

# CHANGES

IN THE

## General Statutes of 1878,

OF THE

STATE OF MINNESOTA,

EFFECTED BY THE GENERAL LAWS OF THE EXTRA  
SESSION OF 1881, AND THE REGULAR  
SESSION OF 1883.

Arranged with reference to the Chapter and Section Amended.

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SAINT PAUL:  
WEST PUBLISHING COMPANY.  
1883.

## CHAPTER CXXIV.

## MISCELLANEOUS LAWS.

## INN AND HOTEL KEEPERS.

\*§ 22. Strike out the proviso, viz.:

*Provided, however,* that nothing herein contained shall apply to such amount of money and valuables as a prudent person would retain in his room or about his person for present use. (1874, c. 52, § 2, *as amended* 1883, c. 30, § 1.)

See page 1014.

## DRAINING OF WET LANDS.

\*§ 63a. **County commissioners may grant permission to drain shallow lakes.** That for the purpose of providing for the draining of shallow, grassy lakes, and making the same productive, and removing certain causes of malaria, the county commissioners, or a majority of them, of the county in which such lake is situated or a major part thereof, shall be authorized and empowered to grant permission for such drainage upon the presentation of the petition of all the parties living on land bounded in part by said lake, praying that the same may be drained along its natural outlet at their, said petitioners', cost and expense: *provided*, that before any lake shall be drained under the authority of this act, all persons owning lands adjacent or contiguous to the lake mentioned or described in their petition, or the outlet thereof, so far as open, shall file their deed of consent to such drainage in the office of the register of deeds in and for the county in which such lake is situated, which deed shall be acknowledged as deeds of real estate are by law now required to be acknowledged: *and provided further*, that no lake shall be so drained which is free from grass or other vegetable growths, or that contains water of a greater depth than four feet: *and provided further*, that this bill shall only apply to meandered lakes. (1883, c. 139, § 1.)

See page 1021.

## CULTIVATION OF TIMBER AND HEDGES.

\*§ 70. **Bounty for tree-planting.** That every person who has heretofore or 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, cultivating, protection, and maintenance of trees along the 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 of 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[s] 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 the [growth] of timber on western prairies,' approved March third, one thousand eight hundred and seventy-three, or an act amendatory thereof. (1883, c. 44, § 1.)

See page 1022.

\*§ 73d. **Appropriation from forestry fund.** That there be, and hereby is, appropriated to the Minnesota State Forestry Association the sum of five thousand dollars, out of any money in the state treasury belonging to the state forestry fund, not otherwise appropriated, for the support of said association during the years eighteen hundred and eighty-three and eighteen hundred and eighty-four, which amount, or so much thereof as may be necessary, shall be expended by said association in the promotion and encouragement of tree planting in this state, by means of printing and distributing a manual of directions for planting and cultivating forests, procuring lectures and addresses on the subject by persons skilled in that science, and disseminating the same through the public press; collecting from information on the best methods of forest culture from persons in this state who have been successful in the same; by experimental cultivation of varieties of forest trees which are supposed to be adapted to this climate, or by procuring and distributing seeds and cuttings for the same, and generally to aid and encourage tree-planting by any other means which they may think advisable. (1883, c. 110, § 1.)

\*§ 73e. **Distribution of Forest-Tree-Planters' Manual.** Said association is hereby authorized and directed to have a new edition of the Forest-Tree-Planters' Manual prepared by an expert in the science of forestry, and they shall print and distribute as large an edition of the same as they may deem expedient, sending copies of the same free to such citizens as may apply therefor. (*Id.* § 2.)

\*§ 73f. **Expenditure for publishing other instructions.** A portion of the sum above appropriated may also be expended by said association in measures for the protection of the forest already growing in the state, by publishing information as to the best manner of preventing forest fires, and otherwise protecting them, with directions for the proper trimming, thinning, replanting, etc., so as to produce systematic care of the woodlands of the state and their profitable use. (*Id.* § 3.)

\*§ 73g. **Money—how drawn and paid.** The money above appropriated shall be paid out of the state treasury on vouchers filed by the treasurer of the forestry association, which have been approved by the president of said association. (*Id.* § 4.)

See page 1022.

#### INSPECTION OF STEAM BOILERS.

\*§ 161. **Fees of inspectors.** The fees of such inspection shall be for each boiler fifteen dollars, to be paid when the certificate is granted. (1881, c. 111, § 9, as amended 1883, c. 70, § 1.)

See Supp. 1881, page 121.

#### OFFICIAL BONDS.

Add to \*§ 164, Supp. 1881, p. 121, the words "county attorneys and county surveyors." (1883, c. 9, § 1.)

See page 1031, and Supp. 1881, page 121.

\*§ 167, (*Sec. 4, c. 110, General Laws 1881*), relating to the official bond of register of deeds, is repealed by 1883, c. 47, § 2.

See Supp. 1881, p. 121.

#### OFFICIAL BONDS OF STATE OFFICERS.

\*§ 174. **Official bonds of state officers, etc.—how approved.** That all official bonds of state officers, and of the treasurers of the several public, educational, charitable, penal, and reformatory institutions belonging to the state, shall be ap-

proved by a board of auditors, consisting of the governor, secretary of state, and attorney general, or by the governor and one other of said officers. (1883, c. 131, § 1.)

\*§ 175. **Bonds—where filed.** Said bonds shall be deposited with the secretary of state, who shall file, record, and retain the same for the use of all persons interested therein. (*Id.* § 2.)

\*§ 176. **Approval of attorney general.** Previous to such filing the secretary of state shall obtain in writing upon all such bonds the approval of the attorney general as to their statutory form and execution, and in case of his non-approval on account of any defect in the form or execution of the same, the attorney general shall indorse thereon the reasons for such non-approval, and the secretary of state shall require the officer or treasurer executing the said bond to execute without delay a bond perfected according to the statutes, which shall be approved, recorded, and filed as herein provided; but nothing in this act shall be construed as invalidating the original bond for any portion of such officer's or treasurer's term of office previous to the filing of the perfected bond with the secretary of state. (*Id.* § 3.)

\*§ 177. **When new bond required.** The said board of auditors shall require any of the said officers or treasurers to give a new bond, with sureties to be approved by them, whenever, in the opinion of a majority of said board, the sureties, or any of them, on the original bond are deemed insufficient for any cause; and they shall also require a new bond, with sureties to be approved by them, whenever the penalty of such original bond is deemed insufficient: *provided*, that when a new bond is taken under the provisions of this section, the original bond, and the rights and liabilities of the parties thereto incurred or existing at or prior to the time of the approval and acceptance of such new bond, shall in nowise be affected or impaired. (*Id.* § 4.)

\*§ 178. **Bonds of treasurers—requirements of—how fixed.** That the several boards of trustees and directors of the public institutions of the state be, and are hereby, instructed and required to fix the penal sum of the several treasurers of such institutions high enough to cover double the amount likely to come into their hands officially at any one time during the term for which such bond is given, and that they are required to call promptly for the renewal of the bond of any such treasurer on his reappointment or re-election to such office. (*Id.* § 5.)

\*§ 179. **Repealing section.** All acts and parts of acts inconsistent with this act are hereby repealed. (*Id.* § 6.)

See page 1032 and Supp. 1881, p. 122.

#### MUTILATED, LOST, AND DESTROYED BONDS, ORDERS, AND WARRANTS.\*

\*§ 180. **Mutilated or lost bonds—how duplicated.** That whenever any bond, order, or warrant of the state of Minnesota, or any county, city, township, or school-district in the state of Minnesota, shall become so far mutilated as to become unfit for circulation, or shall be lost or destroyed, a duplicate thereof may be issued by the officers authorized by law to issue such bonds, orders, or warrants, under the regulations and restrictions hereinafter prescribed. (1883, c. 76, § 1.)

See page 1032.

\*§ 181. **Duplicate—how indorsed.** Such duplicate shall correspond in number, date, amount, and coupons with the original bond, order, or warrant, and shall have indorsed on its face and on the face of each coupon, by the officer issuing the same, the word, "duplicate," together with the date of its issuance. (*Id.* § 2.)

\*§ 182. **Same—issue of duplicate.** On the delivery to the proper officer of any mutilated bond, order, or warrant, a duplicate of such bond, order, or warrant shall be issued as herein provided. (*Id.* § 3.)

\*§ 183. **Security to be filed.** A duplicate for a lost or destroyed bond, order, or warrant shall not issue until there shall have been filed with the proper officer an affidavit of the owner thereof, setting forth the ownership of such bond,

(\*An act concerning mutilated, lost, or destroyed bonds, orders, and warrants. Approved March 5, 1883. Laws 1883, c. 76.)

order, or warrant, the description thereof, the number of coupons thereto attached, and the manner of its loss and destruction, and until there shall have been executed and filed with the same officer an indemnifying bond, with sureties to be approved by such officer, in a sum equal to double the amount of such warrant, order, or bond, and the coupons attached, conditioned that the parties thereto shall pay all damages which the state, county, city, township, or school-district, as the case may be, may sustain if compelled to pay such lost or destroyed bonds, orders, or warrants. (*Id.* § 4.)

\*§ 184. **Officer to keep record.** Any officer issuing duplicates under this act shall keep a record showing the number, dates, and amounts of such mutilated, lost, or destroyed bonds, orders, or warrants, and the number of coupons thereto attached, together with the date of issuance of the duplicates therefor, and the names of the persons to whom issued. (*Id.* § 5.)

COUNTY DITCHES, DRAINS, AND WATER-COURSES.\*

\*§ 185. **County commissioners to construct drains, etc.** That the board of county commissioners of any county shall have power at any regular session, when the same shall be conducive to the public health, convenience, or welfare, or where the same will be of public benefit or utility, to cause to be constructed, as hereinafter provided, any ditch, drain, or water-course within said county. (1883, c. 108, § 1.)

\*§ 186. **Petition to be filed with auditor—what to contain—viewers.** That before the board of commissioners shall establish any ditch, drain, or water-course, there shall be filed with the auditor of such county a petition, signed by one or more of the land-owners whose land will be liable to be affected by, or assessed for, the expense of the construction of the same, setting forth the necessity thereof, with a general description of the proposed starting-point, route, and terminus, and such petitioner or petitioners shall give a bond, with good and sufficient freehold sureties, payable to the state, to be approved by the auditor, conditioned to pay all expense in case the board of commissioners shall fail to establish said proposed ditch, drain, or water-course. As soon as said petition is filed, said board shall, if in regular session, or at the next regular session, appoint three resident freeholders of the county, not interested in the construction of the proposed work, and not of kin to any parties interested therein, as viewers, to meet at a time and place specified by said board, preparatory to commencing their duties as hereinafter specified. And it shall be the duty of the auditor thereupon to issue to said viewers a certified copy of the petition and order of the board, who shall proceed, at the time set in said order, with a surveyor, who shall be a civil engineer, and shall make an accurate survey of the line of said ditch, drain, or water-course from its source to its outlet; and they shall cause stakes or monuments to be set along said line, numbered progressively down stream, at each one hundred feet; and they shall make a computation of the total number of cubic yards of earth to be excavated and removed from said ditch, drain, or water-course; and an estimate of the total cost of construction of the whole work. And they shall set apart and apportion to each parcel of land, and to each corporate road or railroad, and to the county when public highways are benefited, a share of said work, in proportion to the benefits which will result to each from such improvement, and give location of each share, its length in feet, and the estimated number of cubic yards of earth to be removed therefrom, and the price per cubic yard, and the cost of the construction of each share or allotment separately, and specify the manner in which the work shall be done; and they shall have power, where they find it necessary, to provide for running said ditch underground through drain tiles or other materials, as they deem best, by specifying the size and kind of tile or other material to be used in such underground work, and shall estimate the cost of the same as a part of the total cost of the work; and they

(\*An act to enable the owners of lands to drain and reclaim them when same cannot be done without affecting the lands of others, prescribing the powers and duties of county commissioners and other officers in the premises, and to provide for the repair and enlargement of such drains, and repealing certain acts therein specified, and declaring an emergency. Approved March 1, 1883. Laws 1883, c. 108.)

shall accurately describe, as the same is described on the county tax duplicate, each parcel of the land to be assessed for the construction of said ditch, giving the number of acres in each tract assessed, and the estimated number of acres benefited, the amount that each tract of land will be benefited by the construction of said work, and the amount that each tract is assessed therefor. And they shall, in tabular form, give the depth of cut, width at the bottom and width at the top, at the source, outlet, and at each one hundred foot stake or monument of said ditch, drain, or water-course. And they shall also ascertain and give the names of the owners of the lands that are assessed for construction of said ditch, drain, or water-course, as far as they can be ascertained with reasonable inquiry and search of the public records, and report also whether or not the proposed ditch or drain will be of public utility. (*Id.* § 2.)

\*§ 187. **Public ditch in private ditch—how estimated.** Whenever a public ditch, drain, or water-course is located wholly or in part in the bed of a private ditch already or partially constructed, the viewers shall make an estimate of the number of cubic yards of earth already excavated, and the cost of same, on each tract of land, and deduct the same from the assessment thereon. (*Id.* § 3.)

\*§ 188. **Lands to be assessed according to benefits.** All lands benefited by a public ditch, drain, or water-course shall be assessed in proportion to the benefits for the construction thereof, whether it passes through said lands or not; and the viewers, in estimating the benefits to lands not traversed by said ditch, shall not consider what benefits such lands will receive after some other ditch or ditches shall be constructed, but only the benefits that will be received by reason of the construction of the public ditch as it affords an outlet for the drainage of such lands. (*Id.* § 4.)

\*§ 189. **Viewers may vary the ditch, when—hearing.** In locating a public ditch, drain, or water-course, the viewers may vary from the line described in the petition as they deem best, provided they commence the ditch at the point described in the petition, and follow down the line therein described as near as practicable: *and provided further*, that when there is not sufficient fall in length of the route described in the petition to drain the lands adjacent thereto, they may extend the ditch below the outlet named in the petition far enough, not exceeding one-half mile, to obtain a sufficient fall and outlet. And when it will not be detrimental to the usefulness of the whole work, they shall, as far as practicable, locate the ditch on division lines between lands owned by different persons; and they shall, so far as practicable, avoid laying the same diagonally across the lands, but they must not sacrifice the general utility of the ditch to avoid diagonal lines. And all persons whose lands may be affected by said ditch, may appear before said viewers, and freely express their opinions on all matters pertaining thereto. (*Id.* § 5.)

\*§ 190. **Damages—how estimated.** In locating a public drain or water-course, the viewers shall estimate the damages, if any, that any person or persons will sustain by reason of the construction of such ditch, and assess such damages to parties owning the lands benefited, in proportion as each tract of land is assessed for benefits. (*Id.* § 6.)

\*§ 191. **Route—how established.** The viewers, if they find the route proposed is not such as best to effect the object sought, or that the proposed drainage can be effected as well in connection with a ditch necessary for the improvement of public highways already established, or such as may be thereafter required, shall proceed to establish the route, if the route proposed is upon a section line where a public road may be required; and in all cases in which the route proposed is along highways already established, the viewers shall locate the ditch at a sufficient distance from the center of such highway to admit of a good road along such central line. The earth taken from the ditch shall be so placed upon the roadway as to form a turnpike, and no nearer to the margin thereof than two feet; but in locating a drain as above the viewers shall not materially depart from the terminal points described in said petition. (*Id.* § 7.)

\*§ 192. **Viewers to file report with auditor.** Said viewers may, after having met at the time and place specified in the order issued to them by the auditor,

proceed immediately to perform their said duties, or adjourn from time to time, as best suits their convenience, and file their report with the auditor at least four weeks before the next regular meeting of said board of commissioners: *provided*, the water be high, or the weather inclement, they shall not be compelled or required to file the report until at least four weeks before the second regular meeting of said board after having received their orders from the auditor; but their report must then state the reason for such postponement. And if the viewers find the proposed ditch, drain, or water-course not of public benefit or utility, they may report against the location of the same, in which case their report need only state that they find the proposed works not to be of public benefit or utility. (*Id.* § 8.)

\*§ 193. **Auditor to give notice—when—how.** It shall be the duty of the auditor, on said report being filed, if it be in favor of the proposed work, to cause a notice to be given, by publication for three successive weeks, by posting three written copies of said notice in three public places in the township or townships where the proposed work is located, and one at the door of the court-house in said county, of the pendency of said petition, and of the time set for the hearing thereof, which notice shall briefly state where said ditch commences at its source, through whose land it passes, and where it terminates at the outlet, together with the names of the owners of the lands that will be affected thereby, so far as they can be ascertained with reasonable inquiry and search of the public records in the offices of the clerk, recorder, auditor, and treasurer; and at the same time the auditor shall mail a copy of the same to all non-residents whose address is known to him or can be ascertained by inquiring at the treasurer's office. (*Id.* § 9.)

\*§ 194. **Commissioners to hear petition, when—damages—how paid.** Said board of commissioners, at the time set for the hearing of said petition, shall, if there is no remonstrance filed, proceed to hear said petition, and if they find the viewers' report is made in accordance with the provisions of this act, and it be in favor of the proposed work, and they find the proposed drain to be of public utility or conducive to public health, or of public benefit or convenience, they shall establish the same as specified in the report. But if the viewers report against the proposed work, the board shall dismiss the petition and tax the cost as hereinafter provided. And when damages are awarded to any person or persons, or corporations, as provided by this act, the board of commissioners shall order the same to be paid out of the county treasury to the person or persons, or corporations, entitled thereto. (*Id.* § 10.)

\*§ 195. **Remonstrances and bond filed—reviewers—how appointed.** It shall be lawful for any person interested in the location of said proposed work to file with the board of commissioners, at or before the time set for the hearing of the petition, a remonstrance against the ditch, as located by viewers on and across his lands, by setting forth his grievances therein, and any person deeming his assessment too high, or the damages allowed too low, may remonstrate, for such reasons, against the action of the viewers. Any person filing a remonstrance shall file with the same a bond payable to the state, with not less than two freehold sureties, conditioned for the payment of all costs and expenses caused by such remonstrance, if this action of the viewers be sustained by reviewers to be appointed as hereinafter provided; such bond to be approved by board of commissioners. And thereupon said board shall appoint three disinterested resident freeholders of the county, not of kin to any person interested in the proposed work, as reviewers, to meet at a specified time and place preparatory to commencing said review. And it shall be the duty of the auditor thereupon to issue to said reviewers a certified copy of the petition and remonstrance, and order of the board in appointing such reviewers. (*Id.* § 11.)

\*§ 196. **Duty of reviewers—powers.** Such reviewers shall meet at the time and place specified in the order issued to them by the auditor, and proceed to review the action and report of the viewers, as well as the entire premises through which the proposed work extends, and shall be vested with all power granted to the viewers originally, except that if they find the proposed work of public benefit or utility, they shall not change the line of the ditch, as located by the viewers, at any other

place or places than those complained of in the remonstrance, and there [then] only far enough to do justice to the party remonstrating. And they shall, before commencing said review, obtain from the auditor the report of the viewers, which they shall carefully preserve and return to the auditor when they have completed their review, and they shall file with the auditor a report of their proceedings in the premises, after having subscribed and sworn to the same, at any time before the next regular meeting of said board; and if the reviewers sustain the action of the viewers, and make no change in the proposed work, their report need only state that after having made full examination of the viewers' report, as well as the entire premises through which the proposed work extends, they find the action of the viewers just and correct, and that they sustain and approve the action of the viewers and their report. (*Id.* § 12.)

\*§ 197. **Report of reviewers—record of costs.** Upon the filing of the report of the reviewers, as required by the preceding section, the auditor shall, when the board of commissioners convenes in regular session, record the same, together with the proceedings had in the matter of the petition. And if said reviewers sustain and approve the action of the viewers without change, all costs occasioned in consequence of the filing of the remonstrance shall be taxed against the parties remonstrating, and a fee bill shall issue thereon by the auditor, and be collected as provided by law. (*Id.* § 13.)

\*§ 198. **Costs of review—how taxed.** If the reviewers find the proposed work of public benefit or utility, and do not sustain the entire action of the viewers, but make changes in favor of the remonstrants, the cost occasioned in consequence of the filing of the remonstrance shall be taxed as a part of the total cost of the work, as the same is taxed against the parties benefited in proportion to their benefits; and if the viewers find the proposed work not of public benefit or utility, the entire cost shall be taxed against the petitioners and collected as provided in section thirteen of this act. (*Id.* § 14.)

\*§ 199. **Duty of commissioners.** Upon the filing of the report of the reviewers the board of commissioners shall, if they find such report made in accordance with the provisions of this act, establish the same as described in the report of the viewers, as they find the same sustained, corrected, or changed in the report of the reviewers. (*Id.* § 15.)

\*§ 200. **Final report—to contain what—compensation and damages—how paid.** Whenever the board of county commissioners establish a public ditch, drain, or water-course, they shall order the viewers, if the same is established without remonstrance according to the viewers' report, or the reviewers, if [the] same is established according to their report, to meet at a time and place specified, after the lapse of ten days, and make a final report, in which they shall specify the time in which each share or allotment of the ditch shall be constructed and completed, and they shall apportion the cost of the location thereof, including printer's fees, damages, if any shall have been allowed, and compensation to the laborers who assisted the viewers in marking out the ditch, and award to each person or persons, or corporation, owning the lands assessed for the construction of said work, their proportionate share of said cost, and shall specify the time when such costs and expenses shall be paid to the county treasurer, and file their report with the auditor, after having subscribed and sworn to the same. And it shall be the duty of the viewers and reviewers to file with their report an account of the names of the laborers and the time each was employed by them. And all compensation and damages allowed by this section shall be collected by the treasurer as the other taxes are collected, and the compensation paid out, when collected, on an order from the auditor to the parties entitled thereto, and the damages, when collected, shall be placed into the county fund to compensate the county for the damages previously paid as required by section ten of this act. (*Id.* § 16.)

\*§ 201. **Appeals—how made.** Any person or corporation aggrieved thereby may appeal from any final order or judgment of the board of commissioners, made in the proceedings and entered upon their record, determining either of the following matters, viz.: (1) Whether said ditch will be conducive to public health, con-



venience, or welfare; (2) whether the route thereof is practicable; (3) whether the assessments made for the construction of the ditch are in proportion to the benefits to be derived therefrom; (4) the amount of damages allowed to any person or persons, or corporation. And the appellant shall file with the auditor an appeal bond, with at least two freehold sureties, to be approved by the auditor and the clerk of the district court, conditioned that he will duly prosecute such appeal and pay all costs that may be adjudged against him in the district court: *provided*, that such appeal bond shall be filed within thirty days after such final order or judgment of the board of commissioners is made, and after the lapse of such thirty days no appeal can be taken. And if an appeal be taken, the auditor shall withhold his notices to the viewers or reviewers to make their final report; and he shall, within twenty days after the appeal bond is filed, make a complete transcript of the proceedings had before the board of commissioners and of such appeal bond, and certify the same, together with all the papers filed in his office pertaining to such proposed work, to the clerk of district court. (*Id.* § 17.)

\*§ 202. **Appeals to be consolidated, when.** If more than one party appeal, the judge of the district court shall order the cases to be consolidated and tried together, and the rights of each party shall be separately determined by the jury in its verdict. (*Id.* § 18.)

\*§ 203. **Auditor to let work to lowest bidder—contract and bond.** As soon as the final report of the viewers or reviewers is filed, the auditor shall sell the jobs of digging and constructing each share or allotment separately of the entire work. And he shall give notice for three consecutive weeks, by posting three written copies of such notice in three public places in the vicinity of the proposed work, and one at the door of the court-house in said county, of the time when and place where he will sell to the lowest responsible bidder or bidders each and every share or allotment thereof, commencing at the one including the outlet, and thence in succession up stream to the one including the source. And no bid shall be entertained which exceeds more than twenty per cent. over and above the estimated cost of the construction in any case. And the auditor shall contract with the party to whom a share or allotment is sold, requiring him to construct such share or allotment in the time and manner set forth in the report of the viewers or reviewers on which the ditch is established, and shall take from him a bond, with two freehold sureties, payable to the state, for not less than double the amount for which the same is sold, to be by him approved, conditioned that he will faithfully perform and fulfill his contract and pay all damages which may accrue by reason of the failure to complete the job within the time required in the contract therefor. (*Id.* § 19.)

\*§ 204. **Uncompleted work to be re-let, when.** A job not completed within the time fixed in the contract and bond shall be resold by the auditor to the lowest responsible bidder, but shall not be sold for a sum exceeding twenty per cent. of the estimated value of such work, nor a second time to the same party. A contract and bond shall be entered into as hereinbefore provided; but the auditor may, for a good cause shown, give further time to any contractor, not exceeding sixty days. The auditor shall fix a time for the completion of work resold, not exceeding sixty days from the date of the bond, and no contractor shall be prosecuted on his bond until the section below is completed. (*Id.* § 20.)

\*§ 205. **Duty of county surveyor.** It shall be the duty of the county surveyor, on being notified by any contractor that his job is completed, to inspect the same, and if he find that it is completed according to contract, he shall accept it, and give to the contractor a certificate of acceptance, stating that said job, share, or allotment is completed according to the specifications of said ditch; and if any share or allotment has been sold to a person not the owner of the land assessed therefor, he shall, in addition, state the amount due the contractor for constructing the same from the owner of the said land, which certificate shall be a lien upon the land assessed for such share or allotment, and shall be due and payable immediately by the owner of the land. Such certificate, if not paid on demand, shall draw interest until paid. And if the allotment sold belongs to a non-resident of the county, the auditor shall state such fact when he offers it for sale; and when the county surveyor ac-

cepts it, and issues his certificate of acceptance, he shall file with the county auditor a copy thereof, whereupon said auditor shall charge the amount mentioned in said certificate on the tax duplicate against the land assessed with such allotment, to be collected as other taxes are collected, together with six per cent. for the holder of the certificate after the same becomes delinquent, and when collected it shall be paid to the person holding the certificate, on an order of the auditor. (*Id.* § 21.)

\*§ 206. **Obstructions to drains—how removed.** Every person or corporation through whose land any public ditch is constructed, shall be required to keep the same open, free, and clear of all obstructions upon his or its premises, by him or it placed thereon, and, in case of a failure to do so, shall be liable to pay all reasonable and necessary expenses of removing such obstruction. A person or corporation aggrieved by any such obstruction may make a sworn statement of the facts to the county surveyor, who shall proceed to examine the premises and inquire into the truth of the statement, and, if he finds the statement to be true, he shall immediately notify the owner of the land on which such obstruction exists, to remove the same within a reasonable time, not exceeding twenty days; and if the owners so notified fail to remove the obstruction, the surveyor shall at once cause the same to be removed at the expense of such owner, and certify such expense to the county auditor, who shall place the same, together with all fees and other expenses in the case, on the tax duplicate as an assessment upon the lands of such person or corporation, and the same shall be a lien upon such lands, and shall be collected as other taxes. (*Id.* § 22.)

\*§ 207. **Work to be kept in repair by town supervisors—penalty for failure.** After the construction of any such work, the town supervisors of such township in which the same is, or any part thereof, shall keep the same or such part thereof in proper repair and free from obstructions, so as to answer its purpose, and pay for the same out of the general township fund; and to raise the necessary money to reimburse that fund they shall apportion and assess the costs thereof upon the lands which will be benefited by such repairs or removal of obstructions according to such benefits, in their judgment. They shall make a statement of such assessment, and deliver the same to the auditor of the county, who shall put the same upon the succeeding tax duplicate, and it shall be a lien upon the lands, and be collected in the same manner as state and county taxes. The provisions of this section shall also apply to all works constructed for the purpose of drainage under any law now or heretofore in force in this state. If they shall be of the opinion that such assessment, or any part thereof, ought to be charged to lands in other townships, the supervisors thereof shall, on request, meet with them at a time and place by him appointed, and they shall jointly make such assessments and certificates to the auditor of the proper counties. A majority of such supervisors as attend any such meeting shall have power to act and decide any question, and to make the assessments and certificates, and upon failure of any township supervisor to perform the work required of him by this section, after ten days' notice in writing to him by any person interested, he shall be liable, with his sureties on his official bond, for all damages caused by such failure to perform his duty, to be recovered by the person or persons so damaged. He shall also be deemed guilty of a misdemeanor, and, on conviction thereof, fined not less than ten nor more than fifty dollars. (*Id.* § 23.)

\*§ 208. **Where ditch or water-course runs through two or more counties.** Whenever the route of a proposed ditch, drain, or water-course extends into two or more counties, the petition shall be signed by one or more of the land-owners in each county, whose land will be liable to be assessed for the construction of such ditch, and filed with the auditor of the county containing the head or source of the proposed ditch, at least ten days before any regular meeting of the board of commissioners, and thereupon the auditor of such county shall transcribe and transmit to the auditor of each other county interested, a certified copy of such petition. And it shall be the duty of the board of commissioners of each county interested in the proposed work, at their first regular session after such petition is filed, to appoint three disinterested resident freeholders of their respective counties as viewers, in

like manner as provided for the appointment of viewers on a ditch in but one county, to meet and act conjointly at such time and place as the board of commissioners of the county where the petition is filed may designate; and such joint viewers shall have the same powers and perform the same duties as provided in this act for the viewers on a ditch in one county; and they shall file a report of their proceedings with the auditor of each of the counties interested, at least four weeks before the next regular session of the board of commissioners, whereupon the auditor of each county shall give notice for three consecutive weeks, in the manner provided for ditches in but one county, of the pendency of such petition, and the time set for the hearing thereof. (*Id.* § 24.)

\*§ 209. **Joint ditches.** The board of commissioners of the counties interested in a joint ditch shall, at the time set for the hearing of said petition, proceed to establish the same in the manner specified for ditches in but one county, and in all matters pertaining to such joint ditch the boards of commissioners shall act in the same manner, so far as practicable, as required by this act for establishing ditches in but one county, and they shall act conjointly. And when such ditch is established, the viewers shall be notified, as before provided in this act, to make their final report, and upon the filing of such final report the shares or allotments of such ditch shall be sold and constructed as hereinbefore provided for ditches in but one county, except that the auditors of the counties interested shall act together as one body in performing their duties. (*Id.* § 25.)

\*§ 210. **Same—how cleaned, etc.** Such joint ditch shall be cleaned and repaired or enlarged in like manner as for ditches in but one county, by the joint action of the public officers of the counties interested. (*Id.* § 26.)

\*§ 211. **Remonstrances against joint ditch—how made.** It shall be lawful for any person or corporation affected by a proposed ditch extending into more than one county, to file a remonstrance with the auditor of the county in which he resides, at least five days before the regular meeting of the board of county commissioners when the petition is to be heard; and when such remonstrance has been filed and a bond for costs, as provided for ditches in but one county, the auditor shall immediately transmit a copy of such remonstrance and bond to the auditors of the other counties interested, and then, in like manner as hereinbefore provided, the boards of commissioners shall appoint reviewers, who shall meet and act together and perform their duties as provided for reviewers in one county, and file a report of their proceedings with their respective boards of commissioners at or before their next regular meetings; and upon the filing of such report the boards shall, if the reviewers report the proposed work of public benefit or utility, establish the same, and it shall be constructed, cleaned, and repaired, or enlarged, by the joint action of the proper officers in the different counties, as though it had been established on the report of the viewers and without remonstrance. And it shall be the duty of the auditor of the county in which the time and place for the meeting of viewers or reviewers is fixed, to notify the auditor of the other counties interested of such time and place for the joint viewers or reviewers to meet. (*Id.* § 27.)

\*§ 212. **Costs—how apportioned in certain case.** When any ditch established under this act drains, either in whole or in part, any public or corporate road or railroad, or benefits any of such roads so that the road-bed or traveled track of any such road will be made better by the construction of such ditch, the viewers or reviewers shall apportion to the county if a county or state road, to the company if a corporate road or railroad, such portion of the costs and expenses thereof as to private individuals, and require them to pay said costs and perform said labor in like manner as individuals. (*Id.* § 28.)

\*§ 213. **Penalty for willful obstruction.** If any person shall willfully obstruct any public ditch, or shall willfully divert the water from its proper channel, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than five dollars nor more than fifty dollars, and shall also be liable for any and all damages accruing to any person or persons or corporation by such act. (*Id.* § 29.)

\*§ 214. **Orders to be served by sheriff.** The orders issued by the auditor

to viewers and reviewers shall be served by the sheriff, and shall be paid by the county for such services the same fees as he is allowed by law for similar services. (*Id.* § 30.)

\*§ 215. **Compensation of surveyor, etc., paid by county.** The surveyor and engineer shall be allowed the sum of four dollars per day for every day he is necessarily engaged in performing the duties required of him by this act, which sum shall be paid to him quarter-annually out of the county treasury, upon his filing before the board of commissioners an itemized account of his services, verified by his oath; and the cost of publishing the notices of jobs to be let by the auditor, and of all blanks and stationery required by him in the performance of his duties, shall be paid by the county. The viewers and reviewers shall each be allowed two dollars per day for each and every day they are necessarily engaged in viewing and reviewing ditches and making up and filing their reports, which sum shall be paid to them out of the county treasury. Each chainman, axman, rodman, and all other hands necessary to the prompt execution of the work of locating a public ditch, shall be allowed one dollar and fifty cents per day for the time actually employed, to be paid as hereinbefore provided. (*Id.* § 31.)

\*§ 216. **Majority to act.** A majority of the viewers or reviewers shall be competent to perform the duties required of them by this act, provided that for ditches extending into more than one county there shall be present and acting a majority from each county interested. (*Id.* § 32.)

\*§ 217. **Meaning of "regular session" and "ditch."** The terms "regular session" and "regular meeting" of the board of commissioners, as used in this act, shall be held to include only the regular sessions of such board, commencing on the first Tuesday of January and on the fourth Monday of July in each year; and the word "ditch," as used in this act, shall be held to include a drain or water-course, and the petition for any public ditch may include any side, lateral, spur, or branch ditch necessary to secure the object of the improvement. (*Id.* § 33.)

\*§ 218. **Assessments to be a lien on property.** The amount of assessments made by the viewers and confirmed by the board of commissioners shall be a lien upon the lands so assessed from the date of the order of the board of commissioners establishing the ditch, drain, or water-course, and such order, together with the report of the viewers on which the ditch is established, shall be notice to all the world of the existence of such lien, and this act shall be liberally construed to promote the drainage and reclamation of wet or overflowed lands, and amounts due to contractors holding the viewers' certificate of acceptance shall not be defeated by reason of any defect in the proceedings occurring prior to the order of the board of commissioners establishing the ditch, but such order or judgment of the said board shall be conclusive that all prior proceedings were regular and according to law. (*Id.* § 34.)

\*§ 219. **Repeal of other acts.** All acts and parts of acts conflicting with this act are hereby repealed. (*Id.* § 35.)

See page 1032.

#### PRACTICE OF MEDICINE.\*

\*§ 220. **Qualifications for practicing medicine in this state.** That every person practicing medicine, in any of its departments, shall possess the qualifications required by this act. If a graduate in medicine, he shall present his diploma to the examining board hereinafter constituted, for verification as to its genuineness. If the diploma is found genuine, and the person named therein be the person claiming and presenting the same, the board shall issue its certificate to that effect, signed by all of the members thereof, and such diploma and certificate shall be conclusive as to the right of the lawful holder of the same to practice medicine in this state. If not a graduate, the person practicing medicine in this state shall present himself before said board and submit himself to such examinations as the said board shall require; and, if the examination be satisfactory to the examiners, the said board

(\*An act to regulate the practice of medicine in the state of Minnesota. Approved March 5, 1883. Laws 1883, c. 125.)

shall issue its certificate in accordance with the facts, and the lawful holder of such certificate shall be entitled to all the rights and privileges hereinafter mentioned. (1883, c. 125, § 1.)

See page 1032.

\*§ 221. **Board of examiners—how organized—meetings, duties, etc.** The faculty of the medical department of the University of Minnesota shall organize as a board of examiners, as herein provided, within three months after the passage of this act; they shall procure a seal, and shall receive, through their secretary, applications for certificates and examinations; the president or secretary shall have authority to administer oaths, and the board to take testimony in all matters relating to its duties; it shall issue certificates to all who furnish satisfactory proof of having received diplomas or licenses from legally-chartered medical institutions in good standing; it shall prepare two forms of certificates,—one for persons in possession of diplomas or licenses, the other for candidates examined by the board; it shall furnish to the county clerks of the several counties a list of all persons receiving certificates. In selecting places to hold its meetings the board shall, as far as it is reasonable, accommodate applicants residing in different sections of the state, and due notice shall be published of all its meetings. Certificates shall be signed by all the members of the board granting them. (*Id.* § 2.)

\*§ 222. **Fees for examining diplomas.** Said board shall examine diplomas as to their genuineness, and if the diplomas shall be found genuine as represented, the secretary of the board shall receive a fee of one dollar from such graduate or licentiate, and no further charges shall be made to the applicants; but if it be found to be fraudulent, or not lawfully owned by the possessor, the board shall be entitled to charge and collect twenty dollars of the applicant presenting such diploma. The verification of the diploma shall consist in the affidavit of the holder and applicant presenting such diploma that he is the lawful possessor of the same, and that he is the person therein named. Such affidavit may be taken before any person authorized to administer oaths, and the same shall be attested under the hand and official seal of such officer, if he have a seal. Graduates may present their diplomas and affidavits, as provided in this act, by letter or by proxy, and the board shall issue its certificate the same as though the owner of the diploma was present. (*Id.* § 3.)

\*§ 223. **Persons not graduates to be examined.** All examinations of persons not graduates or licentiates shall be made directly by the board, and the certificates given by the board shall authorize the possessor to practice medicine and surgery in the state of Minnesota. (*Id.* § 4.)

\*§ 224. **Certificates to be recorded.** Every person holding a certificate from the board of examiners shall have it recorded in the office of the clerk of the county in which he resides, and the record shall be indorsed thereon. Any person removing to another county to practice shall procure an indorsement to that effect on the certificate from the county clerk, and shall record the certificate in like manner in the county to which he removes, and the holder of the certificate shall pay to the county clerk the usual fees for making the record. (*Id.* § 5.)

\*§ 225. **Clerk's record.** The county clerk shall keep, in a book provided for the purpose, a complete list of the certificates recorded by him, with the date of the issue. If the certificate be based on a diploma or license, he shall record the name of the medical institution conferring it, and the date when conferred. (*Id.* § 6.)

\*§ 226. **Fees.** Candidates for examination shall pay a fee of five dollars in advance, which shall be returned to them if a certificate be refused. The fees received by the board shall be paid into the state treasury. (*Id.* § 7.)

\*§ 227. **Examinations—strictness of.** Examinations may be in whole or in part in writing, and shall be of an elementary and practical character, but sufficiently strict to test the qualifications of the candidate as a practitioner. (*Id.* § 8.)

\*§ 228. **Certificates may be refused, when.** The board of examiners may refuse certificates to individuals guilty of unprofessional or dishonorable conduct, and they may revoke certificates for like causes. In all cases of refusal or revocation the applicant may appeal to the body appointing the board. (*Id.* § 9.)

\*§ 229. **Practicing physicians defined.** Any person shall be regarded as practicing, within the meaning of this act, who shall profess publicly to be a physician, and to prescribe for the sick, or who shall append to his name the letters "M. D." But nothing in this act shall be construed to prohibit students from prescribing under the supervision of preceptors or to prohibit gratuitous services in cases of emergency. And this act shall not apply to commissioned surgeons in the United States army and navy. (*Id.* § 10.)

\*§ 230. **License for itinerants.** Any itinerant vendor of any drug, nostrum, ointment, or appliance of any kind intended for the treatment of disease or injury, or who shall by writing or printing, or any other method, publicly profess to cure or treat disease, injury, or deformity by any drug, nostrum, or other expedient, shall pay a license of one hundred dollars a month, to be collected in the usual way. (*Id.* § 11.)

\*§ 231. **Penalty for violation.** Any person practicing medicine or surgery in this state without complying with the provisions of this act shall be punished by a fine of not less than fifty dollars nor more than five hundred dollars, or by imprisonment in the county jail for a period of not less than thirty days nor more than three hundred and sixty-five days, or by both such fine and imprisonment, for each and every offense; and any person filing or attempting to file as his own the diploma or certificate of another, or a forged affidavit of identification, shall be guilty of felony, and, upon conviction, shall be subject to such fine and imprisonment as are made and provided by the statutes of this state for the crime of forgery; but the penalties shall not be enforced till on and after the thirty-first day of December, eighteen hundred and eighty-three: *provided*, that the provisions of this act shall not apply to those that have been practicing medicine five years within this state. (*Id.* § 12.)

See page 1032.

#### HEALTH CODE.\*

\*§ 232. **Powers of state board of health in case of threatened epidemic.** Whenever any part of this state appears to be threatened with, or is affected by, any epidemic or infectious disease, the state board of health may make, and from time to time alter and revoke, regulations for all or any of the following, among other purposes:

1. For the speedy interment of the dead.
2. For house to house visitation.
3. For the provision of medical aid and accommodation for patients, physicians, and nurses.
4. For the promotion of cleansing, ventilation, and disinfection; and
5. Guarding against the spread of disease by quarantine or exclusion of any infected persons; and may by order declare all or any of the regulations so made to be in force within the whole or any part or parts of the district of any local board of health in this state, and to apply to any vessels on any of the waters of this state, or to any railway cars or trains, or public vehicles of any kind, for the period named in such order, and may by any subsequent order abridge or extend such period. (1883, c. 132, § 1.)

See page 1032.

\*§ 233. **Orders of board—where published.** All regulations and orders so made by the state board of health shall be published in some paper of general circulation published at the capital of the state, and also in some paper published in the county where such disease may exist; and such publication shall be conclusive evidence thereof for all purposes. (*Id.* § 2.)

\*§ 234. **Local board of health to carry out orders of state board.** The local board of health of any district or districts within which, or part of which, regulations so issued by the state board of health are declared to be in force, shall

(\*An act relating to infectious and epidemic diseases, and the preservation of the public health. Approved March 3, 1883. Laws 1883, c. 132.)

superintend and see to the execution thereof, and shall appoint and pay such medical or other officers or persons, and do and provide all such acts, matters and things as may be necessary for mitigating or preventing the spread of any such disease, or for superintending or aiding in the execution of or executing such regulations as the case may require. Said local board may also from time to time direct any prosecution or legal proceedings for or in respect of the willful disregard or neglect of any such regulation, or any regulation duly made and established by said local board. Said local boards shall have power of entry on any premises, vessel, or vehicle, for the purpose of executing, or superintending the execution, of any regulations so issued by said state board of health or said local board. (*Id.* § 3.)

\*§ 235. **Town and village boards of health, health officers, duties, etc.** All towns, villages, boroughs, and cities shall have a board of health, who shall have and exercise all the powers necessary for the preservation of the public health. Said board shall consist of not less than three members, one of whom, when practicable, shall be a physician, and such physician shall be health officer and executive officer of the board, and shall receive such compensation for his services as the council, or other body answering thereto, of the town, village, borough, or city shall determine. Said board shall be elected annually by the council, or other body answering thereto, of each town, village, borough, and city, unless a different term or mode is now provided by law, and such election shall be had at the next election that shall be held by such body. It shall be the duty of the health officer to perform and superintend the work prescribed in this act, and shall perform such other duties as the board may require. He shall furnish to the board such information cognate to this act as from time to time they may deem necessary, and make once in each year, in the month of May, and oftener if necessary, a thorough sanitary inspection of said town, village, borough, or city, and present a written report of such inspection at the next meeting of the board of health, and he shall forward a copy of his said report as soon as rendered to the state board of health; and he may at any time, when necessary, examine into all nuisances, sources of filth, and causes of sickness, and said board may make such regulations respecting the same as they may judge necessary for the public health and safety of the inhabitants; and every person who shall violate any order or regulation made by any board of health, and duly published, shall be deemed guilty of misdemeanor, and punished by a fine not exceeding one hundred dollars, or by imprisonment in the county jail not exceeding three months. (*Id.* § 4.)

\*§ 236. **Notices—how published.** Notice shall be given by the board of health of all orders and regulations made by them, by publishing the same in some newspaper, if there is one published in such town; if there is none, then by posting up such notice in five public places therein; and such publication of said orders and regulations shall be deemed a legal notice to all persons. (*Id.* § 5.)

\*§ 237. **Nuisances to be abated.** Whenever any nuisance, source of filth, or cause of sickness is found on private property, the board of health shall order the owner or occupant thereof, at his own expense, to remove the same within twenty-four hours; and if the owner or occupant neglects so to do, he shall forfeit a sum not exceeding fifty dollars, to be recovered in the name of, and for the use of, the town, city, or village. (*Id.* § 6.)

\*§ 238. Whenever such owner or occupant shall not comply with such order of the board of health, said board may cause the said nuisance, source of filth, or cause of sickness to be removed, and all expenses incurred thereby shall be paid by the said owner or occupant, or by such other person as has caused or permitted the same. (*Id.* § 7.)

\*§ 239. **Health officer may enter buildings to abate nuisances.** Whenever the board of health thinks it necessary, for the preservation of the health of the inhabitants, to enter any building or vessel in their town for the purpose of examining into and destroying, removing, or preventing any nuisance, source of filth, or cause of sickness, and shall be refused such entry, the health officer or any member of the board may make complaint under oath to a justice of the peace of his own town, stating the facts in the case so far as he has knowledge thereof. (*Id.* § 8.)

\*§ 240. **If refused admission, warrant to issue.** Such justice shall thereupon issue a warrant, directed to the sheriff or any constable of the county, commanding him to take sufficient aid, and, being accompanied by two or more of the board of health, between the hours of sunrise and sunset, to repair to the place where such nuisance, source of filth, or cause of sickness complained of may be, and the same destroy, remove, or prevent, under the direction of the members of such board of health. (*Id.* § 9.)

\*§ 241. **Penalty for neglect of duty of health officer.** All local boards of health and health officers shall make such investigations and reports, and obey such directions as to infectious diseases, as shall be directed by the state board of health. And any member of any board of health, or health officer, who shall neglect to perform the duties required of him under the provisions of this act, or any other act relating to the duties of the boards of health, or health officers of this state, or who shall neglect or refuse to obey any reasonable directions as to infectious diseases as shall be directed by the state board of health, shall be liable, upon conviction in any court having competent jurisdiction, to be fined in a sum not less than twenty-five dollars, or more than one hundred dollars, and shall become disqualified from holding the office of a member of the board of health. (*Id.* § 10.)

\*§ 242. **Local board to give notice to occupants to abate nuisances—penalty for non-compliance.** When any local board of health are of the opinion that the cleansing and disinfection of any house, building, car, vessel, or vehicle, or any part thereof, and of any articles therein likely to retain infection, would tend to prevent or check infectious disease, it shall be the duty of such authority to give notice in writing to the owner or occupier of such house, vessel, or vehicle, or part thereof, requiring him to cleanse and disinfect such house, vessel, or vehicle, and the said articles, within a time specified in said notice. If the person to whom notice is so given fails to comply therewith, he shall be liable to a fine of not less than twenty-five dollars nor more than one hundred dollars for every day during which he continues to make default, and said board shall cause such house, vessel, or vehicle and articles to be cleansed and disinfected, and may recover the expenses incurred, and said fine and costs of prosecution, in a civil action before any justice of the peace or court having jurisdiction in like cases, which sum when recovered shall be placed to the credit of a special fund, for the purpose of said local board of health, [to be used] by said board for general expenses: *provided*, that where the owner or occupier of any such house, vessel, or vehicle is, from poverty or otherwise, unable in the opinion of said local board effectually to carry out the requirements of said board in said notice, such authority may, without enforcing such requirements on such owner or occupier, with his consent, cleanse and disinfect such premises and articles, and defray the expenses thereof. (*Id.* § 11.)

\*§ 243. **May destroy bedding, etc.** Any local board may direct the destruction of any bed or bedding, clothing, carpets, or other articles which have been exposed to infection from contact with infected persons or articles, and may allow compensation for the same, or may provide a proper place, with all necessary apparatus and attendance for the disinfection of such articles, and may cause any articles brought for disinfection to be disinfected thereby, and said board may provide and maintain when necessary a carriage or carriages suitable for the conveyance of such articles, or of persons suffering under any infectious disorder, and may pay the expense of conveying therein any person so suffering to a hospital or other place of destination. (*Id.* § 12.)

\*§ 244. **Infected persons to be removed to hospital, when.** Where any suitable hospital or place for the reception of the sick is provided within the district of any local board, or within a convenient distance of such district, any person who is suffering from any dangerous infectious disorder, and is without proper lodging or accommodation, or lodged in a room occupied by more than one family, or is on board any vessel, cars, or other vehicle, may, on a certificate signed by a qualified medical practitioner, or the executive officer of said board, and with the consent of the superintending body of such hospital or place, be removed by order of any justice to such hospital or place at the cost of the local district; and any person so



suffering, who is lodged in any common lodging or boarding house, may, with the like consent, and on a like certificate, be so removed by order of the local board. An order under this section may be addressed to such constable or officer as the justice or local authority making the same may think expedient; and any person who willfully disobeys or obstructs the execution of said order shall be liable to a fine not exceeding fifty dollars, to be recovered on criminal complaint, and the sum so recovered shall be paid over to said board for general expenses thereof. (*Id.* § 13.)

\*§ 245. **Joint action—how secured.** The state board of health may, by order, require any two or more local boards to act together for the purposes of the provisions of this act, for the prevention of epidemic diseases. (*Id.* § 14.)

\*§ 246. **Strangers sick with contagion—how provided for.** When any person coming from abroad, or residing in any town, village, borough, or city within this state, is infected, or lately has been infected, with the small-pox or other contagious disease dangerous to the public health, the board of health of the town, village, borough, or city where such sick or infected person is, may immediately cause such person to be removed to a separate house, if it can be done without danger to his health, and shall provide for such person or persons, nurses, medical attendance, and other necessities, which shall be a charge in favor of such town, village, borough, or city upon the person so provided for, his parents, guardian, or master, if able; otherwise upon the county in which he has a legal settlement, or upon the state, if said person be a non-resident of the state and has no property within the state; in which latter case the bills for such expenses shall be paid only after being audited and approved by the state board of health and by the governor, and said bills shall be allowed only on condition that the local board of health shall have promptly, on the appearance of such disease, notified the state board of health thereof, and shall have followed the instructions and regulations of said state board given with respect to the care and expense in the case or cases in reference to which said bills were incurred; and further, shall file satisfactory evidence to said state board that such person or persons were non-residents of the state, and have no property within the same. The town, village, borough, or city, as the case may be, may recover in a civil action against the person or persons, or the county, chargeable under this section. (*Id.* § 15.)

\*§ 247. If such infected person cannot be removed without danger to his health, the board of health shall make provision as directed in the preceding section for such person in the house where he may be, and in such case they may cause the persons in the neighborhood to be removed, and [may take such other measures as they] may deem necessary for the safety of the inhabitants. (*Id.* § 16.)

\*§ 248. **Board may provide hospital for temporary use.** When a disease dangerous to the public health breaks out, the board shall immediately provide such hospital or place of reception for the sick and infected as is judged best for their accommodation, and the safety of the inhabitants, which shall be subject to the regulations of the board; and the board may cause any sick and infected persons to be removed thereto, unless his condition will not admit of such removal without danger to his health, in which case the house or place where he remains shall be considered as a hospital, and, with all its inmates, subject to the regulations of the board. (*Id.* § 17.)

\*§ 249. **Quarantine.** [It] shall be the duty of all local boards of health, whenever they are informed that there is a case of small-pox, scarlet fever, diphtheria, or other infectious or contagious disease within the territory over which it has jurisdiction, to immediately examine into the facts of the case, and if the disease appears to be of the character above specified, they shall adopt such quarantine and sanitary measures as may in their judgment tend to prevent the spread of said disease in its locality, subject to be modified by the state board of health, and shall immediately notify the secretary of said state board of the appearance of such disease and the measures adopted by said local board in relation thereto. (*Id.* § 18.)

\*§ 250. **Precautions against spread of infectious diseases—penalties.** And said boards of health shall have power to forbid, by notices posted upon the

entrances to premises where there may be a patient sick with such disease, any person, except the medical attendants and spiritual advisers, from going to or leaving said premises without their permission, or carrying, or causing to be carried, any material whereby said disease may be conveyed, until after said disease has abated and the premises, dwelling, and clothing have been rendered free from disease by such disinfecting means as the board may direct; and if said board shall be informed that the above, or any reasonable or sanitary measures which they have adopted and made public, is or has been violated, then the said board may cause said offender against this act to be apprehended and brought before an officer having jurisdiction; and said offender shall, upon conviction, be liable to a fine in the sum of not less than five dollars nor more than twenty-five dollars for any violation under this act. Any member of any board of health who shall neglect his duties under the provisions of this act, shall be liable, upon conviction in a court having competent jurisdiction, to be fined in a sum not less than twenty-five dollars nor more than one hundred dollars for the first offense; and for conviction for violation of this act the second time, shall, in addition to the fines already provided, become disqualified from holding the office of, or to which is attached the duties of, a member of a board of health. (*Id.* § 19.)

\*§ 251. **Fines to be used for expenses of board — physician's report.** All fines collected under this act shall be placed to the credit of a special fund of the city, village, or town in which the offense is committed, for the use and expenses of said board. That every physician shall report to the local board of health, in writing, every person having a contagious disease, and the state of his or her disease, and his or her place of dwelling, and name if known, which such physician has prescribed for or attended for the first time since having a contagious disease, or since the discovery of the same to be contagious, during any part of the preceding twenty-four hours; but not more than two reports shall be required in one week concerning the same person; but every attending physician thereat must see that such report is or has been made by some attending physician. (*Id.* § 20.)

\*§ 252. **Physicians to report deaths from contagious diseases.** That it shall be the duty of each and every practicing physician in this state, to report in writing to the local board of health the death of any of his patients who shall have died of contagious or infectious disease, within twenty-four hours thereafter, and to state in such report the [specific] name and type of such disease. (*Id.* § 21.)

\*§ 253. **Hotel-keepers, etc., to report deaths.** That every keeper of any private house, boarding-house, or lodging-house, and every innkeeper and hotel-keeper, shall, within twenty-four hours, report in writing to the local board of health the same particulars required of any physician in the preceding section, concerning any person being at any of the aforesaid houses and hotels, and attacked with any contagious disease dangerous to the public health. (*Id.* § 22.)

\*§ 254. **All persons knowing of contagion to report.** That it shall be the duty of every person knowing of any person sick of any contagious disease dangerous to the public health, and the duty of every physician hearing of any such sick person, who he shall have reason to think requires the attention of the local board, to at once report the facts to the board in regard to the disease, condition and dwelling place or position of such sick person. (*Id.* § 23.)

\*§ 255. **Infected persons not to be removed without permission.** That no person shall, within the limits of any town, city, or village within this state, without a permit from the local or state board of health, carry or remove from one building to another, or from a vessel to the shore, or on any railway cars, any person sick of any contagious disease, or the body of any person having died of contagious disease; nor shall any person, by any exposure of any individual sick of any contagious disease, or of the body of such person, or by any negligent act connected therewith, or in respect to the care and custody thereof, or by a needless exposure of himself, cause, or contribute to or promote, the spread of disease from any such person or from any dead body. (*Id.* § 24.)

\*§ 256. **Vaccination.** That every person being the parent or guardian, or having the care, custody, or control, of any minor or other person, shall, to the ex-

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tent of any means, power, or authority of said parent, guardian, or other person, that could properly be used or exerted for such purpose, cause and procure such minor or person under control to be so promptly, frequently, and effectively vaccinated that such minor or individual should not take, or be liable to take, the small-pox. (*Id.* § 25.)

\*§ 257. **Precautions in schools.** That no principal, superintendent, or teacher of any school, and no parent, master, or guardian of any child or minor, having the power and authority to prevent, shall permit any child or minor having scarlet fever, diphtheria, small-pox, or any dangerous, infectious, or contagious disease, or any child residing in any house in which any such disease exists, or has recently existed, to attend any public or private school until the board of health of the town, village, borough or city shall have given its permission therefor; nor in any manner to be unnecessarily exposed, or to needlessly expose any other person, to the taking or to the infection of any contagious disease. (*Id.* § 26.)

\*§ 258. **Time within which the dead must be buried.** That no person shall allow to be retained unburied the dead body of any human being for a longer time than four days, or where death has been caused by a contagious disease for a longer time than twenty-four hours, after the death of such person, without a permit from the local board of health, which permit shall specify the length of time during which such body may be retained unburied; and when death has been caused by a contagious disease, the body shall, if directed by said board, be immediately disinfected in such manner as may be directed by said board and inclosed in a tightly-sealed coffin, which shall not thereafter be opened, and the funeral of such person shall be strictly private, and in the removal thereof for burial or otherwise hearses or such other vehicles as may be authorized by said board only shall be employed. (*Id.* § 27.)

\*§ 259. **Board may employ assistants and physicians.** Said boards of health may employ all such persons as shall be necessary to carry into effect the provisions of this act, and the regulations duly established by said boards as herein provided, and may fix their compensation. The said boards shall have power to employ physicians and provide necessaries for persons in cases of poverty, and generally to pay such expenses as are necessarily incurred by them in taking precautions which they may deem necessary to the public health. (*Id.* § 28.)

\*§ 260. **Expenses—how provided for—taxation.** All expenses so incurred by any town or village board of health, heretofore or hereafter, shall, in the first instance, be borne and paid out of the town or village treasury, as the case may be, by orders on the treasurer thereof issued by said board, and payable out of the special fund herein mentioned, if sufficient; if not, out of the general fund. The proper authorities of villages and towns shall certify the amount required to reimburse said general funds to the county auditor at the time of certifying other taxes, and such auditor shall extend on the tax list of the county a tax sufficient to pay the amount so certified, which tax shall be collected as other taxes and paid over to said town or village treasurer, as the case may be. (*Id.* § 29.)

\*§ 261. **Penalty for any violation.** Any person who shall willfully violate any of the provisions of this act, or of any regulations duly made and published by any of the boards of health herein mentioned—the penalty for which is not herein specifically provided for—shall be guilty of a misdemeanor, and, upon conviction thereof, shall be subject to a fine not to exceed one hundred dollars or imprisonment not to exceed thirty days, or both such fine and imprisonment. All amounts so collected shall be paid to the town, village, or city treasurer and placed to the credit of a special fund for the purposes and expenses of the said local boards of health. (*Id.* § 30.)

\*§ 262. **Repeal of inconsistent acts.** This act shall take effect and be in force from and after its passage; and all acts and parts of acts inconsistent with this act are hereby repealed. (*Id.* § 31.)

See page 1032.

## PROTECTION AGAINST FIRE, AND FIRE ESCAPES.\*

\*§ 263. **Protection against fire.** The proprietors and lessees of all buildings of two or more stories in height, used or occupied as tenements, lodging-rooms, boarding-houses, hotels, public halls, or places of amusement, schools, seminaries, hospitals, asylums, work-houses, jails, or manufactories, shall provide for and equip said buildings with such protection against fire and escape from said buildings as shall be hereinafter set forth in this bill. (1883, c. 133, § 1.)

See page 1032.

\*§ 264. **Classification of buildings.** The classification of buildings shall be as follows:

*First.* Hotels of two stories in height, with ten or more sleeping-rooms.

*Second.* Hotels or lodging-rooms of three or more stories in height.

*Third.* Tenements or boarding-houses of three or more stories in height, occupied by one or more families, consisting of more than twenty persons: *provided*, a mansard roof or attic, when used as sleeping-rooms, shall be counted as one story.

*Fourth.* Buildings used as opera houses, theaters, or public halls, of a seating capacity exceeding three hundred.

*Fifth.* Public school buildings, seminaries, academies, and colleges more than two stories in height.

*Sixth.* Hospitals and asylums of two or more stories in height.

*Seventh.* Jails, workhouses, or other prisons for confinement of persons under sentence of crime or misdemeanor.

*Eighth.* Manufactories over two stories in height, employing above the first story more than twenty-five persons. (*Id.* § 2.)

\*§ 265. **Appliances to be used.** The appliances to be used are as follows:

**Buildings under classification one** of section two of this act.—Each two thousand five hundred superficial feet of area or fractional part thereof covered by said building shall be provided with either an inside stand pipe of not less than one and one-quarter inches inside diameter, with hose connection and hose of sufficient length always attached, in the hall into which the sleeping-rooms open, and this stand pipe supplied by means of connection with public or private water-works, which will furnish sufficient pressure; or one chemical fire-extinguisher kept near the public stairway or other convenient locality in the hallway, always charged ready for use.

**Buildings under classification two.**—Each six thousand superficial feet of area covered by said building shall be provided with either an inside stand pipe of not less than one and three-quarters inches inside diameter, and sufficient hose connected with it, of not less than one and one-quarter inches inside diameter, on each floor, and furnished with a constant water pressure by water-works, or by a steam pump which can be put in action at [a] moment's notice; or for six thousand superficial feet of area covered by said building, there shall be one two and one-half inch (or larger) metallic stand pipe, with metallic ladder attached above the first story, located upon the outside of the wall and extending above the roof, and so situated as to give access to or exit from each story and roof above the first, arranged with valves and male hose connections at each story above the first and roof, and with single or double female hose connection at base of pipe, so that engine hose can be attached from street; the hose couplings to conform to the size and pattern used by the fire department where located. There shall also be provided for each eight thousand and five hundred superficial feet of area, or fractional part thereof, covered by said building, at least one chemical fire-extinguisher on each floor occupied as sleeping apartments: *provided*, that in hotels, where every three thousand and five hundred superficial feet is protected by stand pipe and hose, as set forth in this act, then only one chemical fire-extinguisher shall be required on each floor occupied as sleeping apartments. In case the stand pipe and hose first mentioned is not prac-

(\* An act for the preservation of life and the protection of travelers, approved March 2, 1883. Laws 1883, c. 133.)

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ticable, for want of water-works or steam to work pumps, then, in addition to the extinguisher provided for, there shall be placed in each hallway of floors used as sleeping-rooms, for each two thousand five hundred superficial feet of area, one barrel of water, with two pails, with the words "For fire purposes only" painted thereon. Each sleeping apartment above the second story shall be furnished with a rope or any other practical fire-escape of sufficient length to reach the ground. A red light shall be kept burning all night, located at the head of each stairway above the first floor; also one on each floor above the first, at or near the exit to the stationary fire-escape, if any. The following printed notice shall be posted in a conspicuous place in each sleeping-room above the first floor: "Exit in Case of Fire—Upon leaving this room turn to the (right or left) and by passing (give number of feet) feet you will reach a red light, which indicates (stairway or fire-escape.)"

**Buildings under classification three** of section two of this act shall have for each five thousand superficial feet of area covered by said building, at least one outside stand pipe, two and one-half inches or larger, as provided for in classification two, and at least one non-combustible ladder or stairway for each twenty persons occupying said building above the first story.

**Buildings under classification four** of section two of this act shall be provided with at least one stand pipe running to the stage and furnished with hose always connected and of sufficient length to reach all parts of the stage; also, with a chemical fire-extinguisher always charged and placed in a convenient place to protect the scenery; or, in case the stand pipe should be impracticable for want of constant water pressure, then the stage shall be provided with two chemical fire extinguishers and at least one barrel of water and two pails, with the words "For fire purposes only" painted thereon. It is provided, however, that this shall not apply to halls where no stage with curtains or scenery is used; and all buildings under this classification shall have such number of exits of such area, and such number of non-combustible stairways, ladders, or fire-escapes, as the mayor, chief engineer of fire department and chief of police of any city, or president of any town or village council, chief engineer or fire-warden, and chief of police or constable of any town or village, or a majority of them, may from time to time determine.

**Buildings under classification five** of section two shall be provided, where practicable, with inside stand pipe, as provided in classification two, or an outside stand pipe, as provided in same classification; also, one chemical fire-extinguisher on each floor above the first. There shall also be provided such number of exits of such area, and such number of non-combustible ladders or stairways, as the persons named in classification four, or a majority of them, may determine.

**Buildings under classification six** of section two shall be provided for in the same manner as those under head of classification five.

**Buildings under classification seven** of section two shall be provided with either a stand pipe and sufficient hose connected on each floor with constant water pressure, or shall have a chemical fire-extinguisher on each floor. It is provided, however, that this shall not apply to buildings built of stone, brick, or iron, with non-combustible partitions and roof practically fire-proof.

**Buildings under classification eight** of section two of this act, for each two thousand five hundred superficial feet of area covered by said building, shall be provided with an inside stand pipe of not less than one and one-half inches diameter, and sufficient hose connected therewith of not less than one and one-quarter inches inside diameter on each floor, and furnished with a constant water pressure by water-works, or by steam or other pump, which can be put in motion at a moment's notice; or for each five thousand superficial feet of area covered by said building, there shall be one two and one-half inch or larger metallic stand pipe, with metallic ladder attached, above the first story, located and arranged as provided for in classification two; also, one chemical fire-extinguisher located on each floor above the first. There shall also be provided for every forty persons employed above the second story, one non-combustible stairway, or for every twenty persons one non-combustible ladder, located upon the outside of the building, accessible from roof and each story above the first, and reaching to or within twelve feet of the ground or sidewalk. All stand

pipes, ladders, and non-combustible stairways required by this section shall be provided by the owner or owners of the building, and all other requirements of this section shall be provided by the lessees of such building, unless otherwise agreed upon between the owner or owners and lessees. (*Id.* § 3.)

\*§ 266. **Fire-extinguishers.** That the chemical fire-extinguisher to be used shall be the one in general use in the fire departments, factories, and public buildings in the state of Minnesota, and known as the Babcock or Champion portable fire-extinguisher. (*Id.* § 4.)

\*§ 267. **Duty of fire-warden or marshal.** It is hereby made the duty of every fire-warden, marshal, or chief of police of every incorporated town, village, or city, or, where such officers are not provided for, the board of education, directors of school-districts, and boards of county commissioners, to enforce this act, and any person failing to comply with the provisions of this act within thirty days after being notified by the proper officer in writing, shall pay or forfeit the sum of one hundred dollars, with cost of prosecution of the same, to be enforced by civil action before any competent tribunal, or imprisoned until such fine and cost are paid, not exceeding ninety days; the money arising from such fines to be paid to the use of common schools of the district where such offense shall be committed. (*Id.* § 5.)

\*§ 268. **Act to take effect, when.** That this act shall take effect and be in force from after the first day of July, A. D. one thousand eight hundred and eighty-three. (*Id.* § 6.)

See page 1032.

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