

trustees shall receive sealed proposals for the purchase of the same, and shall give public notice of such sale for at least thirty days preceding such sale, in two or more newspapers in general circulation, giving date of such sale, and such bonds shall be sold to the highest bidder for cash and the proceeds thereof delivered to the treasurer of the North Dakota agricultural college, to be used exclusively in pursuance of the provisions of this act.

§ 3. MONEYS. TO BE DEPOSITED WITH STATE TREASURER.] All moneys that may arise or be derived from the sale, rental or lease of said lands granted to the North Dakota agricultural college shall be deposited with the state treasurer, to be used in pursuance with the provisions of this act for the benefit of the North Dakota agricultural college.

§ 4. EMERGENCY.] Whereas, an emergency exists in that it is necessary to begin the construction of the said additional buildings, sewerage and other necessary improvements before July 1st, therefore this act shall take effect immediately upon its passage and approval.

Approved March 11, 1901.

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## OIL INSPECTION.

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### CHAPTER 128.

[S. B. 107.

#### INSPECTION OF DANGEROUS AND IMPURE OILS.

AN ACT to Prevent the Sale and Use in This State of Dangerous and Impure Oils.

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

§ 1. APPOINTMENT OF INSPECTORS.] The governor shall, by and with the advice and consent of the senate, appoint a suitable person, a citizen of this state who is not engaged directly or indirectly in the manufacturing, dealing or vending of illuminating oils, whose title shall be state inspector of oils, and whose term of office shall be two years, commencing on the first Tuesday in April succeeding his appointment, or until his successor shall be appointed and shall qualify.

The state inspector of oils shall appoint a suitable number of persons, residents of this state and not engaged directly or indirectly in the manufacture, dealing or vending of illuminating oils, who shall act as deputy inspectors of oils.

The said state inspector of oils and his deputies shall have the right

to enter into or upon the premises of any manufacturer, dealer, or vendor of illuminating oils at any time, and to inspect any books or papers of such manufacturer, dealer or vendor pertaining to the shipment or sale of such oils, and all barrels, casks and packages, tanks or other receptacles in which such oils are, or may be contained.

§ 2. BONDS.] The state inspector of oils and his deputies shall each before entering upon the discharge of his duties, take oath of affirmation according to the constitution of this state and the laws thereof, and shall file the same with the secretary of state.

The state inspector of oils shall execute a bond to the state of North Dakota in the penal sum of five thousand dollars (\$5,000), with such surety as shall be approved by the governor of state, conditioned for the faithful performance of the duties herein imposed, which bond shall be for the use of the state of North Dakota and of all persons aggrieved by the act or failure to act of said state inspector of oils, and the same shall be filed with the secretary of state.

Each of said deputy inspectors of oils shall, before entering upon the discharge of his duties, execute a bond to the state of North Dakota in the penal sum of not less than one thousand dollars (\$1,000), nor more than five thousand dollars (\$5,000), as the state inspector of oils shall prescribe, which bond shall be approved by the governor and shall be filed with the secretary of state; and such bond shall be conditioned for the faithful performance of the duties herein imposed, and shall be for the use of the state of North Dakota and of all persons aggrieved by the act or failure to act of the said deputy inspector of oils.

§ 3. APPARATUS.] The state inspector of oils shall immediately upon the appointment and qualification of the deputies named in section 2 of this act procure and furnish to such deputies such apparatus as may be necessary to carry out the provisions of this act.

He may also purchase from time to time such other apparatus for making experiments and tests of illuminating oils as he may deem necessary.

The funds for these purchases shall be taken from the funds now in the hands of the state oil inspector, set aside for the purchase of apparatus and such other funds as are hereinafter provided for.

§ 4. OILS TO BE INSPECTED.] All mineral or petroleum oils or any fluid or substance which is a product of petroleum, or into which petroleum or any product thereof enters as a constituent element, whether manufactured in this state or not, shall be inspected within this state by the state inspector of oils before being used or offered for sale or consumption for illuminating purposes in this state.

§ 5. BRANDS REQUIRED.] Every person, firm or corporation offering for sale to the trade, or manufacturing within this state such illuminating oils, shall stamp or brand every package, barrel or cask containing such illuminating oils with the number or name of the grade of the oil contained in such package, cask or barrel, such grade to be determined by the tests hereinafter provided.

§ 6. ESTABLISHMENT OF GRADES.] Illuminating oils, the product

of petroleum, before being knowingly used, sold, or offered for sale in this state, shall be tested as follows:

No. 1 grade shall conform to the following test:

First. The color shall be water white when viewed by transmitted light through a layer of oil four inches long.

Second. It shall not give a flash test below one hundred and twenty degrees (120) Fahrenheit, closed cup test (Elliott), and shall not have a fire test below one hundred and twenty degrees (120) Fahrenheit.

Third. It shall not contain more than a trace of any sulphur compound.

Fourth. It shall not have a gravity test of more than seventy-nine (79) degrees.

§ 7. METHODS OF INSPECTION.] It shall be the duty of the oil inspector or his deputies, to examine and test within this state the quality of all oil offered for sale by any manufacturer, vendor or dealer, or by any person or corporation in this state as follows:

First. As to flash and fire test.

Second. Gravity tests.

Third. Color test.

If upon such testing and examining such oil shall not meet the requirements as to flash and fire tests herein specified, such oil shall be marked upon the package, barrel, or cask containing the same, "Rejected for Illuminating Purposes," giving date of such examination and the official signature of the inspector or deputy. And it shall be unlawful for any person or persons, or corporation, to sell any such oil so rejected for illuminating purposes, for consumption in this state. If upon such testing and examination such oils shall meet the requirements as to flash and fire tests, as herein specified, such oils shall be marked upon the package, barrel, or cask containing the same, "Approved as to Flash and Fire Tests."

Whenever, in the opinion of the state inspector, or any of his deputies, or any retailer or consumer, there is sufficient cause to justify a more complete test of any oil or oils than that provided for in this section, the said state inspector shall cause the same to be made as follows: He shall procure a sample or samples of such oil or oils, making a note of the grades as stamped upon such barrel, cask or package and forward the same to the state university, agricultural college or school of mines. The chemist in charge of the laboratory of the institution to which such oil or oils is sent shall then make a test of such oil or oils, or cause the same to be made. The methods of testing shall be those employed at the laboratory of the state university, as described in the report of the professor of chemistry at the state university to the oil inspector, and incorporated as a part of the official report of the state oil inspector to the governor for the preceding year.

If after all such tests prescribed in section 6 herein are made, such oil or oils tested do not comply with the requirements in said section he shall fix his brand or device upon such cask, barrel or package as follows: "Below Grade."

§ 8. PENALTY FOR SALES.] If any person shall knowingly use, sell, or offer for sale to the trade for illuminating or heating purposes any such rejected oils, or any oils not stamped as approved by the state inspector of oils, or his deputy, in accordance with the provisions of this act, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to a penalty in the discretion of the court in any sum not exceeding three hundred dollars (\$300)

§ 9. RECORDS AND FEES.] Each and every inspector and deputy inspector who shall inspect any consignment of oils as provided in this act, shall demand and receive from the owner of such oils at the time such oil is tested the sum of forty cents for testing and marking a single barrel, thirty cents each when not exceeding five barrels in number, twenty-five cents when not exceeding ten in number, and fifteen cents per barrel when the number of barrels is greater than ten, submitted at the time for inspection.

Every such inspector and deputy inspector shall keep an accurate record of all the oils inspected, rejected, branded or certified to by him, which record shall state:

The date of each inspection;

The number of packages, barrels, casks or tanks approved;

The number rejected;

The number of gallons of oil contained in such packages, casks, barrels or tanks;

The manufacturer's brand;

The name of the person for whom inspected;

The name of the person to whom consigned, with his address;

The sum of money received for such inspection;

And such record shall be open to all persons interested.

On the first day of each and every month every deputy inspector of oils shall transmit to the state inspector of oils all moneys received during the preceding month and shall at the same time forward to the auditor of state and to the state inspector of oils, true copies of said record for the month preceding. On the 15th day of each and every month the inspector shall transmit to the state treasurer all moneys received during the preceding month and shall at the same time forward to the auditor of state true copies of said record for the months preceding.

The state inspector of oils shall, in the month of January of each year, make and deliver to the governor a report of his acts, and those of his deputies during the year preceding, together with remarks and suggestions for the benefit of the service, which report shall include a copy and summary of the reports submitted by the said deputies, as provided in this section.

The inspection fees forwarded to the state treasurer as herein provided shall constitute and be known as the oil inspection fund.

The auditor of state shall at the end of each and every month issue his warrants to the state inspector of oils, as follows:

The state inspector of oils is entitled to receive 66 per cent of all the

fees received by him and his deputy under the provisions of this act and this 66 per cent shall be in lieu of all the salaries, fees and expenses incurred under the provisions of this act while in the discharge of their official duty. The person appointed as deputy inspector of oils shall be paid by the state inspector of oils from the above amount received by him; 24 per cent thereof shall go to the general fund of the state.

The remaining ten per cent of the fees received under this act shall constitute a chemical test, experiment and apparatus fund, and the state inspector of oils is authorized to use such fund, or any part thereof, in carrying forward chemical tests and experiments directed toward securing more efficient tests or to purchase apparatus for such chemical tests or experiments, and the auditor of state shall on the requisition of the state inspector of oils issue his warrants for the same.

On the first day of January of each year all sums remaining in the oil inspection fund shall be covered into the general fund of the state treasury.

§ 10. EXPERIMENTS AUTHORIZED.] In case the state inspector of oils shall deem it necessary, he may conduct experiments looking to a more adequate test for quality or safety, or may cause the same to be done by the chemist in charge of the laboratory of any of the state educational institutions hereinbefore mentioned.

§ 11. FEES FOR CHEMISTS.] When tests are made by any chemist of any of the designated state educational institutions, either for experimental purposes or for determining the grade of oils as provided for in this act, the chemist making such tests or analysis shall be entitled to the following fees:

For distillation and gravity test, for each sample, five dollars; sulphur test, one dollar; photometer, five dollars.

§ 12. INSPECTORS MUST NOT TRAFFIC IN OILS.] It shall be unlawful for the state inspector of oils or any of his deputies to directly or indirectly while in office, traffic in any of the oils which he has been appointed to inspect. Any person violating the provisions of this section shall be subject to a penalty of not exceeding five hundred dollars (\$500) fine and be removed from office.

§ 13. PROSECUTION.] It shall be the duty of the state inspector of oils, or any of his deputies, or any person having cognizance of the violation of the provisions of this act, to forthwith make complaint to the state's attorney of the county in which the offense is alleged to have been committed against the person or persons so offending, and it is hereby made the duty of such state's attorney to represent and prosecute on behalf of the people of his county all cases of offenses arising under the provisions of this act. Any inspector or state's attorney who willfully refuses or neglects to carry out the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be removed from office.

§ 14. PENALTY.] It shall be unlawful for any person, firm or corporation, whether vendor, dealer, or manufacturer, to knowingly

use, sell or attempt to sell to any person in this state any of the illuminating oils hereinbefore mentioned, until the same shall have been inspected and approved according to the provisions of this act. It shall be unlawful for any person to falsely brand any package, barrel or cask, or falsely certify to any tank, car containing illuminating oils for the purpose of deceiving the purchaser thereof in any manner as to the contents of the same. It shall be unlawful for any person to sell or dispose of any empty barrel, cask or package that has once been used for illuminating oils and has been branded in accordance with the provisions of this act, before thoroughly cancelling, removing or effacing the inspection brand on the same. It shall be unlawful for any person, firm or corporation to adulterate with parafine or other substance for the purpose of sale, or use any of the illuminating oils specified in this act in such manner as to render them unsafe for use, nor shall any person knowingly use, sell, or offer for sale for illuminating purposes, any oil which will emit a combustible vapor at a temperature of less than one hundred and five degrees (105) Fahrenheit, according to the test herein prescribed. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor and shall be subject to a penalty of not exceeding five hundred dollars (\$500) fine or imprisonment in the state penitentiary not exceeding one year, or both such fine and imprisonment.

§ 15. RESPONSIBILITY FOR DAMAGE.] Whoever shall knowingly use, sell, or cause to be sold unlawfully, any of the illuminating oils specified in this act, which are below one hundred and five degrees (105) Fahrenheit, as tested by the official tests herein prescribed, shall be liable to any person purchasing such oil or any person injured thereby, for any damage to person or property arising from any explosion thereof.

§ 16. EXAMINATION OF DEPUTIES' ACCOUNTS.] It shall be the duty of the state inspector of oils to at least once in each sixty (60) days, make a thorough examination of the books and other accounts of each of his deputies, to determine whether such deputies are fully complying with the law, and to make such other examinations as may be necessary to ascertain as far as practicable whether any of the provisions of this act are being violated.

When the state inspector of oils shall discover any violation of the provisions of this act he shall at once make complaint and institute prosecutions thereunder.

§ 17. REMOVALS.] It shall be the duty of the governor, whenever he shall find that the state inspector of oils is guilty of refusal or neglect to discharge any of the duties enjoined upon him by this act, to promptly remove him from office. It shall be the duty of the state inspector of oils to promptly remove from office any of his deputies who shall prove himself to be unfaithful or dishonest in the discharge of his duties.

§ 18. PORT OF ENTRY.] All illuminating oils when shipped into this state shall be inspected on entering the state, the following points

being designated as ports of entry: Fairmount, Wahpeton, Fargo, Grand Forks, Hankinson, Oakes, and Ellendale. For making inspections other than at said points, the inspector or his deputies shall be entitled, in addition to the fees prescribed, to mileage at the rate of ten (cents) per mile for each mile actually traveled, such mileage to be paid by the party for whom inspection is made.

§ 19. REPEAL.] All acts and parts of acts in conflict with this act are hereby repealed.

Approved March 13, 1901.

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## PAN-AMERICAN EXPOSITION.

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### CHAPTER 129.

[H. B. 176.]

#### PAN-AMERICAN EXPOSITION.

AN ACT to Provide for the Collection, Arrangement and Display of the Products and Resources of the State of North Dakota, at the Pan-American Exposition, to be Held at the City of Buffalo, State of New York, in the Year 1901.

PAN-AMERICAN EXPOSITION EXHIBIT OF STATE.] Whereas, there is to be held at the city of Buffalo, in the state of New York, an exposition known as the Pan-American Exposition; and

Whereas, a corporation with a large amount of capital has been duly organized under the laws of the state of New York to conduct the business affairs of said exposition; and

Whereas, the congress of the United States has given its sanction to the Pan-American exposition by appropriating five hundred thousand dollars for this purpose, and declared that it is desirable to encourage the holding of the Pan-American exposition in the city of Buffalo in the year 1901, and a display of the products of the soil, mine, etc., of the western hemisphere would unquestionably be of great commercial benefit, not only to this country but to the entire hemisphere; and

Whereas, the Pan-American exposition will present the best opportunity ever known to place before the public, complete and perfect representation of the agricultural resources of the Americas; and

Whereas, agriculture, live stock and dairy interests will receive large space and special attention by the exposition authorities; and

Whereas, an unqualified opportunity is given to call the attention of home seekers and investors to our unoccupied lands and undeveloped agriculture and mineral resources.