

have not appeared before him or her, shall be guilty of a misdemeanor and be subject to a fine of one hundred (100) dollars for each offense, to be recovered before any court having competent jurisdiction, and shall also be removed from office by the Governor.

§ 16. REPEAL.] All acts or parts of acts in conflict with the provisions of this act are hereby repealed.

Approved, March 6, 1893.

## OIL INSPECTION.

### CHAPTER 77.

[H. B. No. 212.]

#### AMENDMENT TO OIL INSPECTION LAW OF 1890.

AN ACT to Amend Section 2 of Chapter 107 of the Session Laws of 1890, Entitled "An Act to Provide for the Inspection of Illuminating Oils Manufactured from Petroleum or Coal Oils, for the Purpose of Raising the Tests of Oils."

*Be it Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. AMENDMENT.] That Section 2, Chapter 107, of the Laws of 1890, be so amended as to read as follows:

§ 2. OILS—HOW INSPECTED.] It shall be the duty of said State Inspector of Oils to examine and test, as provided by this act, the quality of all mineral or petroleum oil, or any oil, fluid or substance which is a product of petroleum or into which petroleum enters or is found as a constituent element, whether manufactured in this State or not, before the same is offered for sale or sold for illuminating purposes within the State; and such inspection shall be conducted as herein provided in the following manner: The test shall be made in the Tagliabue open cup tester or commercial tester, and in using the tester the oil shall not be heated after it has attained the temperature of 100 degrees Fahrenheit, faster than three degrees a minute, and the flame of the lamp shall be so adjusted as that the rise in temperature shall be as near to two degrees per minute as practicable, and the taper used in making the test shall be such as shall give a clean flame as nearly uniform in size as is practicable, and the State Inspector shall give such instructions as in his judgment shall be necessary to secure uniformity in the methods of making the tests, and it shall be unlawful to use or sell any illuminating oil which on the application of a well-lighted taper, or similar flame, will take fire and burn at a

temperature below that of 120 degrees above the zero point of Fahrenheit's thermometer as shown by said apparatus, or which for any reason whatever shall not remain clear and transparent upon being cooled to a temperature equal to that of 20 degrees above the zero point of Fahrenheit's thermometer, or which shall deposit any solid particles of paraffine when cooled as aforesaid; and the cask, barrel or other package containing the same shall be marked "Rejected," and said brands or devices as are hereinafter mentioned for approval or rejection of laws shall further contain the words "Fire Test," followed by numerals stating the temperature at which said oils will burn upon application of the test prescribed in this act; *Provided*, That the inspector may use for this purpose numerals that only are divisible by ten.

§ 3. AMENDMENT.] Amend Section 10 of said chapter by striking out the figures "100" and inserting in lieu thereof "120."  
Approved, March 6, 1893.

## PERSONAL PROPERTY.

### CHAPTER 78.

[S. B. No. 184.]

#### FRAUDULENT TRANSFERS OF PERSONAL PROPERTY.

AN ACT to Amend Section 2024 of the Civil Code, Being Section 4657 of the Compiled Laws, Compilation of 1887, in Relation to Transfers of Personal Property.

*Be it Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. AMENDMENT.] That Section 2024 of the Civil Code, being Section 4657 of the Compiled Laws of 1887, be and the same is hereby amended so as to read as follows:

§ 2024. PRESUMPTION.] Every sale made by a vendor of goods and chattels in his possession or under his control, and every assignment of goods and chattels, unless the same is accompanied by an immediate delivery, and followed by an actual and continued change of possession of the things sold and assigned, shall be presumed to be fraudulent and void as against the creditors of the vendor or assignor, or subsequent purchasers in good faith, unless those claiming under such sale or assignment make it appear that the same was made in good faith and without any intent to hinder, delay or defraud such creditors or purchasers.

§ 2. EMERGENCY.] Whereas, An emergency exists in that there is no proper or adequate law of this State for the complete