

## OFFICERS

### CHAPTER 184.

(S. B. No. 29—Ingerson.)

#### REMOVAL OF OFFICERS.

An Act to Amend and Re-enact Section 685 of the Compiled Laws of North Dakota for the Year 1913, Relating to the Removal of Certain County, Township, Municipal and Other Officers.

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

Sec. 1. AMENDMENT.) That Section 685 of the Compiled Laws of North Dakota for the year 1913, be amended and re-enacted to read as follows:

Sec. 685. WHAT OFFICERS REMOVABLE BY GOVERNOR, GROUNDS.) The Governor may remove from office any county commissioner, clerk of the district court, county judge, sheriff, coroner, county auditor, register of deeds, state's attorney, county treasurer, superintendent of schools, county commissioners, surveyor, public administrator, city auditor, city treasurer, any city commissioner, mayor, chief of police, police magistrate, deputy sheriff, or other police officer, or any custodian of public moneys, except the State Treasurer, whenever it appears to him by competent evidence and after a hearing as hereinafter provided that such officer has been guilty of misconduct, malfeasance, crime in office, neglect of duties in office, or for habitual drunkenness or gross incompetency.

Approved February 11, 1919.

## OIL INSPECTION

### CHAPTER 185.

(S. B. No. 15—Haggart.)

#### INSPECTION OF OILS AND PETROLEUM PRODUCTS.

An Act Providing for the Inspection of Refined Petroleum, Petroleum Products, Illuminating Oils, Gasolines and Other Low Flash Test Petroleum Products; Providing for the Establishment of Ports of Entry; Appointment of Deputies and Inspectors; Defining Chemical Tests, Inspection Fees; and Providing Appropriations for Carrying Out the Provisions of this Act; and to Repeal Chapter 188 of the Session Laws of North Dakota for 1915 and Chapters 161 and 162 for the Year 1917.

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

Sec. 1. OIL INSPECTOR. APPOINTMENT OF DEPUTY INSPECTORS AND CHEMISTS.) The food commissioner stationed at the Agricultural College at Fargo shall be and is ex-officio State Inspector

of Oils and shall perform all the duties thereof as now prescribed by law, without further or additional compensation. The State Inspector of Oils shall appoint the necessary inspectors or deputies and fix the salaries for the same. The duties of said inspectors shall be that of regular inspectors and employees of the Food Commission; to make such inspections and to perform all other duties required of them by the Food Commissioner under the various Acts of the Legislature made a part of the duties of the regulatory work at the Agricultural College. The State Inspector of Oils shall also employ deputies, inspectors, chemists and such clerical and office help as may be required. Said Commissioner and his deputies or inspectors shall have the right, and it shall be their duty, to enter into or upon the premises of any manufacturer, dealer, or vendor of refined petroleum oils or gasoline, at any time, for the inspection of such oils or gasoline or other petroleum products; and to inspect any books or papers of such manufacturers, dealers or transportation companies, pertaining to the shipment or sale of such oils or gasolines, and all receptacles in which such oils or gasoline are or may be contained. The said Deputy State Inspector of Oils shall receive an annual salary of not to exceed two thousand four hundred dollars payable monthly, and all other deputies shall receive salaries payable monthly unless otherwise ordered by said commissioners and chemists as follows:

The Commissioner as State Inspector of Oils may establish ports of entry at such points as he deems necessary or discontinue such ports of entry when he finds they are not needed and for such ports of entry as established the State Inspector of Oils shall appoint deputies or inspectors for each point designated as a port of entry as hereby provided.

At ports of entry where the total number of barrels inspected is in excess of 8,000 per annum, the salary shall be fifty dollars per month.

At ports of entry where the total number of barrels inspected is in excess of 15,000 per annum the salary shall be seventy-five dollars per month.

At all ports of entry where the total number of barrels inspected is in excess of 25,000 per annum, the salary of deputy oil inspectors shall be one hundred dollars per month; provided that the salaries of the deputy oil inspectors at the designated points of entry shall be based upon the last annual report of the State Oil Inspector as to the number of barrels of oil inspected.

All other deputies shall receive such salary, of not less than ten dollars nor more than thirty dollars, per month, as in the judgment of the Food Commissioner is deemed just compensation for services performed.

The Commissioner as State Inspector of Oils ex-officio, shall make and file with the State Auditor on or before the fifth day

of each month, a monthly statement under oath, of all inspections made by himself and his deputies under the provisions of this article.

The Food Commissioner or State Inspector of Oils is authorized to employ as needed trained men as traveling inspectors or deputies not to exceed five in number who shall be regular employees of the Food Commission for the State of North Dakota whose duties it shall be to aid in the inspection and enforcement of all laws assigned by legislative action to the department under the provisions of this Act.

Sec. 2. STATE AUDITOR'S DUTIES.) It shall be the duty of the State Auditor to furnish the State Treasurer with a summary of inspection fees due the State of North Dakota, designating the name and address of consignors and the amount of inspection fees on or before the tenth day of each month.

Sec. 3. STATE TREASURER'S DUTIES.) It shall be the duty of the State Treasurer to receive all inspection funds, fees, or fines from the State Oil Inspector and to furnish receipt therefor. The said fund shall be known as the "Oil Inspection Fund" against which all necessary expenses incurred in connection with the enforcement of this Act, court or attorney's fees, or matters of record, shall be charged against the fund.

Sec. 4. PAYMENT OF FEES.) On the first day of each and every month every deputy inspector of oils shall transmit to the State Inspector of Oils all inspection fees received during the preceding month. The State Inspector of Oils shall on or before the tenth of each and every month transmit to the State Treasurer all funds received for inspection fees during the month preceding. All inspection fees due to the State of North Dakota where oil companies or others execute bonds to guarantee payment of fees shall be made direct by the consignor or consignee of said petroleum products to the State Oil Inspector on or before the fifteenth day of each calendar month.

Sec. 5. OATH. BOND.) The State Inspector of Oils and the deputy inspectors shall, before entering upon the discharge of their duties, take oath or affirmation, according to the Constitution of this State, and the laws thereof, and shall file the same with the Secretary of State. The said inspector of oils shall execute a bond to the State of North Dakota in the penal sum of Five Thousand Dollars, with such surety as shall be approved by the Governor of the 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 of act of the State Inspector of Oils, and the same shall be filed with the Secretary of State and the costs therefor shall be charged against the Oil Inspection Fund. Each such deputy inspector 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 nor more than Five thousand dollars, as the State Inspector of Oils shall prescribe, which bond shall be approved by the Governor and 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 all persons aggrieved by the act or failure of act of such deputy inspector of oils.

Sec. 6. OIL COMPANIES SHALL EXECUTE BOND TO GUARANTEE PAYMENT OF FEES.) Any person, firm or corporation shipping into the state petroleum, illuminating oils, gasoline, or other petroleum products for sale, or manufacturing within the state such petroleum, illuminating oils, gasoline, or other petroleum products, shall execute a bond to the State of North Dakota in the penal sum of not less than five hundred dollars. In case the inspection fees of any person, firm or corporation exceed the amount of five hundred dollars for any calendar month, such person, firm or corporation shall execute a bond to the state of North Dakota for twice the amount of the maximum fees paid by such person, firm or corporation for any month of the preceding calendar year, with such surety as shall be approved by the Governor of the State, conditioned for the faithful payment of inspection fees herein imposed, which bond shall be for the use of the State of North Dakota, and shall be filed with the Secretary of State not later than July 1, 1919. Provided, that any person, firm or corporation doing business in the state at the time of the taking effect of this Act, shall file such bond not more than thirty days after shipment of the first consignment into the state. Provided that any person, firm or corporation doing business in this state as herein provided for, not furnishing a bond, shall pay the amount due for each and every inspection before such petroleum products are released by the inspector.

Sec. 7. INSPECTOR'S APPARATUS TO BE FURNISHED. CHEMIST EMPLOYED.) The State Inspector of Oils shall immediately upon the appointment and qualification of the deputies named in Section One, procure and furnish to such deputies such apparatus as may be necessary to carry out the provisions of this article. He may also purchase from time to time the apparatus for making tests of petroleum, illuminating oils, gasolines and other petroleum products as hereinafter provided and pay the necessary office, travel and other expenses of the department. For the purpose of making chemical and photometric tests, as hereinafter provided for, the State Oil Inspector shall provide the necessary apparatus and employ to work under his direction competent chemists to make such tests as are called for by the provisions of this Act or as in the judgment of the State Oil Inspector are essential for the better enforcement of the laws pertaining to petroleum products and to afford full protection to the public.

It shall be the duty of the chemists to make tests of such illuminating, fuel, power and lubricating oils as are submitted to them to determine the value of the oils for the purposes claimed, said tests being made under such provisions and regulations as may be established by the State Oil Inspector.

Sec. 8. INSPECTOR'S DUTIES.) Except as hereinafter provided, all illuminating, fuel, power or lubricating oils, the product of petroleum, or into which petroleum or any products of petroleum enters or is found as a constituent, whether manufactured in this state or not, shall be guaranteed by the manufacturer or shipper as provided in this article before being sold or offered for sale or used for illuminating, fuel or power purposes in this state. It shall be the duty of the State Inspector of Oils, or his deputies, to examine and test within this state all such oils held or offered for sale or sold by any manufacturer, vendor, person, firm or corporation in this state for illuminating, fuel, or power purposes, and if upon such tests and examinations, said oils shall meet the requirements hereinafter specified, he shall affix to the receptacle containing same, his brand showing the date of his inspection, his name and the words "Approved, flash test not less than one hundred (100) degrees, fire test not less than one hundred twenty-five (125) degrees Fahrenheit." But if such illuminating oils, so tested, shall not meet such requirements, hereinafter specified, the words "Rejected for illuminating purposes," shall be marked in plain letters upon the receptacle containing the same.

All oils, the products of petroleum or into which petroleum or any product of petroleum enters or is found as a constituent, sold or offered for sale or used in this state for illuminating purposes shall conform to the following requirements:

The color shall be water white when viewed by transmitted light through a layer of oil four inches deep. It shall not give a flash test below one hundred (100) degrees Fahrenheit, closed cup test, Elliot cup, and shall not have a fire test below one hundred twenty-five (125) degrees Fahrenheit, Elliot cup.

Every person, firm or corporation selling or delivering said illuminating oils in bulk by means of portable tanks, or tank wagons, or at retail, shall, in lieu of the stamp or brand above provided for, furnish and deliver to the purchaser a certificate covering each delivery thereof, in the following words, figures and terms:

"This is to certify that the illuminating oil covered by this sale has a flash test of not less than one hundred (100) degrees, and a fire test of not less than one hundred twenty-five (125) degrees, and has been inspected and approved by the State Oil Inspector and complies with North Dakota chemical tests."

Provided so-called fuel oils and other petroleum products test forty (40) degrees Beaume or lower at a temperature of sixty (60) degrees Fahrenheit, shall be inspected as in this Act

provided and the same shall be labeled "fuel oil" or "distillate," as the case may be, and the fee for inspecting and testing all petroleum and petroleum products shall be three (3) cents per barrel. It is not the intent of this provision to include lubricating oils.

The State Oil Inspector shall take or cause to be taken samples of all products provided for in this article at such time as he deems necessary and as found in the possessions of dealers or users of said products and cause the same to be examined.

The State Oil Inspector is authorized to publish and distribute bulletins giving information with regard to oils, gasolines and their usage.

Sec. 9. DUTY OF SELLER. PENALTY.) All oils, the product of petroleum or into which petroleum or any product of petroleum enters or is found a constituent, sold or offered for sale or used in this state for illuminating purposes shall likewise conform to the following, which shall be known as the chemical tests, to-wit:

(a) Such illuminating oils shall not contain water or tar-like matter, nor shall they contain more than a trace of any sulphur compound.

(b) After being subjected to inspection as herein provided, and having withstood all inspection tests, any such so inspected oil may, with the consent of the Oil Inspector, be colored.

(c) It shall be the duty of the State Inspector or his deputy to at least once in each thirty days have a chemical test made by a competent chemist appointed by the State Oil Inspector, demonstrating whether or not such oils contain more than four (4) per cent residue after being distilled at a temperature of five hundred and seventy (570) degrees Fahrenheit, and shall not contain more than six (6) per cent of oil distilling at three hundred and ten (310) degrees Fahrenheit when one hundred (100) cubic centimeters of the oil are distilled from a side-neck distilling flask two and three-fourths inches in diameter, the length of the neck between the body of the flask and the side tube being two and one-half inches, said flask to be covered with a closely adherent jacket of asbestos paper; also determination of the amount of sulphur compounds in said oils, which shall not contain more than a trace of any sulphur compound, together with such burning tests as may be necessary to determine the photometric value of the oils, which shall not, in the photometric test, when burning under normal conditions, show a fall of more than twenty-five per cent in candle power in a test of not less than six or more eight hours' duration, consuming ninety-five per cent of the oil. The result of such chemical tests shall be included in the annual report of the State Inspector of Oils to the Governor. The failure of the State Inspector of Oils to have the above tests made shall render him liable to a fine of one hundred dollars

for each offense. In case any corporation, company or individual, manufacturer or vendor has or offers for sale for illuminating purposes oils which do not comply with the hereinbefore prescribed tests, the State Inspector of Oils shall reject such oils for illuminating purposes, and the offending officer of any such corporation or company or the manufacturer, vendor, or individual having or offering for sale for illuminating purposes such oils be deemed guilty of a misdemeanor.

Sec. 10. DUTY OF SELLER. PENALTY.) All gasolines and all petroleum products having a flash test of less than one hundred (100) degrees Fahrenheit, closed cup test, Elliot cup, whether manufactured in this state or not, shall be inspected as provided in this article before being sold or offered for sale or used in this state. It shall be the duty of the State Inspector of Oils, or his deputies, to examine and test within this state all such gasolines and petroleum products of less than one hundred (100) degrees Fahrenheit, flash test, held or offered for sale in this state, for gravity. The gravity of said gasoline and said petroleum products of less than one hundred (100) degrees Fahrenheit, flash test, shall be determined by the Tagliabus standard registered hydrometer, Beume scale at a temperature of sixty (60) degrees Fahrenheit. After making said examination and test, he shall affix to the receptacle containing the same, his brand showing the date of inspection, his name and the word "Inspected."

Every person, firm or corporation selling or delivering any of said gasoline or petroleum products of less than one hundred (100) degrees Fahrenheit, flash test, in this state, in barrels or packages, shall plainly stencil or label on each barrel or package containing the same, the words, "Gravity not less than.....degrees Beume. Unsafe for illuminating purposes. For power purposes only," inserting in the blank space, left therefor, a Beume gravity not higher than the actual Beume gravity of the contents of said barrel or package, at a temperature of sixty (60) degrees Fahrenheit. Every person, firm or corporation selling or delivering said gasoline or petroleum productions of less than one hundred (100) degrees Fahrenheit, flash test, by means of portable tanks or tank-wagons, or at retail, shall in lieu of the stamp, brand or label hereinbefore provided for, furnish and deliver to the purchaser a certificate covering each delivery of the same in the following words, figures and terms:

"This is to certify that the gasoline or petroleum product of less than one hundred (100) degrees Fahrenheit, flash test, covered by this sale, is unsafe for illuminating purposes, has a gravity test of not less than ..... degrees Beume, and has been inspected by the State Inspector of Oils. For power purposes only."

Inserting in blank space left therefor a Beume gravity not higher than the actual Beume gravity, at a temperature of sixty

(60) degrees Fahrenheit, of the gasoline or petroleum products of less than one hundred (100) degrees Fahrenheit, flash test, covered by said scale. Provided, nevertheless, that all gasolines sold or offered for sale in this state for household purposes, shall, when one hundred cubic centimeters are subjected to a distillation in a flask as described for distilling of oil, show not less than three (3) per cent distilling at one hundred and fifty-eight (158) degrees Fahrenheit, and there shall not be more than six (6) per cent residue at two hundred and eighty-four (284) degrees Fahrenheit, which shall be known as the Chemical test for gasoline sold or offered for sale in this state for household purposes.

Every person, firm or corporation selling or delivering any such gasoline in barrels or packages shall plainly stencil or label on each barrel or package containing the same, the words "Gravity not less than ..... degrees Beaume. Unsafe for illuminating purposes. Sold for household purposes."

Every person, firm or corporation, selling or delivering such gasoline in bulk by means of portable tanks or tank-wagons, or at retail, shall, in lieu of the stamp or brand hereinbefore provided for, furnish and deliver to the purchaser a certificate covering each delivery thereof in the following words, figures and terms:

"This is to certify that the gasoline or petroleum product of less than one hundred (100) degrees Fahrenheit, flash test, covered by this sale, is unsafe for illuminating purposes; has a gravity test of not less than.....degrees Beaume; has been inspected by the State Inspector of Oils and complies with the North Dakota chemical test for gasoline for household purposes."

Inserting in the blank space left therefor a Beaume gravity not higher than the Beaume gravity of the gasoline or petroleum products of less than one hundred (100) degrees Fahrenheit, flash test, covered by said sale, at a temperature of sixty (60) degrees Fahrenheit.

Any person, firm or corporation, selling or offering to sell within this state, gasoline for household purposes which does not comply with the foregoing requirements, shall be guilty of a misdemeanor.

Sec. 11. BRAND TO BE STAMPED ON CONTAINERS.) Every person, firm or corporation offering for sale or selling or manufacturing within the state, such illuminating oils, gasolines or petroleum products of less than one hundred (100) degrees Fahrenheit, flash test, shall stamp or brand every package, barrel or cask containing the same with the name of the brand contained in such package, cask or barrel. Every package, cask or barrel which contains gasoline or any petroleum product of less than one hundred (100) degrees Fahrenheit, flash test, shall be branded before being shipped into the state, "Unsafe for illuminating purposes."

Sec. 12. DUTY OF INSPECTOR, OR TRANSPORTATION COMPANY. PENALTY.) It shall be the duty of the State Inspector of Oils upon entering upon the duties of his office to at once forward to each of the transportation companies whose lines enter the state, and to the State Auditor, a list of ports of entry which have been created and to report to such companies and State Auditor new ports of entry as they may be established, together with the names of the deputies at each port; also the names of all deputies or inspectors authorized to make inspections of petroleum products, and the transportation company bringing petroleum, illuminating oils, gasolines, petroleum products, of less than one hundred (100) degrees Fahrenheit, flash test, into the state, subject to the inspection as herein provided, shall stop and hold for inspection at points designated as ports of entry, all consignments of such goods, and a failure to do so will be a misdemeanor on the part of the transportation company and its representative in charge, and punishable by a fine not to exceed one hundred and fifty (150) dollars, or by imprisonment not to exceed thirty (30) days or both. Any person, firm or corporation or individual bringing into the state such goods in the same manner are subject to the same regulations and penalties, except as to notification of ports of entry and deputies; and for their notification, notices shall be posted at every transportation company's station in each port of entry. Provided, oil companies having bond with the State of North Dakota may be authorized upon proper guarantee to the State Inspector of Oils under regulations to be established from time to time be permitted to ship direct to dealer or distributor.

Sec. 13. INSPECTION FEES.) Each and every inspector and deputy inspector who shall inspect any consignment of illuminating oils or gasoline or petroleum products of less than one hundred (100) degrees Fahrenheit, flash test, as provided in this article, shall charge the consignor or consignee of such goods the sum of three (3) cents for testing a barrel or less quantity. Fifty gallons shall constitute a barrel. Where shipment under guarantee is made the shippers shall pay the inspection fee direct to the State Treasurer each month as herein provided for. Every such inspector and deputy inspector shall keep an accurate record of all such goods inspected, rejected, branded or certified to by him, which record shall state the date of such inspection, the number of packages, barrels, casks, or tanks approved, the number rejected, the name of the person for whom inspected, the name of the person to whom consigned, with his address, the sum of money charged for such inspection, and such records shall be open to all persons interested. The State Inspector of Oils shall, in the month of January, in 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 shall include a copy and summary of the report submitted by said deputies as provided for in this section.

Sec. 14. INSPECTION REPORTS.) A record of all inspections shall be made in quadruplicate in a carbon copy book; one copy shall be retained at the port of entry where inspection is made; on the day of inspection one copy of the report shall be forwarded to the consignor or consignee, one copy to the State Inspector of Oils, and one copy to the State Auditor, either on the date of inspection or on or before the fifth day of the succeeding month at the discretion of the State Inspector of Oils. On the first day of each month each deputy shall furnish to the State Inspector of Oils and State Auditor a summary of any and all inspections made by him during the preceding month, including the name and address of every consignor or consignee and the amount of inspection fees due. One copy of the monthly summary shall be retained at each port of entry.

Sec. 15. INSPECTOR AND DEPUTIES SHALL NOT DEAL IN PETROLEUM PRODUCTS.) It shall be unlawful for the State Inspector of Oils, or his deputies, to directly or indirectly while in office, traffic in any of the illuminating oils, gasoline or petroleum products 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 (500) dollars and be removed from office.

Sec. 16. STATE'S ATTORNEY SHALL PROSECUTE IN CERTAIN CASES.) It shall be the duty of the State Inspector of Oils, or any of his deputies, or any person having cognizance of any violation of the provisions of this articles, to forthwith make complaint to the State's Attorney for the county in which the offense is alleged to have 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 state all cases of offense arising under the provisions of this article. Any inspector or State's Attorney who wilfully refuses or neglects to carry out the provisions of this section shall be deemed guilty of a misdemeanor and shall upon conviction thereof, be removed from office.

Sec. 17. FALSE BRAND. ADULTERATIONS. PENALTY.) It shall be unlawful for any person, firm or corporation, whether vendor, dealer or manufacturer, to have, use, sell, attempt to sell or deliver to any person in this state for illuminating purposes any of the illuminating oils hereinbefore mentioned, until the same shall have been guaranteed by the shipper or have been inspected and approved, and branded, labeled, or certified, according to the provisions of this Act. It shall be unlawful for any person, firm or corporation, whether vendor, dealer, or manufacturer, to have, use, sell, attempt to sell, or deliver to any person in this

state any of the gasolines or petroleum products of less than one hundred (100) degrees Fahrenheit, flash test, until the same shall have been inspected and branded, labeled or certified, according to the provisions of this Act. It shall be unlawful for any person to falsely brand and label any package, barrel or cask or falsely certify to the contents of any tank, vat, tank or tank-wagon containing said illuminating oils or said gasoline or said petroleum products of less than one hundred (100) degrees Fahrenheit, flash test, or to deliver therefrom, 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 dispose of any empty barrel, cask or package that has once been used for said illuminating oils or gasoline or petroleum products of less than one hundred (100) degrees Fahrenheit, flash test, and has been branded or labeled in accordance with this Act, before thoroughly cancelling, removing or effacing the inspection brand of the same.

It shall be unlawful for any person, firm or corporation to adulterate with paraffin or other substances, for the purposes of sale or use, any of the illuminating oils specified in this article, nor shall any person sell or offer for sale for illuminating purposes, oils which shall emit a combustible vapor at a temperature of less than one hundred (100) degrees Fahrenheit, according to the test herein described.

Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor and shall be subject to a penalty not to exceed five hundred (500) dollars fine, or imprisonment in the State Penitentiary not to exceed one year, or both such fine and imprisonment.

Sec. 18. CONTAINERS. PENALTY.) It shall be unlawful for any person, firm or corporation to keep for sale or use, or to sell any gasoline or petroleum products of less than one hundred (100) degrees Fahrenheit, flash test, in any barrel, cask, package, can or receptacle, unless the same is painted red, or to keep for sale or use or to sell any petroleum, illuminating oils, in any barrel, cask, package, can or container if the same is painted red: provided, however, that in the case of gasoline, benzine or naphtha being sold in bottles for cleaning and similar purposes, it shall be deemed sufficient if the contents are so designated by red label securely pasted or attached thereto, bearing the words, "Gasoline," "Benzine," "Naphtha," as the case may be; provided, however, that the provisions of this section shall not apply to any barrel, cask, or other receptacle, the capacity of which is over sixty gallons.

Any person, firm or corporation violating any of the provisions of this section shall be punished by a fine of not more than twenty-five (25) dollars, or by imprisonment in the county jail of not to exceed sixty (60) days or both.

Sec. 19. PENALTY.) Whoever shall use, sell or cause to be sold unlawfully for illuminating purposes, any of the illuminating oils specified in this article, which are below one hundred (100) degrees Fahrenheit, flash test, as tested by the official test as herein described, shall be liable to any person purchasing such oils or to any person injured thereby for any damage to any person or property arising from the explosion thereof.

Sec. 20. REMOVED FROM OFFICE IN CERTAIN CASES.) 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 article, 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 to be unfaithful or dishonest in the discharge of his duties.

Sec. 21. PORTS OF ENTRY DESIGNATED. How.) The State Inspector of Oils is authorized to designate as ports of entry points where public necessity requires inspections should be made; but in no case shall any place be designated as a port of entry unless there shall have received at such place at least one thousand barrels during the preceding year.

Sec. 22. EXPENSES PAID OUT OF OIL INSPECTION FUND.) All expenses and salaries shall be paid out of the Oil Inspection Fund on the order of the State Inspector of Oils.

Sec. 23. Nothing in this Act shall be construed to exempt from inspection and payment of fees any illuminating or lubricating or fuel oils, gasolines, power oils or distillates.

Sec. 24. REPEAL.) Chapter 188 of the Session Laws of North Dakota for the year 1915, and Chapters 161 and 162 of the Session Laws of 1917, and all Acts and parts of Acts insofar as they are in conflict herewith are hereby repealed.

Sec. 25. EMERGENCY.) This Act is hereby declared an Emergency Measure and shall be in full force and effect from and after its passage and approval.

Approved February 26, 1919.