

CHANGES

—IN THE—

General Statutes of 1878,

EFFECTED BY THE

GENERAL LAWS OF 1879 AND 1881,

Arranged with reference to the Chapter and Section Amended.

SAINT PAUL:
WEST PUBLISHING COMPANY.
1883.

had thereon as prescribed in sections five, six, and seven, except that if the challenge is sustained the juror shall be excluded. The adverse party may also orally deny the facts alleged as the ground of challenge. (*As amended 1881, c. 9, § 1.*)
See page 962.

CHAPTER CXX.
JAILS AND PRISONS.

STATE PRISON.

§ 44. (Sec. 42.) as to salary of warden of state prison, amended to increase such salary from one thousand eight hundred dollars to two thousand five hundred dollars per annum. (1881, c. 70, § 1.)
See page 972.

CHAPTER CXXIII.
CURATIVE ACTS.

CONVEYANCES DEFECTIVELY EXECUTED.

*§ 4a. *Same*—without witnesses. All conveyances of or affecting real estate heretofore recorded in the several counties of the state of Minnesota being without or having but one witness, and in all other respects executed according to the laws of this state, be and the same are hereby legalized and made good and valid: *provided, however*, that nothing herein contained shall in any manner affect the rights or title of any *bona fide* purchaser without notice for a valuable consideration. (1879, c. 93, § 1.)
See page 999.

*§ 30a. *Mortgages given to partnership in firm name*—legalization of foreclosure. That all mortgages heretofore made of any real property in this state, or of any interest therein, to any partnership or firm in their partnership or firm name, and which said mortgages have been foreclosed by advertisement pursuant to the statute relating to foreclosing by advertisement in the name of said partnership or firm, be and the same are, together with all proceedings had in such foreclosure, hereby legalized and confirmed, so far as relates to any question of defect by reason of the mortgagees' names being stated in said mortgages by their partnership or firm name, instead of the individual names of the members of said partnership or firm. (1881, c. 140, § 1.)
See page 1003.

CHAPTER CXXIV.
MISCELLANEOUS LAWS.
SUBJECTS FOR DISSECTION.

*§ 39. *Penalty for violating section one of this act.* Every person who unlawfully shall exhume, remove, or carry off the remains or any part of the remains of any deceased person, or who shall deliver up such remains in violation of or contrary to any or all of the provisions contained in the first section of this act, and every person who shall receive said remains, knowing the same to have been exhumed, removed, carried off, or delivered contrary to any or all of the provisions of this act, shall, each and every one of such persons, be deemed guilty of a felony, and shall on conviction

Ch. CXXIII, §§ 30b to 30e, incl. See 1883 Suppl., pp. 91, 92.

tion be imprisoned in the state prison for a term not exceeding four years. (*Id.* § 4, as amended 1879, c. 42, § 1.)

See page 1016.

DRAINING OF WET LANDS.

§ 59. **Bridges where drains cross highways.** If any drain constructed under this act shall cross a highway, excepting railroads, it shall be bridged at the expense of the applicant or applicants; said bridging to be done in the manner prescribed by the board of town supervisors of said town. When it shall be necessary to extend any such ditch or drain as falls within the meaning of this act into more than one town, the supervisors of the town where the application is first filed shall submit the same to the county commissioners of such county at the first subsequent meeting, and on being satisfied that such ditch or drain is a public necessity or accommodation, said commissioners shall direct the supervisors of the several towns to take measures for the construction or extension of such ditch in their respective towns, in conformity with the provisions of this act. (*Id.* § 11, as amended 1879, c. 38, § 1.)

See page 1020.

CULTIVATION OF TIMBER AND HEDGES.

* § 70. **Bounty for tree-planting.** That every person who shall hereafter plant and cultivate one acre and not more than ten of prairie land with any kind of forest tree except black locust, and keep the same in a thrifty growing condition for a period of six years, and every person who shall plant, cultivate, protect, and keep in a thrifty growing condition for the same period one-half mile or more of such forest trees along any public highway, shall be entitled to receive compensation at the rate of three dollars annually for each acre of grove planted, and two dollars annually for each half mile of such line of trees, for the period of six years. To entitle any person to compensation under this act for trees planted by the acre, such person shall plant or grow not less than twenty-seven hundred trees on each acre in the first instance, and cultivate, maintain, and keep in a thrifty growing condition at least eighteen hundred trees on each acre during the first and second years next succeeding the year of planting, and maintain in a thrifty growing condition for the remaining three years thereafter not less than nine hundred trees on each acre; and to entitle any person to compensation for the planting, cultivation, protection, and maintenance of trees along a public highway, such person shall plant the trees not more than eight feet apart, cultivate the same during the first and second years after the year of planting, and maintain the same in a thrifty growing condition, not more than eight feet apart, for the remaining three years: *provided*, that the planting of cuttings or sowing tree seed shall be construed to be a planting of trees within the meaning of this act; but no person shall receive compensation for the year in which such cuttings are planted or tree seeds are sown, and the year succeeding the sowing of such tree seed and planting of cuttings shall be construed to be the six years for which compensation is granted under this act; *provided, also*, that this act shall not apply to any railroad company planting trees within two hundred feet of its track, nor to any person planting trees in compliance with the requirements of the act of Congress entitled "An act to encourage growth of timber on western prairies," approved March 3, 1873, or an act amendatory thereof. (1881, c. 151, § 1.)*

* § 71. **Proceedings to obtain bounty.** Any person wishing to secure the benefits of this act shall file with the county auditor of the county in which the land is located a correct plat of such grove or line of trees, and designate the same by metes and bounds, giving the subdivision on which the same is located, according to government survey, and if such grove or line of trees is extended, supplemental plats of such extension, made out in like manner, shall be filed from time to time as such extension is made; such applicant for compensation shall also make proof of the ownership of the land and of the planting and maintaining of the requisite number of trees,

(* An act to encourage timber culture, and to provide a compensation therefor. Approved March 5, 1881.)

and at the proper distance as above specified, and of the cultivation and maintenance in a thrifty growing condition of the same as within provided, to be verified by the claimant and supported by the affidavit of at least two freeholders, residents of the same town, who have personal knowledge of the facts, which proof is to be filed with the county auditor of the county between the first and fifteenth days of July of the year for which compensation is claimed. Such proof shall be made in such form and on such blanks as shall be prescribed by the Minnesota Forestry Association in conformity with the spirit of this act. (*Id.* § 2.)

*§ 72. Assessor to examine and make return of trees planted. It is hereby made the duty of the assessor of every town, at the time of making his assessment, to ascertain whether or not trees have been planted by any land owner in his town, and for which compensation is claimed under this act; and in case trees have been planted, and such compensation is claimed, the assessor shall personally examine the grove or line of trees and make report of the extent and condition thereof according to the prescribed form, the same to be returned to the county auditor with the other returns and assessment book. (*Id.* § 3.)

*§ 73. County auditor to compare proof with assessor's return. The county auditor shall thereupon, and before the first day of August each year, compare the proof furnished by the owner of the grove or line of trees with the assessor's report thereof, and if the same correspond in substance he shall immediately forward to the state auditor a certified list of all plats filed, and proofs of planting, cultivation, and maintenance found correct as aforesaid. (*Id.* § 4.)

*§ 73a. State auditor to issue warrants for bounty—limitation of aggregate amount. If the state auditor finds that the provisions of this act have been complied with, he shall issue to the several claimants entitled to compensation his warrant upon the state treasurer for the amount to which such claimant is entitled under this act, on the first Monday in October each year: *provided*, that if the aggregate of the compensation so applied for shall, in any one year, exceed the amount of money in the hands of the state treasurer belonging to the state forestry fund, then it shall be the duty of the state auditor to ascertain the amount of money in said fund, and on the first Monday of October in such year equitably distribute such sum among the claimants, and to issue no warrant to any claimant for a larger sum than his *pro rata* share under said distribution, and his warrant for such *pro rata* shall relieve the state and said fund from further claim for such year. (*Id.* § 5.)

*§ 73b. Forestry fund—tax for—limitation on expenditure. For the purpose of paying the compensation provided for in this act, a general tax of one-tenth of one mill on the assessment of all the real and personal property in the state shall be annually levied by the state auditor, in the same manner as state taxes. The moneys collected from such tax shall be designated the state "forestry fund," shall be separately kept and accounted for, and shall be collected in the same manner and by the same persons as are other state taxes, and paid into the state treasury. The state treasurer shall place all moneys collected from said tax to the credit of said fund, and no payments shall be made therefrom except for the redemption of the state auditor's warrants, issued as hereinbefore provided, and as provided in the following section: *provided*, that no more than twenty thousand dollars (\$20,000) shall be expended for said purpose in any one year. (*Id.* § 6.)

*§ 73c. Application for bounty to be made, when. Any person who has complied in full with all the requirements of the law in force upon the planting of timber and shade trees in this state, but who, through mistake, inadvertence, inability, or otherwise has failed to measure, plat, and lay out such land so planted to trees, and make the necessary application to obtain a bounty therefor as required by law, may so measure, plat, and lay out said land, and make said application for bounty as aforesaid at any time previous to the thirty-first day of July, one thousand eight hundred and seventy-nine, which said proceedings shall be subject to all the laws now in force upon this subject, and said person when so complying with the foregoing provisions shall be entitled to the same bounty as if said application had been made within the time heretofore required by law. (1879, c. 96, § 1.)

See page 1023.

BOUNTIES FOR KILLING WOLVES.

*§ 74. **Amount of bounty—applicant to make proof.** Any person who shall kill any wolf in this state between November first and May first in any year, shall be entitled to receive a bounty of five dollars, (\$5,) and for any wolf killed in this state in any year between May first and November first, shall be entitled to receive a bounty of three dollars, (\$3;) and any person claiming such bounty shall produce the head of the wolf so killed, with the ears and scalp thereon entire, within twenty (20) days after such wolf has been killed, to the county auditor, or, in his absence, to the clerk of the court, and shall make oath or affirmation in writing before such auditor, or the clerk of the court, that the wolf whose head is produced was killed within such county within twenty (20) days last past, and shall surrender and deliver to such officer the head of such wolf with the scalp thereon. (1876, c. 94, as amended 1879, c. 39, and 1881, c. 18, § 1. See *§ 123 *et seq.*)

*§ 75. **Auditor to issue orders on treasurer, when.** The county auditor, after such oath or affirmation shall have been made, having been satisfied that such head has been destroyed, shall then grant an order to the person making the affidavit, for the amount due him, on the treasury of the state, taking a receipt for the same on the back of said affidavit, which said county auditor shall keep on file in his office; which said order shall be received in payment of state tax. (1879, c. 39, § 2.)

*§ 76. **Amount of order, etc., to be entered.** The county auditor shall enter in a book for that purpose the date and amount of such order, with the number thereof and to whom issued, and shall annually, between the fifteenth and twentieth day of November, make a certified copy of such entries, and transmit the same to the auditor of state. (*Id.* § 3.)

*§ 77. **Redeemed orders to be preserved—issuance of fraudulent bounty orders—penalty.** It shall be the duty of the state treasurer, on receipt of any such county orders in payment of state taxes, to enter on the face of the same the word "redeemed" and the date of redemption; and the auditor of state on receiving any such redeemed order to preserve the same, and at least once in each year to compare the same with the exhibit thereof furnished him by the county auditor of the proper county, as hereinbefore required. Any county auditor, or deputy county auditor, or clerk of court who shall be found guilty, by any court of competent jurisdiction, of fraudulently issuing any order for bounty under the provisions of this act, shall be punished by fine not less than ten dollars nor more than one hundred dollars, or by imprisonment in the county jail not longer than sixty days, or by both such fine and imprisonment, in the discretion of the court, for each offence. (*Id.* § 4, as amended 1881, c. 18, § 2.)

See page 1023.

DISTRIBUTION OF SEED TO GRASSHOPPER SUFFERERS.

*§ 107a. **Time for payment for seed-grain personal property extended.** That the payment of the seed-grain personal property tax against all persons who were furnished seed grain by the state of Minnesota under the provisions of chapter ninety-four of the General Laws of eighteen hundred and seventy-eight, which has not been paid, and where such persons are unable to make present payment thereof on account of failure of crops or other reasonable cause, be and the same hereby is extended, without interest, costs, or penalties, as to one-half of said tax, until the first day of November, A. D. eighteen hundred and eighty-one, and as to the other half of said tax, until the first day of October, eighteen hundred and eighty-two, upon the conditions and terms hereinafter stated, and not otherwise. (1881, c. 149, § 1.)*

*§ 107b. **Seed-grain real estate tax—extension of time of payment.** That the payment of one-half of the seed-grain real estate tax against the real estate of all persons who were furnished seed grain by the state of Minnesota under the provisions of chapter ninety-four of the General Laws of eighteen hundred and seventy-eight, which has not been paid, and where such persons are unable to make present payment thereof on account of failure of crops or other reasonable cause, be and the

(*An act extending the time of payment for seed grain furnished sufferers from grasshopper ravages under chapter 94 of the General Laws of 1878.)

same hereby is extended, without interest, cost, or penalties, until the first day of June, eighteen hundred and eighty-two, upon the terms and conditions hereinafter stated, and not otherwise. (*Id.* § 2.)

*§ 107c. **Application to be made for extension.** That all persons wishing to avail themselves of this act, shall, on or before June first, eighteen hundred and eighty-one, make application therefor to the county auditor of the proper county, and shall file with such county auditor his or her affidavit, containing a description of their land, if any, against which there are unpaid taxes for seed, and stating that they are unable to pay the taxes due from them for seed grain by reason of loss of crops or other reasonable cause, to be set forth in such affidavit; and thereupon the said county auditor shall, if he is satisfied that said parties are unable to make present payment of said taxes, grant an extension of the time of the payment of said taxes as hereinbefore provided, and shall deliver to the county treasurer of his county a list of the names of the persons, with a description of their real estate, to whom such extension shall be granted; but no extension of any portion of said real estate tax shall be extended until one-half of said tax has been actually paid. At the expiration of such extension the said county treasurer shall proceed to collect said personal property taxes in accordance with the provisions of section fifty-eight, of chapter eleven, of the statutes of eighteen hundred and seventy-eight. And the balance of said real estate taxes, if not paid on or before June first, eighteen hundred and eighty-two, shall be collected in the same manner and as a part of the taxes for the year eighteen hundred and eighty-one against said real estate. (*Id.* § 3.)

*§ 107d. **Extension not to prejudice claims of state.** That nothing in this act shall operate in any manner to prejudice the claims of the state against any person indebted for seed grain, but all the provisions of said chapter ninety-four, except as herein provided, shall continue in full force and effect as against such persons indebted, until the claims of the state are fully paid and satisfied. And all persons availing themselves of the benefits of this act, shall be deemed to have waived any and all defence which they have or might have had against the payment of said taxes, and shall be estopped from asserting the invalidity of any of said taxes or claims for taxes extended by virtue of this act, and the portion of said real estate tax extended shall be and continue to be a lien on the real estate against which it purports to have been assessed until paid. (*Id.* § 4.)

See page 1029.

OFFICERS IN CHARGE OF CAPITOL.

*§ 130. **Governor to appoint certain officers.** The governor shall appoint or employ the following persons to attend to the safety, cleanness, and comfort of the capitol building and capitol grounds, and perform such manual labor and duties as the various state officers therein may require from time to time:

First. A janitor, who shall have the care and oversight of the building and its contents generally, and be made responsible for the movable property and fixtures, and for the cleanness, quiet, and safety of the building, and the care and neatness of the grounds, fences, and shrubbery. He shall have the power and authority of a policeman, and be authorized to make arrests, if necessary to enforce order and quiet in and about the building, and whose salary shall be twelve hundred dollars per annum. One messenger, such messenger to perform the duties appertaining to that position, and to aid the janitor, at a compensation of not more than fifty dollars per month. A chief engineer, who shall have the control and regulation of the steam-heating apparatus, gas fixtures, plumbing, etc., alter and repair the same when necessary, attend to the heating and ventilation of the building, and render such other services, when not so engaged, as he has opportunity, in the care, safety, and quiet of the building. During the period when the steam-heating apparatus is not being operated, he shall be the night-watchman, and shall have the power and authority of a policeman, and be authorized to make arrests, if necessary to enforce order and quiet in and about the building, whose salary shall be twelve hundred dollars per annum.

Fourth. A fireman for day duty, to be employed as such during the period when the steam-heating apparatus is in use; during the remainder of the year he shall act

as laborer to do such work and services about the building and grounds, under the supervision of the janitor, as occasion may require, and to make himself generally useful, whose salary shall be sixty dollars per month.

[*Fifth.*] A night-fireman and assistant engineer, to be employed only during the period when the steam-heating apparatus is in use, and who shall be during that period night-watchman, and while so acting shall have the power and authority of a policeman, and be authorized to make arrests, if necessary to enforce order and quiet in and about the building, and whose salary shall be seventy-five dollars per month for not more than four months in each year.

The hours of service of the above employes are to be so adjusted that one or more of them shall be on duty during every portion of the day and night to care for the safety of the building from fire and robbery, and render such other services as the occasion demands. The governor shall prepare rules and instructions fixing the details of the service about the building to carry out the above provisions. (1879, c. 100, § 1.)

FARMERS' BOARD OF TRADE.*

*§ 131. **Members to be appointed—how.** That it is hereby made the duty of the judge of each judicial district within this state to appoint one of the most able farmers residing therein, who shall be well versed in the theory and practice of agriculture, and who is not an incumbent of any public office of the state, and who is not a stockholder, officer, trustee, assignee, or employe of any banking, moneyed or savings institution, or corporation created under the laws thereof, and one that is not directly or indirectly connected with any association which has for its object the buying and selling of produce. (1879, c. 99, § 1.)

*§ 132. **Style.** The persons so appointed shall constitute a board of trade, which shall be styled the farmers' board of trade of the state of Minnesota, and shall take and file with the secretary of state an oath of office for the faithful discharge of the duties of their office. (*Id.* § 2.)

*§ 133. **Board to meet—when.** The said board of trade shall meet in the city of St. Paul on the first Tuesday in September in each year, and thereafter at such times and places as they may designate. (*Id.* § 3.)

*§ 134. **Officers.** The board shall elect a president and may appoint such other officers as they may deem necessary. They may also employ a secretary and prescribe his duties. (*Id.* § 4.)

*§ 135. **Powers.** The board shall have full power to make all needful rules and regulations necessary to carry out fully the meaning and intent of this act. (*Id.* § 5.)

*§ 136. **Duty of board.** It shall be the duty of the state board of trade to assume and exercise a constant supervision over the agricultural interests of the state, and shall make a report to the legislature, presenting such facts, statistics, and suggestions as in their judgment may be necessary to induce legislation for the protection and welfare of the entire agricultural interest. (*Id.* § 6.)

*§ 137. **Compensation.** The members of the board shall receive as compensation for their services three dollars per day and mileage to the amount of their necessary actual expenses. (*Id.* § 7.)

*§ 138. **Special meetings.** The president shall call special meetings whenever demanded by a majority of the members, provided that there shall not be more than two meetings in each year, and that the per diem shall not exceed ten days for each member. (*Id.* § 8.)

*§ 139. **Appropriation.** The sum of fifteen hundred dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the treasury not otherwise appropriated, for the use of said board, to be expended only for the purposes herein expressed. (*Id.* § 9.)

*§ 140. The money hereby appropriated shall remain in the treasury subject to the order of said board. (*Id.* § 10.)

*§ 141. The officers of any agricultural society, and delegates representing any number of farmers, may be admitted to the meetings of the board, under rules and regulations prescribed by the board. (*Id.* § 11.)

(* An act to provide for the appointment and to prescribe the duties of a board of trade to be known as the Farmers' Board of Trade of the State of Minnesota. Approved March 11, 1881.)

*§ 142. **Term of office.** The members of said board shall hold their office for the term of two and four years respectively, as follows: Those appointed from the even-numbered districts for two years, and those from the odd for four years, unless sooner revoked by the judge appointing them, which may be done at any time for proper reasons. (*Id.* § 12.)

PUBLIC LIBRARIES.

*§ 143. **How established.** That the city council of any incorporated city, or village council of any incorporated village, shall have power to establish and maintain a public library and reading room, or either of them, for the use and benefit of the inhabitants of such city or village, and may levy a tax, not to exceed one mill on the dollar annually, and in cities of over thirty thousand inhabitants not to exceed one-half of one mill on the dollar annually, on all the taxable property in the city, such tax to be levied and collected in like manner with the other general taxes of said city or village, and to be known as the "library fund." (1879, c. 106, § 1.)

*§ 144. **Directors--how appointed.** When any city or village council shall have decided to establish and maintain a public library and reading room, or either of them, under this act, the mayor of such city or president of such village, shall, with the approval of the city or village council, proceed to appoint a board of nine directors for the same, chosen from the citizens at large, with reference to their fitness for such office, and not more than one member of the city or village council shall be at any time a member of said board. (*Id.* § 2.)

*§ 145. **Term of office.** Said directors shall hold office, one-third for one year, one-third for two years, and one third for three years from the first of May following their appointment, and at their first regular meeting shall cast lots for the respective terms, and annually thereafter the mayor of such city, or president of such village, shall, before the first day of May in each year, appoint as before three directors to take the place of the retiring directors, who shall hold office for three years, and until their successors are appointed. Such mayor or president may, by and with the consent of the council, remove any director for misconduct or neglect of duty. (*Id.* § 3.)

*§ 146. **Vacancies.** Vacancies in the board of directors occasioned by removals, resignations, or otherwise, shall be reported to the city or village council, and be filled in like manner as original appointments, and no director shall receive compensation as such. (*Id.* § 4.)

*§ 147. **Shall adopt by-laws, etc.** Said directors shall, immediately after appointment, meet and organize by the election of one of their number president, and by the election of such other officers as they may deem necessary. They shall make and adopt such by-laws, rules, and regulations for their own guidance, and for the government of the library and reading room, or either of them, as may be expedient, not inconsistent with this act. They shall have the exclusive control of the expenditure of all moneys collected and placed to the credit of the library fund, and of the construction of any library building, and of the supervision, care, and custody of the grounds, rooms, or buildings constructed, leased, or set apart for that purpose: *provided*, that all moneys received for such library shall be deposited in the treasury of said city or village to the credit of other [the] library fund, and shall be kept separate and apart from the money of said city or village, and shall be paid out only upon the properly-authenticated vouchers of the library board. Said board shall have power to lease and [provide] appropriate rooms for the use of said library; shall have power to appoint a suitable librarian and necessary assistants, and fix their compensation, and shall also have power to remove such appointees; and shall in general carry out the spirit and intent of this act. Said board shall have power, when approved by such city or village council, to purchase ground and erect thereon a suitable building for the use of said library. (*Id.* § 5.)

*§ 148. **To be free.** Every library and reading room, or either of them, established under this act, shall be forever free to the use of the inhabitants of the city or village where located, always subject to such reasonable rules and regulations as the library board may adopt in order to render the use of the said library and reading room, or either of them, of the greatest benefit to the greatest number; and said

board may exclude from the use of the said library and reading room, or either of them, any and all persons who shall wilfully violate such rules. (*Id.* § 6.)

*§ 149. **Directors to make annual report.** The said board of directors shall make, on or before the first day of April in each year, an annual report to the city or village council, stating the conditions of their trust on the first day of March of that year; the various sums of money received from the library fund and other sources, and how such moneys have been expended and for what purposes; the number of books and periodicals on hand; the number added by purchase, gift, or otherwise, during the year; the number lost or missing; the number of persons attending; the number of books loaned out, and the general character and kind of such books, with such other statistics, information, and suggestions as they may deem of general interest. (*Id.* § 7.)

*§ 150. **Power of council.** The council of said city or village shall have power to pass ordinances imposing suitable penalties for the punishment of persons committing injury upon such library or other property thereof, and for injury to or failure to return any book belonging to such library. (*Id.* § 8.)

*§ 151. **Donations.** Any person desiring to make donations of money, personal property, or real estate for the benefit of such library, shall have the right to vest the title to the money, property, or real estate so donated, in the board of directors created under this act, to be held and controlled by such board, when accepted, according to the terms of the deed, gift, devise, or bequest of such property, and as to such property the board shall be held and considered to be special trustees. (*Id.* § 9.)

*§ 152. **Libraries already established may be transferred.** Any library already existing or hereafter established in any city or village which shall establish a free library and reading room, or either of them, under the provisions of this act, may be transferred by the society, association, or individuals owning the same, to the board of directors created under this act, on such terms, not inconsistent with the objects of this act, as may be mutually agreed upon; and as to such property the said board of directors shall be held and considered to be special trustees: *provided*, also, that any incorporated city may establish one or more reading rooms to accommodate the inhabitants thereof, in different parts of said city, under the provisions of this act. (*Id.* § 10.)

INSPECTION OF STEAM-BOILERS.*

*§ 153. **Appointment of inspectors.** There shall be appointed by the governor a board of three inspectors, whose duty shall be to inspect steam-boilers, and shall hold their office for three years from the date of their appointment, unless sooner removed for cause. (1881, c. 111, § 1.)

*§ 154. **Qualifications—shall take oath—may be removed.** Said inspectors shall be persons who have had practice in the construction of steam-boilers, and such experience in their management as will enable them to fill the duties of their positions; and they shall be men of good moral character, and shall first be duly sworn or affirmed by some officer of the state that they will faithfully perform the duties of their office; and the governor may at any time remove an inspector from office upon evidence sufficient to show incapacity or unfaithfulness in the discharge of his duties, and appoint a successor. (*Id.* § 2.)

*§ 155. **Establishment of rules and regulations.** Said inspectors shall, on or before the first Monday of April next, after the passage of this bill, and each year thereafter, at such time as they shall designate, meet and establish such rules and regulations for the inspection of steam-boilers, and to carry out the provisions of this act, which rules, when so established, shall have the form of law. (*Id.* § 3.)

*§ 156. **Owner shall cause boiler, etc., to be inspected—penalty for failure.** Every owner, lessee, or other person in charge of any steam-boat plying upon any inland lake not subject to inspection under the laws of the United States, or any establishment propelled in whole or in part by steam, shall cause to be inspected, at least once in each year, the boilers, pipes, and valves used by him, and every such owner, lessee,

(* An act to provide for the inspection of steam-boilers and licensing steam engineers in Minnesota. Approved March 8, 1881.)

or person in charge of such steam-boat or establishment, who shall raise steam and operate his said boilers, pipes, and valves without such inspection, shall forfeit and pay the sum of one hundred dollars, one-half of said amount to accrue to the state and the other half to the person informing and prosecuting therefor. (*Id.* § 4.)

*§ 157. **Annual inspection—granting certificates.** Said inspectors shall annually inspect all boilers in the state subject to inspection under the provisions of this act, and grant certificates of inspection to the owner or other person, in conformity with the rules established by said board of inspectors, when such boilers shall be found to comply with the rules of said board of inspectors. (*Id.* § 5.)

*§ 158. **Inspection in addition to annual one—penalty for using condemned boiler.** In addition to the annual inspection it shall be the duty of said inspectors to examine, at proper times, when in their opinion such examination shall become necessary, all such boilers in the state as shall become unsafe from any cause, after their inspection, and to notify the owners or those using the same of any defects in said boilers and what repairs may be necessary in order to render them safe; and it shall be the duty of the person owning or operating any such boilers to cease to use the same until such repairs are made, and in case of a failure to comply with the requirements herein, the said person so owning or operating the same shall be liable to a fine not exceeding one hundred dollars. (*Id.* § 6.)

*§ 159. **Fusible plug in boiler.** Every steam-boiler shall be provided with a fusible plug of good Bianca tin and lead inserted in the flues, crown-sheets, or other parts of the boiler most exposed to the heat of the furnace when the water falls below the prescribed limits. (*Id.* § 7.)

*§ 160. **Inspectors to have free access to boilers.** It shall be the duty of all owners, or others, operating steam-boilers mentioned in this act, to allow said inspectors free access to the same, and it is hereby made the duty of any engineer operating the same to assist the inspector in his examination, and to point out any defects he may know in the boiler or machinery operated by him. (*Id.* § 8.)

*§ 161. **Fees of inspectors.** The fees of such inspectors shall be for one boiler five dollars, and three dollars for each additional boiler when connected, to be paid when certificate is granted. (*Id.* § 9.)

*§ 162. **Penalty for false certificate.** Any inspector who shall wilfully certify falsely touching any steam-boiler, or their attachments, shall, on conviction thereof, be punished by a fine not exceeding five hundred dollars, and shall be removed from office. (*Id.* § 10.)

*§ 163. **Limitation of act.** This act, so far as it refers to steam-boilers, shall not apply to railroad locomotives, and boilers used in railroad shops, boilers holding an inspection certificate from any insurance company insuring against explosive or steam-boat boilers, that come under the United States inspection laws. This act shall apply only to boilers used in steam-boats plying upon inland lakes in this State. (*Id.* § 11.)

OFFICIAL BONDS.*

*§ 164. **Blanks for official bonds to be prepared.** It is hereby made the duty of the secretary of state, the attorney general, and the public examiner to prepare and cause to be printed blank forms of official bonds for the use of the following officers, viz.: County auditor, county treasurer, register of deeds, sheriff, clerk of the district court, court commissioner, coroner, and judge of probate. (1881; c. 110, § 1.)

*§ 165. **To be furnished to county auditor.** The secretary of state shall each year, or as often as may be necessary, forward to the county auditor in each county in this state a sufficient number of such printed forms for the use of such county officers. (*Id.* § 2.)

*§ 166. **Duty of officers elected to use blanks furnished.** It shall be the duty of each person elected to any office named herein to use the blanks so prepared before entering upon the discharge of his duties: *provided*, that bonds shall not be deemed invalid because executed otherwise than upon such blanks. (*Id.* § 3.)

*§ 167. **Official bond of register of deeds—where to be recorded.** The official bond of

(*An act to provide for the preparation and printing of blanks for official bonds of county officers, and for recording such bonds and filing the same in the office of the secretary of state. Approved March 4, 1881.)

MINNESOTA STATUTES 1881 SUPPLEMENT

122

MISCELLANEOUS LAWS.

the register of deeds shall be recorded in the minutes of the proceedings of the board of county commissioners for the session of such board during which said bond was approved, and shall then be immediately forwarded by the county auditor, as clerk of such board, to the secretary of state. (*Id.* § 4.)

*§ 168. **Bonds of other officers—where to be recorded.** All official bonds of county officers which are now or which may hereafter be required to be filed and recorded in the office of the register of deeds of the county where such officers respectively reside, shall be forwarded by such register of deeds as soon as recorded to the secretary of state. (*Id.* § 5.)

*§ 169. **Certain bonds to be approved by attorney general.** The secretary of state shall obtain in writing, upon all bonds forwarded to him, the approval of the same as to statutory form and execution by the attorney general, and when so approved he shall file the same in his office and retain the same for the use of all parties interested therein. (*Id.* § 6.)

*§ 170. **Failure to approve—new bond to be given.** In case of non-approval of any bond on account of defect in form or execution of the same, the attorney general shall indorse thereon the reasons for such non-approval, and the secretary of state shall advise the county commissioners of the proper county of such non-approval, with the reasons therefor, and the county commissioners shall at once require the officer executing the same to execute without delay a bond perfected according to the statutes, which shall be approved, recorded, and filed as provided by law; but nothing in this act shall be construed as invalidating the original bond for any portion of such officer's term in office previous to the filing of the perfected bond with the secretary of state, or as interfering with the duties of the county commissioners in regard to the approval of bonds, or in regard to the calling for new and additional bonds. (*Id.* § 7.)

*§ 171. **Bond filed with secretary of state—when may be removed.** No bond so filed in the office of the secretary of state shall be removed therefrom, except upon the written order of the judge of some court of record of the state before whom an action is pending to enforce the conditions of such bonds. (*Id.* § 8.)

*§ 172. **Certified copy—effect to be given to.** A copy of any such official bond so filed in the office of the secretary of state, and duly certified by him under his hand and seal of office to be a true copy of the original bond on file in his office, may be used as evidence in all the courts of this state, and shall have the same force and effect as if the original bond were produced in court. (*Id.* § 9.)

*§ 173. **Repealing clause.** All acts and parts of acts inconsistent with the provisions of this act are hereby repealed. (*Id.* § 10.)

*§§ 174 to 265, incl. See 1883 Sup't, pp. 94 to 113, incl.