

REVISED LAWS OF MINNESOTA 94

SUPPLEMENT 1909

CONTAINING

THE AMENDMENTS TO THE REVISED LAWS,
AND OTHER LAWS OF A GENERAL AND
PERMANENT NATURE, ENACTED
BY THE LEGISLATURE IN
1905, 1907, AND 1909

WITH HISTORICAL AND EXPLANATORY NOTES TO PRIOR STATUTES
AND FULL AND COMPLETE NOTES OF ALL
APPLICABLE DECISIONS

COMPILED AND ANNOTATED BY
FRANCIS B. TIFFANY

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less than fifty members, and pay their premiums through such secretary or employer. ('09 c. 427 § 3)

[1723—]4. **Same—Penalty for violation.**—Any company, association or individual violating any provision of this act, whether such violation be in the giving or accepting of anything herein prohibited, shall be punished by a fine of not less than \$60 nor more than \$200. ('09 c. 427 § 4)

CHAPTER 20.

INSPECTOR OF OILS.

1724-1733. [Superseded.]

See sections [1733—]1 to [1733—]14.

[1733—]1. **Chief inspector of oils — Appointment — Salary — Bond.**—The governor by and with the consent of the senate, shall appoint a chief state inspector of oils, whose term of office shall extend until the first Monday of January in the odd numbered year next after his appointment, and until his successor qualifies; and the governor may supersede said inspector whenever he shall deem it necessary for the public good. He shall receive an annual salary of twenty-four hundred dollars, payable monthly, and shall give bond to the state in the penal sum of five thousand dollars, conditioned for the faithful discharge of his official duties, to be approved by the secretary of state. ('09 c. 502 § 1)

Historical.—"An act relating to the inspection of petroleum products, the appointment of chief inspector of oils and deputy inspectors, manner of inspection, establishing fees for inspection and salaries of inspectors, prohibiting the sale of adulterated oils, and providing penalties for violation thereof." Approved April 24, 1909.

Section 15 repeals inconsistent acts and provides that the act shall take effect July 2, 1909.

[1733—]2. **Deputies.**—Such inspector may appoint and at pleasure remove two deputy inspectors for Hennepin county at a salary of one hundred dollars per month each; two deputy inspectors for Ramsey county at a salary of one hundred dollars per month; one deputy inspector for St. Louis county at a salary of one hundred dollars per month, and one deputy inspector in and for each additional county, who shall assist under his direction in performing the duties imposed by this act. They shall give bond to the state in the sum of two thousand dollars with like conditions as that of the inspector, to be approved by the judge of the district court of the county in which they severally reside. The deputy inspectors shall receive such compensation, not exceeding one hundred dollars per month, as the state inspector prescribes. Provided, that the pay of any deputy shall not exceed the amount of fees earned by him during the preceding month. ('09 c. 502 § 2)

[1733—]3. **Reports and inspection—Improper traffic.**—The inspector and his deputies shall cause all the conditions of this act to be observed and enforced, prosecuting all persons offending against the same. The inspector shall keep a record of all inspections made, showing the time and place of each, the number of packages inspected, and the number of gallons contained therein, and the amount of fees therefor; and to that end he shall require monthly reports from his deputies. If any oil has been rejected, such reports shall show the date and place thereof and the quantity rejected, and the names of the dealers in whose hands it is found, and from whom it was received. All such records shall be open to the public. If the inspector or any of his deputies shall

traffic, directly or indirectly, in any article of which it is his duty to inspect, he shall be deemed guilty of a gross misdemeanor. ('09 c. 502 § 3)

[1733—]4. Inferior oils—Tests—Certificate.—No person shall sell, or offer for sale or use for illuminating purposes, any coal oil, or product 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 covering delivery of oil the following:

"This is to certify that the oil covered by this sale has a gravity test of and a fire test of not less than 120 degrees and has been inspected and approved by the state oil inspector."

(Name of oil concern to be inserted here.)

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. ('09 c. 502 § 4).

[1733—]5. Inspection and branding.—The inspector or one of his deputies, shall test the quality of all illuminating oils made, offered for sale or sold in this state, using for that purpose such instruments as are prescribed in section 4 [1733—4]. If found to answer the requirements of this act, he shall affix to the receptacle containing the same his brand showing the date of his inspection, his name and the words "approved, gravity test degrees." Otherwise he shall in like manner brand the same "unsafe for illuminating purposes." He shall give to the person in possession of such oil a certificate of inspection, reciting the package, number of gallons, result of fire test and gravity test and the date of inspection. ('09 c. 502 § 5)

[1733—]6. Branding on request.—Whenever requested so to do by the owners, the inspector or his deputy shall brand any receptacle of oil containing forty gallons or more as "unsafe for illuminating purposes" without inspecting the same and without fee. And as soon as practicable after request and tender of the fees, he shall test and brand any quantity of oil to which such request related. Provided, that if such inspection be desired at a place other than at the railroad station or dock when the same was delivered to the person making the request, the inspector in addition to his legal fees shall receive ten cents for each mile necessarily traveled in going to and returning from the place of inspection; but no mileage shall be required for travel outside of the county in which the inspection is made. ('09 c. 502 § 6)

[1733—]7. Gasoline—Tests—Certificate.—For the purposes of this act, gasoline 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 petroleum products known as gasoline that has not been so inspected and approved. All gasoline 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 shall be labeled or branded with the word "Gasoline" in large red letters at least

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two inches in size, and the gravity thereof shall be stenciled on each barrel or package. 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, print or stencil on each tank wagon sale ticket covering deliveries of gasoline the following:

"This is to certify that the gasoline covered by this sale has a gravity test of and has been inspected and approved by the state oil inspector."

(Name of oil concern inserted here.)

('09 c. 502 § 7)

[1733—]8. Gasoline receptacles—Inspection.—The inspector and his deputies are empowered, and it is hereby made their duty, to enter upon the premises of all wholesale and retail dealers in gasoline and to inspect the receptacles in which said gasoline is stored; and it is made the duty of all dealers in gasoline to keep such receptacles free from water and all other foreign substances. ('09 c. 502 § 8)

[1733—]9. Sale of adulterated oils or gasoline—Analysis.—The sale of any adulterated illuminating oils or gasoline is hereby forbidden and prohibited and any oils that present a yellowish or dark color or dirty appearance to the eye, may be rejected and disapproved for illuminating purposes by the said chief inspector of oils or his deputies without further test. And such discoloration shall be prima facie evidence that such oils are not such a product as is properly subject to sale for illuminating purposes within this state. The chief inspector of oils 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 of oils 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 chemists 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 illuminating purposes, 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 chief inspector from whom it was received, together with his official analysis of the same. ('09 c. 502 § 9)

[1733—]10. Oil or gasoline in tanks—Inspection before unloading.—Oil or gasoline 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-five 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 be afterwards placed in barrels, the inspectors shall brand without extra charge one such barrel for each fifty-five gallons thereof. ('09 c. 502 § 10)

[1733—]11. Uncanceled or false brands—Color of barrels.—No person shall use as a receptacle for illuminating 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

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barrels shall be painted blue, yellow or green; gasoline barrels red. ('09 c. 502 § 11)

[1733—]12. **Fees.**—The fees for inspecting and branding shall be as follows:

1. For a single barrel or other receptacle containing not more than fifty-five 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 or gasoline in tanks or tank cars containing more than fifty barrels, ten 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, ten cents shall be charged for each fifty-five gallons thereof. Such fees shall be payable at the time of the inspection: Provided, that when oil 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 and gasoline 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. ('09 c. 502 § 12)

[1733—]13. **Fees, how collected—Report—Annual appropriation—Expenses.**—It shall be the duty of the inspector on or before the tenth day of each month to certify to the state auditor the money due from any corporation, firm or individual as inspection fees, and it is hereby made the duty of the state auditor to collect such fees and pay them into the state treasury. At the end of each fiscal year the inspector shall make an annual report to the governor. All moneys collected hereunder shall be credited to the "Oil Inspection Fund." For the payment of salaries of the state inspector, his deputies and office force, and the expenses provided for in this chapter, the sum of forty thousand dollars, or so much thereof as may be necessary, is hereby annually appropriated out of the oil inspection fund herein provided for. On or before the fifteenth day of each month the inspector shall certify to the state auditor the amount due to each of his deputies as compensation and mileage for the preceding month, also the items and amounts of all expenses necessarily incurred by him in the performance of his duties, including the cost of blanks, stationery, postage, travel and instruments furnished for testing and branding oils, and such salaries, mileage and expenses being duly audited shall be paid by the state. ('09 c. 502 § 13)

[1733—]14. **Violation a misdemeanor.**—Any person, firm, or corporation wilfully violating any of the terms of this act is hereby declared guilty of a misdemeanor. ('09 c. 502 § 14)

CHAPTER 21.

INSPECTION OF FOOD AND OTHER ARTICLES.

1735. **Assistant—Employés—Salaries.**—He shall receive a salary of \$2,600 per annum and shall be allowed the expenses necessarily incurred by him in the discharge of his duties. He may appoint an assistant examiner at a salary of \$1,800 per annum; a secretary at a salary of \$1,500 per annum; one chief chemist at a salary of \$2,400 per annum; and, when needed, an assistant chem-