

REVISED LAWS

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1905

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EDITED AND ANNOTATED BY
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1717. Unlawful acts of licensed person—Every person licensed to procure insurance in an unlicensed foreign company, who fails to file the affidavit and statement required in such case, or who wilfully makes a false affidavit or statement, shall forfeit his license and be guilty of a gross misdemeanor. ('95 c. 175 s. 102)

1718. Unlawful procurement or use of proxy—Every officer or agent of a domestic mutual insurance company who shall solicit, receive, procure to be obtained, or use a proxy vote in violation of any provision of law, shall be guilty of a gross misdemeanor. ('95 c. 175 s. 109)

1719. False statements in applications—Every solicitor, agent, examining physician, or other person who knowingly or wilfully makes a false or fraudulent statement in, or relative to, any application for insurance or membership, for any purpose whatsoever, shall be guilty of a gross misdemeanor. (3315; '95 c. 175 s. 72)

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1720. Failure to make annual statement—Every company neglecting to file its annual statement in the form prescribed and within the time specified by law shall forfeit one hundred dollars for each day's neglect, and its authority to do new business shall cease upon order by the commissioner to that effect, while such default continues. For wilfully making a false annual or other required statement, such company shall forfeit five hundred dollars. Either or both of the aforesaid forfeitures may be recovered in a civil action brought by and in the name of the state, and the money recovered shall be paid into the state treasury. ('95 c. 175 s. 104)

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78-311, 81+3.

1721. Violations of chapter—Every company, and every officer and agent of any company, making, issuing, delivering, or tendering any policy of insurance of any kind, or directing any of the same to be done, in wilful violation of any of the provisions of law, for a first offence, shall be guilty of a misdemeanor, and for each subsequent offence, of a gross misdemeanor; and, in addition to all other penalties prescribed by law, every company issuing any such policy shall be disqualified from doing any insurance business in this state until the payment of all fines imposed, and for one year thereafter.

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1722. Failure to make report or comply with law—Every officer and agent of any insurance company, required by any provision of this chapter to make any report or perform any act, who shall neglect or refuse to comply with such requirement, and every agent, solicitor, or collector of such corporation in this state who fails or neglects to procure from the commissioner a certificate of authority to do such business, or who fails or refuses to comply with, or violates, any provision of the insurance law, shall be guilty of a gross misdemeanor. (3313, 3315)

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1723. Other violations—Whoever violates any provision of the insurance law, where the nature of the offence is not specifically designated herein, shall be guilty of a gross misdemeanor. ('95 c. 175 s. 112)

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CHAPTER 20

INSPECTOR OF OILS

1724. Appointment, etc.—Term—The governor, by and with the advice and consent of the senate, shall appoint an 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; but the governor may supersede such inspector whenever he shall deem it necessary for the public good. He shall receive an annual salary of twenty-four hundred dollars, payable monthly. He shall give bond to the state, in the penal sum

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09 - - 502

of five thousand dollars, conditioned for the faithful discharge of his official duties, to be approved by the secretary of state. (447, 448; '01 c. 123 s. 1)

71-178, 73+704.

1725. Deputies—Such inspector may appoint, and at pleasure remove, one deputy inspector in and for each county, and one additional in counties having more than one hundred and fifty thousand inhabitants, who shall assist, under his direction, in performing the duties imposed by this chapter. They shall each give bond to the state in the sum of two thousand dollars, with like conditions as that of the inspector, to be approved by a judge of the district court of the county in which they severally reside. They shall receive such compensation, not exceeding one hundred dollars per month, as the inspector may prescribe: Provided, that the pay of no deputy for any month shall exceed the amount of fees collected and remitted by him during the preceding month. (449; '01 c. 123 s. 2)

1726. Reports of inspection—Improper traffic—The inspector and his deputies shall cause all the provisions of this chapter to be observed and enforced, prosecute all persons offending against the same, and collect and pay over all fees and other moneys accruing to the state hereunder. The inspector shall keep a record of all inspections made, showing the time and place of each, the number of packages inspected, the number of gallons contained therein, and the fees received therefor; and, to that end, he shall require monthly reports from his deputies. If any oil has been rejected, said reports shall also show the date and place thereof, the quantity rejected, and the names of the dealers in whose hands it was found, and from whom it was by him received. All such records shall be open to the public. If the inspector or any deputy shall traffic, directly or indirectly, in any article, which it is his duty to inspect, he shall be guilty of a gross misdemeanor. (451)

1727. Inferior oils—No person shall sell, offer for sale, or use, for illuminating purposes, any coal oil, or product thereof, unless the same has been inspected and branded as provided in this chapter; nor any that will ignite at a temperature below one hundred and twenty degrees Fahrenheit: Provided, that oil that will burn at a lower temperature may be sold and used as fuel, and that the gas or vapor arising from oil, naphtha, or gasoline may be used for lighting purposes. Every violation of this section shall be deemed a gross misdemeanor. (452, 454; '97 c. 65)

37-433, 34+904.

1728. Inspection and branding—The inspector, or one of his deputies, shall test the quality of all illuminating oil made, offered for sale, or sold in this state; using for that purpose at least half a pint from each quantity examined. If found to answer the requirement named in § 1727, he shall affix to the receptacle containing the same his brand, showing the date of inspection, his name, and the word "Approved"; 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, and the date and result of inspection. The method and means of inspection shall be such as may be recommended by the state board of health. (454)

37-433, 34+904.

1729. Branding on request—Whenever requested so to do by the owner, 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 relates: Provided, that if such inspection be desired at a place other than at the railroad station or dock where the same was delivered to the person making the request, the inspector, in addition to the legal fees, shall receive ten cents for each mile necessarily traveled in going to and returning from the place of inspection, computed from his place of residence; but no mileage shall

be required for travel outside of the county in which the inspection is made. (454, 455)

1730. Oil in tanks—Inspection before unloading—Oil 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 arrival. Each fifty-five gallons thereof shall be considered a barrel, in computing the inspection fees. No further inspection shall be necessary, and, if such oil be afterward placed in barrels, the inspector shall brand, without charge, one such barrel for each fifty-five gallons thereof. (456)

50-290, 52+652.

1731. Uncanceled or false brands—No person shall use as a receptacle for illuminating oil any barrel, tank, or other vessel previously used for that purpose, and having an inspector's brand thereon, without first canceling 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 gross misdemeanor. (453)

1732. Fees for inspection—The fees for inspection 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.

If the quantity in any receptacle exceed one barrel, fifteen cents shall be charged for each fifty-five gallons thereof. Such fees shall be collected at the time of inspection, and the inspector or deputy may sue therefor in his own name, for the use of the state. (457; '01 c. 123 s. 3)

1733. Receipts paid to treasurer—Standing appropriation for salaries—At the end of each month, the inspector shall pay into the state treasury all moneys received by him as such, and file with the state auditor a verified statement of the amount and sources thereof. Such moneys shall be credited to the "Oil inspection fund." For the payment of the salaries of the state inspector, his deputy and assistants, and the expenses provided for in this chapter, the sum of thirty 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 tenth 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 amount of all expenses necessarily incurred by him in the performance of his duties, including the cost of blanks, stationery, postage, travel, and implements furnished for testing and branding oils. And such salaries, mileage, and expenses, being duly audited, shall be paid by the state. (447, 449; '01 c. 123 ss. 1, 2)

CHAPTER 21

INSPECTION OF FOOD AND OTHER ARTICLES

1734. Dairy and food commissioner—The governor shall appoint a dairy and food commissioner whose term of office shall extend to the first Monday in January of the odd-numbered year next after his appointment and until his successor qualifies; but the governor may supersede such commissioner at pleasure. He shall cause to be enforced all the provisions of this chapter, and all other laws designed to prevent fraud and deception in the manufacture and sale of human food and drink and the several ingredients thereof, and shall have authority to take all proper educational measures to foster and promote the manufacture and sale of pure food products. All appointees hereunder

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