecting the same and for branding the barrels shall for each fifty-five gallons be the same as prescribed for in this act for each barrel, cask or package.

Fees for inspection.

SEC. 11. The state inspector of illuminating oils or his deputies shall be entitled to demand and receive from the owner or party calling upon him or for whom he shall inspect any such oils, the sum of forty cents for testing

and marking a single barrel, cask or package not containing more than fifty-five gallons; thirty cents each when not exceeding five in number of above capacity each, twenty cents when not exceeding ten in number of above capacity each, submitted at one time for inspection; fifteen cents each where the number of packages exceed ten in number of a capacity not in excess of fifty-five gallons each, and fifteen cents for each fifty-five gallons when contained in barrels, casks, packages, tank-cars, storage-tanks or otherwise with a capacity in excess of fifty-five gallons each.

SEC. 12. It shall be the duty of the state inspector of illuminating oils and of every 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, and all justices of the peace within their respective counties shall have power to order any person violating any of the provisions of this act to enter into a recognizance, and with sufficient sureties, in such sum as to them may seem proper, for his appearance at the next term of the district court, to answer to such complaint or charges as may be made against him.

Violations of law, inspector to prosecute.

SEC. 13. All acts or parts of acts inconsistent with this act are hereby repealed.

Repeal of inconsistent acts.

SEC. 14. This act shall take effect and be in force from and after its passage.

Approved April 14, 1893.

CHAPTER 21.

H. F. No. 553.

An Act in relation to the sale of honey compounded or adulterated, and to prevent fraud and to preserve the public health.

Honey and its compounds.

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

SECTION 1. It shall be unlawful for any person or persons within the state of Minnesota, to offer for sale or have in their possession with intent to sell, sell or cause to be sold honey compounded, manufactured from, or mixed with, glucose, sugar syrup of any kind, or any substance whatever, not the legitimate and exclusive product of the honey-bee, unless the package containing same is so marked and represented as such and bearing the label upon the package printed thereon in heavy gothic capitals eighteen point, the name of the person or persons having compounded, manufactured or mixed the same, and the name of the substance or material from which it is compounded, manufactured or mixed with.

Adulterated honey must be labeled.

SEC. 2. It shall be unlawful for any person or persons within the state of Minnesota to offer, or have in their possession for sale, sell or cause to be sold honey which has not been made by the bees from the natural secretions of flowers and plants, but which has been stored