

GENERAL STATUTES
of
MINNESOTA
1923

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COMPILED AND EDITED BY
HUBERT HARVEY, OF THE ST. PAUL BAR

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Provided, however, that an insurance company shall be discharged of all liability under a policy issued by it upon payment of the proceeds in accordance with the terms thereof, unless before such payment the company shall have knowledge that such beneficiary has taken or procured to be taken the life upon which such policy or certificate is issued, or that such beneficiary has caused or procured a disability of the person upon whose life such policy or certificate is issued. ('17 c. 353 § 1)

3766. Rebate on insurance contracts prohibited—No insurance company or association, however constituted or entitled, doing business in this state, nor any officer, agent, sub-agent, broker, solicitor, employe, intermediary, or representative thereof, shall make or permit any advantage or distinction in favor of any insured individual, firm, corporation or association, with respect to the amount of premium named in, or to be paid on, any policy of insurance, or shall offer to pay or allow, directly or indirectly, or by means of any device or artifice, as inducements to insurance, any rebate or premium payable on the policy, or any special favor or advantage in the dividends or other profit to accrue thereon, or any valuable consideration or inducement not specified in the policy contract of insurance, or give, sell or purchase, offer to give, sell or purchase, as inducement to insure or in connection therewith, any stocks, bonds or other securities of any insurance company or other corporation, association, partnership or individual or any dividends or profits accrued or to accrue thereon, or anything of value whatsoever, not specified in the policy. ('09 c. 427 § 1) [3615]

3767. Insured prohibited from receiving rebates—No person shall receive or accept from any such company or association, or from any of its officers, agents, sub-agents, brokers, solicitors, employes, intermediaries or representatives, or any other person, any such rebate of premium payable on the policy, or any special favor or advantage in the dividends or other financial profits accrued, or to accrue thereon, or any

valuable consideration or inducement not specified in the policy of insurance. No person shall be excused from testifying, or from producing any books, papers, contracts, agreements or documents at the trial of any other person, co-partnership, association or company charged with violation of any provision of this section, on the ground that such testimony or evidence may tend to incriminate; but no person shall be prosecuted for any act, concerning which he shall be compelled to so testify or produce evidence, documentary or otherwise, except for perjury committed in so testifying. ('09 c. 427 § 2) [3616]

3768. Application of act—The provisions of this act shall not apply to any policy or policies procured by officers, agents, sub-agents, brokers, employes, intermediaries or representatives wholly and solely upon property of which they are respectively the owner at the time of procuring such policy or policies, where such officers, agents, sub-agents, brokers, employes, intermediaries or representatives are, and have been for more than six months prior to the issuing of such policy or policies, regularly employed by, or connected with, the company or association issuing said policy or policies; and any life insurance company doing business in this state may issue industrial policies of life or endowment insurance with or without annuities with special rates of premiums less than the usual rates of premiums for such policies to members of labor organizations, lodges, beneficial societies, or similar organizations, or employes of one employer, who through their secretary, or employer may take out insurance in an aggregate of not less than fifty members, and pay their premiums through such secretary or employer. ('09 c. 427 § 3) [3617]

3769. Penalty for violation—Any company, association or individual violating any provisions 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) [3618]

CHAPTER 20

INSPECTOR OF OILS

3770 Et. seq.
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3770. Abolishing of office of state oil inspector and transferring powers to dairy and food commissioner—The office of state oil inspector created by chapter 502, General Laws 1909, is hereby abolished, and all its powers, duties and privileges, except insofar as inconsistent herewith, are hereby transferred to and vested in the dairy and food commissioner. (19 c. 520 § 1)
132-138, 155+1035; 134-101, 158+723.

3771. Dairy and food commissioner to be appointed by governor—There shall continue to be a dairy and food commissioner charged with the execution of the laws relating to dairy and food products. He shall be appointed by the governor, by and with the consent of the senate, and, after the termination of the term of office of the incumbent at the time this act takes effect, shall hold his office for a term of four years; vacancies shall be filled by the governor for the unexpired term. ('19 c. 520 § 2)

3772. Salary of chief oil inspector—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 \$3,600. 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. ('19 c. 520 § 3, amended '21 c. 483 § 1; '23 c. 367 § 1)
131-190, 154+947; 132-138, 155+1035.

3773. Inspection districts to be established—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 dep-

uty 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. ('19 c. 520 § 4, amended '21 c. 483 § 2; '23 c. 367 § 2)

3774. 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) [3621]

3775. Application to chief inspector—Section 3621, General Statutes Minnesota 1913, is hereby extended and made applicable to the office of chief inspector created by this act. ('19 c. 520 § 6)

3776. Kerosene must be inspected—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 corporation 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. ('09 c. 502 § 4, amended '15 c. 271 § 1; '19 c. 520 § 7; '21 c. 483 § 4; '23 c. 367 § 3) [3622]

3777. Testing of illuminating oil—The chief 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 instructions as prescribed in section 3622. 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; "end point" 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, "end point" and the date of inspection, and immediately send a copy of such certificate to the office of the divisions of oil inspection. ('09 c. 502, § 5, amended '19 c. 520 § 8) [3623]

3778. Gasoline must be inspected—For the purposes of this act all gasoline as hereinafter 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

3774 Et seq. 29 — 425
3774 Et seq. 33 — 365

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175m 276
221nw 6
6276

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 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 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. ('09 c. 502 § 7, amended '15 c. 271 § 2; '19 c. 520 § 10; '19 Ex. Sess. c. 54 § 1; '21 c. 483 § 5; '23 c. 367 § 4) [3625]

132-139, 155+1036; 134-102, 158+723.

3779. Duties of oil inspector and deputies—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. ('09 c. 502 § 8, amended '15 c. 271 § 3; '19 c. 520 § 11; '23 c. 367 § 5) [3626]

3780. Sale of adulterated kerosene or gasoline forbidden—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. ('09 c. 502 § 9, amended '19 c. 520 § 12; '23 c. 367 § 6) [3627]

Does not prohibit sale of kerosene oil colored red, unless such coloring in substantial degree renders the oil impure, or affects its illuminating qualities, or renders it less safe. (109-487, 124+1.)

3781. Must be inspected before unloading—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. ('09 c. 502 § 10, amended '15 c. 271 § 4; '19 c. 520 § 13; '21 c. 483 § 6; '23 c. 367 § 7) [3628]
50-290, 52+652.

3782. 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 barrels shall be painted blue, yellow or green; gasoline barrels red. ('09 c. 502 § 11) [3629]

3783. Fees for inspection—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. ('09 c. 502 § 12, amended '15 c. 271 § 5; '17 c. 331 § 1; '19 c. 520 § 14; '21 c. 483 § 7; '23 c. 367 § 8) [3630]

3784. Payment to be made to state treasurer—Annual report—Salaries and expenses—It shall be the duty of the chief inspector on the fifteenth day of each month to certify to the state auditor the money due from any corporation, firm or individual as inspection fees, and the auditor shall forthwith issue his drafts for such amounts and deliver the same to the state treasurer for collection. If any such corporation, firm or individual shall fail to pay such inspection fees within sixty days after the date of the state auditor's draft, the fact of such non-payment shall be certified by the treasurer to the chief inspector, and thereafter no inspection shall be made for such delinquent corporation, firm or individual until said draft is paid.

At the end of each fiscal year the chief inspector shall make an annual report to the governor. All moneys collected hereunder shall be credited to the "oil inspection fund."

On or before the 20th day of each month the chief inspector shall certify to the state auditor the amount due to each of his deputies as compensation 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 and ex-

penses, being duly audited, shall be paid by the state. ('09 c. 512 § 13, amended '19 c. 520 § 15) [3631]

3785. Penalty for adulteration or changing of certificate—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. ('09 c. 502 § 14, amended '15 c. 271 § 6) [3632]

3786. Violations—Penalties—The provisions of Section 3632, General Statutes of Minnesota 1913, as amended by Chapter 271, Session Laws 1915, are hereby extended and made applicable to this act; provided, however, any person selling "blended" gasoline for "straight run" gasoline, shall be guilty of a gross misdemeanor and upon conviction shall be punished accordingly.

And provided further, any oil company or any agent or representative thereof who fails to notify deputy inspectors of the arrival of tank cars as provided in Section 13 of Chapter 520, Session Laws of Minnesota 1919, as amended hereby, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than fifty dollars nor more than one hundred dollars, or in default of payment of such fine, by imprisonment for not more than ninety days. ('09 c. 502 § 14, amended '15 c. 271 § 6; '19 c. 520 § 16; '21 c. 483 § 8)

3787. Inconsistent acts repealed—All acts and parts of acts inconsistent herewith are hereby repealed. ('19 c. 520 § 17)