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GENERAL STATUTES OF MINNESOTA

SUPPLEMENT 1917

CONTAINING THE AMENDMENTS TO THE GENERAL STATUTES
AND OTHER LAWS OF A GENERAL AND PERMANENT
NATURE, ENACTED BY THE LEGISLATURE
IN 1915, 1916, AND 1917

WITH NOTES OF ALL APPLICABLE DECISIONS

COMPILED BY

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1918

CHAPTER 20

INSPECTOR OF OILS

3619. Chief inspector of oils—Appointment—Salary—Bond—

This act is valid (134-101, 158+723).

Constitutionality of this act (see 132-138, 155+1035, L. R. A. 1916D, 193; note under § 3625).

3620. Deputies—

In view of this section, empowering the chief inspector to remove deputies at pleasure, the "old soldiers law" (§ 3976) is not applicable (131-190, 154+947). Officers, 68.

3622. Inferior oils—Tests—Certificate—No person shall sell, or offer for sale, or use for illuminating purposes, any coal oil, or products thereof, unless the same has been inspected and branded as provided by this act; nor any that will ignite at a temperature below one hundred and twenty degrees Fahrenheit.

The instrument to be used in making tests 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 sixty degrees Fahrenheit, and said gravity shall be stenciled on each barrel or package containing said oil.

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

"This is to certify that the oil covered by this sale has a gravity test of _____ (This blank shall be filled in with the actual gravity test), and a fire test of not less than one hundred and twenty degrees and has been inspected and approved by the state oil inspector."

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

Provided, however, that it shall be deemed a full compliance with this act if said label or tank wagon sale ticket shows a Beaume gravity not higher than the actual Beaume gravity of the goods sold as determined by the "Tagliabue Standard Registered Hydrometer Beaume Scale" at a temperature of sixty degrees Fahrenheit.

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 above set forth. (Amended '15 c. 271 § 1)

Cited (132-138, 155+1035, L. R. A. 1916D, 193).

3625. Gasoline—Tests—Certificate—For the purpose of this act, all gasoline, benzine and naphtha under whatever name called, held or offered for sale which may or can be used for illuminating, heating or power purposes, shall be deemed to be subject to the same inspection and control as provided for in this act for illuminating oils, except, that the inspectors are not required to test it other than to ascertain its gravity; and it shall be unlawful for any person, dealer or vendor to sell or offer for sale any gasoline, benzine or naphtha for any of such purposes, that has not been so inspected and approved.

All gasoline, benzine and naphtha shall be tested as to gravity in the same manner as oil, and shall be branded "Unsafe for illuminating purposes" and every barrel, cask, or package which contains gasoline, naphtha or benzine shall be labeled or branded with the word "Gasoline," "Naphtha" or "Benzine" as the case may be, in large letters at least two inches in size, and the gravity thereof shall be printed or stenciled on each barrel, can, cask, tank or other vessel covering deliveries of such gasoline, naphtha or benzine the following:

"This is to certify that the _____ (gasoline, naphtha or benzine as the case may be, shall be inserted in this blank) covered by this sale has a gravity

test of ——— (the actual gravity test to be inserted in this blank) and has been inspected and approved by the state oil inspector."

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

Provided, however, that any person or corporation selling or delivering gasoline, benzine or naphtha 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.

Provided, however, that it shall be deemed a full compliance with this act if the said label or tank wagon sale ticket shows a Beaume gravity not higher than the actual Beaume gravity of the goods sold as determined by the "Tagliabue Standard Registered Hydrometer Beaume Scale" at a temperature of sixty degrees Fahrenheit. (Amended '15 c. 271 § 2)

The provision of this section as to testing gasoline for gravity, and requiring it to be branded is a proper police measure, and is not unconstitutional (132-138, 155+1035, L. R. A. 1916D, 193). Explosives, ~~§~~2; Inspection, ~~§~~2, 3.

This act is not violative of Const. U. S. art. 1 § 10 cl. 2, prohibiting a state from laying duties on imports, except such as are necessary in the execution of its inspection laws, as that constitutional provision has reference to imports from foreign countries, and not to shipments from state to state (132-138, 155+1035, L. R. A. 1916D, 193). Commerce, ~~§~~77.

This section is intended to operate upon gasoline constituting a part of the common property of the state, and not upon that which is the subject of interstate commerce; and this act is an inspection law and not a revenue measure, and operates on all gasoline within the state, whether the same is the subject of interstate commerce or not (132-138, 155+1035, L. R. A. 1916D, 193). Commerce, ~~§~~50.

3626. Receptacles of petroleum products—Inspection—Books and records of transportation companies—Penalty—The 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 said illuminating oils, gasoline, benzine or naphtha and to inspect the receptacles in which said petroleum products are stored; and it is made the duty of all dealers in such petroleum products to keep such receptacles free from water and all other foreign substances; and if such inspector shall find or discover on said premises any oil, gasoline, benzine or naphtha, 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 employé of any railroad company or other transportation company having the custody of books or records showing the shipment of [or] receipt of the oils, gasoline, benzine or naphtha mentioned in this act shall give and permit the chief state inspector of oils and his deputies free access to such books and records for the purpose of determining the amount of oils, gasoline, benzine and naphtha shipped and [or] received. Any such agent or employé 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. (Amended '15 c. 271 § 3)

Cited (132-138, 155+1035, L. R. A. 1916D, 193).

3628. Oil, gasoline, naphtha or benzine in tanks, etc.—Inspection before unloading—Oil, gasoline, naphtha or benzine shipped in tanks or tank cars shall not be unloaded until it is duly inspected, providing such inspection is made within twenty-four hours after the arrival and notice setting forth the number of the car and date of its arrival has been given the inspector. Each fifty gallons or major fraction thereof shall be considered a barrel in computing the inspection fees. No further inspection shall be necessary, and if such oil, gasoline, naphtha or benzine be afterwards placed in barrels, the person, firm or corporation so barreling same shall brand each barrel, as hereinbefore provided (Amended '15 c. 271 § 4)

Cited (132-138, 155+1035, L. R. A. 1916D, 193).

This act is not invalid, as interfering with interstate commerce, on the theory that the oil, while in the tank cars, in the original package, is not subject to state regulation (134-101, 158+723, following 132-138, 155+1035, L. R. A. 1916D, 193). Commerce, ~~§~~50.

3630. Fees—The fees for inspecting and branding shall be as follows:

1. For a single barrel or other receptacle containing not more than fifty gallons, forty cents.

2. If more than one and not more than ten such receptacles be inspected at one time and place, twenty-five cents for each.

3. If more than ten, fifteen cents for each additional barrel or receptacle, except as hereinafter provided.

4. Oil, gasoline, naphtha or benzine in tanks or tank cars containing more than fifty barrels five cents per barrel.

If the quantity in any one receptacle exceeds one barrel excepting where the same is in tanks or tank cars containing fifty barrels or more, five cents shall be charged for each fifty gallons thereof.

Such fees shall be payable at the time of the inspection.

Provided, that when oil, gasoline, benzine or naphtha is shipped outside of the state after inspection fees have been paid, the firm shipping same shall be given credit by the inspector for such fees.

And provided, further, that all kerosene oil, gasoline, benzine and naphtha inspected in other states where the inspection requirements are as high as those required herein, may be admitted without additional inspection on payment of the fees required by this act. (Amended '15 c. 271 § 5; '17 c. 331 § 1)

Cited (132-138, 155+1035, L. R. A. 1916D, 193).

3632. Adulterating illuminating or heating oil—False stamping, sealing, branding or marking—Refilling—Selling with false representation or without cancelling seal, etc.—Penalties—Any person, firm or corporation who shall personally, or by clerk or agent, wilfully adulterate any illuminating, or heating oil by adding thereto benzine, naphtha, or paraffine oil or any substance or thing whatever shall be punished by a fine of not less than fifty dollars nor more than five hundred dollars or by imprisonment in the county jail for not more than six months.

Any person, firm or corporation who shall personally, or by clerk, or agent, falsely stamp, seal, brand, or mark any cask, barrel, or other package or receptacle of oil, gasoline, benzine or naphtha, or who shall cause the changing, altering, or defacing in any manner any stamp, seal, brand, or device affixed to any cask, barrel or other package or receptacle of oil, gasoline, benzine or naphtha by any deputy inspector, or who shall refill or use any cask, barrel or other package or receptacle having a deputy inspector's seal, mark, stamp, or brand thereon without cancelling or defacing said seal, mark, stamp or brand and having the oil, gasoline, benzine or naphtha in such a cask, barrel or other package or receptacle properly examined or tested and stamped or marked under the provisions of this chapter, or who shall offer for sale, or who shall sell any such oil, gasoline, benzine or naphtha representing it to be in any respect other and different in quality or kind than as represented to the person so purchasing same, shall be liable to a fine of not less than five dollars nor more than five hundred dollars, or to imprisonment in the county jail for not more than six months, or to both such fine and imprisonment; and who shall sell or in any way dispose of any empty cask, barrel or other package or receptacle bearing a deputy inspector's seal, brand or stamp, without first thoroughly cancelling, defacing or removing such seal, brand, stamp, mark or any combination thereof, shall be liable to a fine of not less than five dollars nor more than five hundred dollars, or to imprisonment in the county jail not exceeding six months, or to both such fine and imprisonment.

Any person who shall violate any of the provisions of this act, not specifically mentioned in this section, shall be guilty of a gross misdemeanor. (Amended '15 c. 271 § 6)

Cited (132-138, 155+1035, L. R. A. 1916D, 193).