

GENERAL STATUTES

33

OF THE

STATE OF MINNESOTA,

IN FORCE JANUARY, 1891.

VOL. 1.

CONTAINING ALL THE LAW OF A GENERAL NATURE NOT
REMEDIAL, THE LATTER BEING IN VOL. 2.

COMPILED AND ANNOTATED

BY

JNO. F. KELLY,

OF THE ST. PAUL BAR.

SECOND EDITION.

ST. PAUL:

PUBLISHED BY THE AUTHOR.

1891.

MINNESOTA STATUTES 1891

CHAPTER 6.

STATE OFFICERS.

- TITLE 1. THE GOVERNOR.**
 2. SECRETARY OF STATE.
 3. AUDITOR.
 4. TREASURER.
 5. ATTORNEY GENERAL.
 6. LIBRARIAN.
 7. CLERK OF SUPREME COURT.
 8. JANITOR — MESSENGER — ENGINEER
 — FIREMAN.
 9. PUBLIC EXAMINER.
 10. INSPECTOR OF ILLUMINATING OILS.
 11. INSPECTORS OF CATTLE, SHEEP,
 SWINE.
 12. COMMISSIONER OF STATISTICS.
 13. COMMISSIONER OF LABOR STATISTICS.
 14. COMMISSIONER OF DAIRIES.
 15. COMMISSIONERS OF FISHERIES.

- TITLE 16. COMMISSIONERS OF STATE PARK.**
 17. RAILROAD AND WAREHOUSE COM-
 MISSION.
 18. LUNACY COMMISSION.
 19. BOARD OF HEALTH.
 20. BOARD OF INSPECTORS OF STEAM
 VESSELS.
 21. BOARD OF CORRECTIONS AND CHAR-
 ITIES.
 22. BOARD OF DENTAL EXAMINERS.
 23. BOARD OF PHARMACY.
 24. BOARD OF MEDICAL EXAMINERS.
 25. BOARD OF FUEL COMMISSIONERS.
 26. BOARD OF AUDITORS.
 27. BOARD OF SINKING FUND COMMIS-
 SIONERS.
 28. FURTHER DUTIES OF STATE OFFI-
 CERS.

CONTENTS.

- GOVERNOR.**
Sections.
 329-335. Custodian of state property —
 Thanksgiving — Convene legisla-
 ture — State seal — Private secre-
 tary — Janitor — Flags.
SECRETARY OF STATE.
 336-340. State records — Assistant — Preside
 over legislature until speaker
 elected — Index and distribute
 laws, etc. — Publish Const. Am.
AUDITOR.
 341-362. Office — Bond — Seal — Accounts —
 Warrants — Records — Receipts —
 Administer oaths — Surveys —
 Deputy — Penalties — Judgments
 — Assignments — Requisitions —
 Lost warrants.
TREASURER.
 363-364. Office — Seal — Duties — Bond —
 Oath.
 365-366. Receipts and disbursements.
 367-369. Warrants on treasury.
 370-373. General provision.
 374-384. Appropriation of funds — Transfer
 — Cancel.
ATTORNEY GENERAL.
 385-396. Office — Appear for state — Duties.
LIBRARIAN.
 397-402. Appointment — Oath — Bond —
 Duties.
CLERK OF SUPREME COURT.
 403-406. Oath — Bond — Deputy — Records
 — Syllabi.

- JANITOR, MESSENGER, ETC.**
Sections.
 407. Appointment — Compensation —
 Duties.
PUBLIC EXAMINER.
 408-418. Appointment — Powers — Duties —
 Report — Compensation — Dep-
 uty — Malfeasance.
INSPECTOR OF ILLUMINATING OILS.
 419-431. Appointment — Removal — Term of
 office — Oath — Bond — Fees —
 Records — Salary — Deputies —
 Inspection — Prosecute violations.
INSPECTORS OF CATTLE, SHEEP AND SWINE.
 432-437. Inspection — Penalties.
COMMISSIONER OF STATISTICS.
 438-439. Duties of.
 440-442. How obtained.
 443-449. Births and deaths.
 450-451. Appropriations.
COMMISSIONER OF LABOR STATISTICS.
 452-457. Appointment — Duties — Reports —
 Powers — Compensation — Ap-
 propriations.
COMMISSIONER OF DAIRIES.
 458-463. Appointment — Powers — Duties —
 Compensation.
 464-472. Milk and cream.
 473-478. Butter and cheese.
 479-481. Baking powder.
 482-485. Vinegar.
 486. Lard and food.
 487. Liquors.
 488-490. General provision.

MINNESOTA STATUTES 1891

SECS. 329-333.]

STATE OFFICERS — GOVERNOR.

COMMISSIONER OF FISHERIES.
Sections.
 491-493. Appointment — Duties.

COMMISSIONERS OF STATE PARK.
 494-497. Transfer of park — Reversion.

RAILROAD AND WAREHOUSE COMMISSION.
 498-501. Appointment — Qualification — Compensation — Duties.
 502-506. Investigations — Powers of commission.
 507-517. Regulation of common carriers.
 518-568. Regulation of grain warehouses.

LUNACY COMMISSION.
 569-574. Appointment — Powers — Duties.

BOARD OF HEALTH.
 575-579. Appointment — Duties — Compensation.
 580-609. Infectious and epidemic diseases.
 610-617. Pollution of water supply.

BOARD OF INSPECTORS OF STEAM VESSELS AND BOILERS.
 618-624. Appointment — Duties — Compensation.
 625-627. Inspection — Certificate.
 628. Steam vessels.
 629-631. Steam boilers.
 632. License engineers.

BOARD OF CORRECTIONS AND CHARITIES.
Sections.
 633-638. Appointment — Duties — Reports.

BOARD OF DENTAL EXAMINERS.
 639-653. Appointment — Duties — Compensation.

BOARD OF PHARMACY.
 654-670. Appointment — Duties — Compensation.

BOARD OF MEDICAL EXAMINERS.
 671-677. Appointment — Duties — Compensation.
 678-681. Subjects for dissection.

BOARD OF FUEL COMMISSIONERS.
 682-684. Constituted — Duties.

BOARD OF AUDITORS.
 685-689. Constituted — Duties.

BOARD OF SINKING FUND COMMISSIONERS.
 690-697. Constituted — Duties.
 698-703. State railroad adjustment bonds.

FURTHER DUTIES OF STATE OFFICERS.
 704-705. Reports.
 706-707. Letting of contracts.
 708-710. Inventory.
 711-712. Insurance.
 713-725. Uniform system of accounts.

TITLE 1.

GOVERNOR.

Powers, duties, term of office, and oath of office. Const. art. 5, §§ 1, 2, 3, 4, 8.

SEC. 329. **Custodian of state property.**— The governor is the legal custodian of all the property of the state not specially entrusted to other officers by law; and is authorized and empowered to take summary possession of such property without any process of law; and to adopt such measures as he deems proper to preserve it from injury or deterioration.

G. S. ch. 6, § 1.

SEC. 330. **Appoint day of thanksgiving.**— He shall by proclamation set apart one day in each year, as a day of solemn and public thanksgiving to Almighty God for his blessings to us as a state and nation; and no business shall be transacted on that day at any of the departments of state.

G. S. ch. 6, § 2.

SEC. 331. **Convene legislature in extra session.**— Whenever he convenes an extra session of the legislature, he shall do so by proclamation, giving such notice as he deems necessary to inform the members of the legislature of the time of assembling; and when assembled, he shall state to them the purposes for which they are convened.

G. S. ch. 6, § 3; Const. art. 5, § 4.

SEC. 332. **Great seal of state.**— Whenever the great seal of the state is lost, or so worn or defaced as to render it unfit for use, the governor shall provide a new one.

G. S. ch. 6, § 5.

SEC. 333. **Appoint private secretary.**— He shall appoint his private secretary, who shall enter in a book kept for that purpose, all such letters written by and to the governor as are official and important, and such other

MINNESOTA STATUTES 1891

STATE OFFICERS — SECRETARY OF STATE.

[SECS. 334-340.]

letters as the governor directs. Said book shall be deposited in the office of the executive by the private secretary, and carefully preserved, and the governor shall produce the letter-books before the legislature whenever requested.

G. S. ch. 6, § 4.

SEC. 334. Appoint janitor.—He is authorized and required to appoint a suitable person as janitor of the capitol, to hold said office during the pleasure of the governor.

G. S. ch. 6, § 6. See title 8, this chapter.

Acts 1881, ch. 99, authorized the governor to employ a state land agent to prosecute the claims of the state for lands inuring from United States under the several acts of congress. Obsolete.

SEC. 335. Flags of Minnesota regiments.—The governor of this state is hereby authorized to procure a suitable case of glass and wood, in which to keep the flags carried by Minnesota troops during the late war. Said case shall be kept in one of the main halls of the capitol.

1866, ch. 57: "An act for the preservation of the flags carried by Minnesota troops during the war for the suppression of the southern rebellion." Approved February 6, 1866.

TITLE 2.

SECRETARY OF STATE.

Const. art. 5, §§ 1, 2, 5, 7, 8.

SEC. 336. Custodian of records.—The secretary of state shall keep his office in the capitol, in rooms provided and furnished by the state; he shall have the custody of the state seal and all the records of the state.

G. S. ch. 6, § 7.

SEC. 337. Appoint assistant.—He may appoint in writing an assistant secretary of state, who, before entering on his duties, shall take and subscribe the oath required by law, which oath and appointment shall be filed in his office.

G. S. ch. 6, § 8. Authorized to employ clerk by acts 1876, ch. 96, and recording clerk by acts 1883, ch. 147 (*post*, ch. 7).

SEC. 338. Preside until speaker elected — Prepare halls.—Immediately previous to any regular adjourned or extra session of the legislature, the secretary shall cause the halls in which the session is to be held to be suitably prepared for that purpose, and shall be in attendance at each regular session to call the members of the house of representatives to order and preside until a speaker is elected.

G. S. ch. 6, § 9.

SEC. 339. Index and distribute laws and documents.—He shall cause indexes to the laws and executive documents to be prepared as soon as practicable after the adjournment of each session of the legislature, and distribute said laws when printed in the manner required by law.

G. S. ch. 6, § 10.

SEC. 340. Publish constitutional amendments.—That the secretary of the state be and he is hereby directed to prepare and cause to be published in the volume of the general laws of this state for this year eighteen hundred and seventy-three, the constitution of this state with such amendments thereto as are now of force; and that said secretary be also directed to cause any amendments to said constitution that shall hereafter be adopted, to be published in the volume of the general laws of this state that shall be published next after such amendments shall be adopted, with proper notes, in all cases, to indicate the date of adoption respectively of such amendments.

1873, ch. 35: "An act to provide for publication of constitution and amendments." Approved February 17th.

MINNESOTA STATUTES 1891

SECS. 341-347.]

STATE OFFICERS — AUDITOR.

TITLE 3.

AUDITOR.

Const. art. 5.

SEC. 341. Office and bond of.— The auditor shall keep his office at the seat of government, and perform all the duties appertaining thereto which are required of him by law or resolution of the legislature. Before entering on the duties of his office, he shall enter into bond with one or more sureties, to be approved by the governor, in the sum of twenty thousand dollars, payable to the state of Minnesota, conditioned for the faithful discharge of his official duties; he shall take and subscribe the oath required by law, which oath and bond shall be deposited in the office of the secretary of state.

G. S. ch. 6, § 11 (13). See Const. art. 5.

SEC. 342. Seal of.— He shall keep a seal, with the device, "the seal of the auditor for Minnesota," and all official copies taken from the records or other documents in his office shall be under said seal, and be certified and signed by the auditor.

G. S. ch. 6, § 12 (14).

SEC. 343. Examine accounts and issue warrants.— All accounts and claims against the state, which are by law directed to be paid out of the treasury of the state, shall be presented to the auditor, who shall examine and adjust the same, and issue warrants, payable at the state treasury, for the sums which are found due from the state, specifying in each warrant the date of its issue, and the name of the person to whom payable; said warrants shall be printed on separate sheets of paper, and each shall be entered and numbered, and the number corresponding therewith shall be on the part of the sheet from which such warrant is cut; and all such parts of sheets containing the corresponding numbers, shall be carefully preserved by the auditor in his office.

G. S. ch. 6, § 13 (15).

SEC. 344. Enter each warrant.— The auditor shall enter, in progressive order, in books to be by him provided for that purpose, the number of each warrant by him issued, the amount thereof, the date of its issue, and the name of the person to whom issued.

G. S. ch. 6, § 14 (16).

SEC. 345. Keep records of accounts and business.— He shall make and preserve in his office, in suitable books, to be procured at the expense of the state, fair and accurate records of all such public accounts and other documents as are by law made returnable to his office, and keep a file, in progressive order, of all receipts and other vouchers relating to the business of his office.

G. S. ch. 6, § 15 (17).

SEC. 346. Account with treasurer.— He shall keep a regular account with the treasurer of state, in suitable books, to be provided as aforesaid, in which he shall charge the treasurer with all moneys by him received, and credit him with all warrants by him redeemed and deposited in the office of the auditor.

G. S. ch. 6, § 16 (18).

SEC. 347. Report receipts and disbursements.— The auditor shall annually make out an accurate statement of the receipts and disbursements of the treasury for the preceding year, ending on the last day of the month previous to the one during which the legislature commences its annual sessions; also of any unexpended balances of the several appropriations, the amount remaining in the treasury, the amount of warrants issued and not

MINNESOTA STATUTES 1891

STATE OFFICERS — AUDITOR.

[SECS. 348-355.]

redeemed (if any), and report the same to each branch of the legislature, on the third day of its session, together with such remarks on the finances of the state as he deems proper for the consideration of the legislature.

G. S. ch. 6, § 17 (19).

SEC. 348. Books and accounts open to inspection.— Whenever required, the auditor shall submit his books, accounts and vouchers to the inspection of the legislature, or any committee thereof appointed for that purpose.

G. S. ch. 6, § 18 (20).

SEC. 349. Administer oaths.— The auditor is authorized to administer an oath to parties and witnesses in support of the justice of such accounts as are exhibited to him for liquidation, and to certify the same accordingly.

G. S. ch. 6, § 19 (21).

SEC. 350. Copies of surveys and documents.— He shall deliver to any person applying therefor, a certified copy of any survey, or any other document in his office, on being paid ten cents for each hundred words contained therein, and twenty-five cents for each plat of survey laid down in such copy.

G. S. ch. 6, § 20 (22).

SEC. 351. Appoint deputy.— He may appoint a deputy, whose appointment shall be evidenced by a certificate under the official seal of the auditor, and continue during his pleasure. Said deputy previous to entering upon the duties of his appointment, shall give bond, with two or more sureties, in the penal sum of ten thousand dollars, payable to the state of Minnesota, and conditioned for the faithful performance of the duties of his office. In case of the absence or inability of the auditor, the deputy shall perform the several duties required of the auditor.

G. S. ch. 6, § 21 (23), as amended 1885, ch. 96. Approved March 9. Amendment struck out "chief clerk," "clerk," and inserted "deputy." Appoint bookkeeper. Acts 1883, ch. 146 (*post*, ch. 7).

SEC. 352. Violating provisions of this title.— Any auditor of state or deputy who violates any of the provisions of this title, shall, on conviction thereof, be punished by imprisonment in the state prison for a period of not more than ten years.

G. S. ch. 6, § 22 (24), as amended 1885, ch. 96. Amendment struck out "chief clerk" and inserted "deputy."

SEC. 353. Satisfy judgments and assignments.— The auditor of state may make and execute satisfactions of judgments and assignments thereof in behalf of the state of Minnesota.

1889, ch. 44: "An act to authorize the auditor of state to execute satisfactions and assignments of judgments in behalf of the state of Minnesota." Approved March 22d.

SEC. 354. Prior assignments confirmed.— Where any judgment or judgments procured by or belonging to the state of Minnesota, have heretofore been assigned to any person or persons by the auditor of state, such assignment shall be taken, held and considered to be valid, legal and binding to all intents and purposes; and the same as if the auditor of state had, by express legislative enactment, been authorized to make such assignment prior to the execution thereof.

Nothing in this act shall apply to or affect any action now pending, or the rights of any bona fide purchaser.

1889, ch. 45: "An act to validate and confirm assignments of judgments heretofore made by the auditor of state." Approved March 13th.

REQUISITION BY STATE INSTITUTIONS.

SEC. 355. Estimate and vouchers.— Whenever the authorities of any state institution shall make requisition for money from the state treasury on account of legislative appropriation, they shall forward to the auditor of state

MINNESOTA STATUTES 1891

SECS. 356-358.]

STATE OFFICERS — AUDITOR.

an estimate of the sum required for the month for which such estimate is made, and a warrant shall be drawn therefor; and at the end of such month, such institution shall furnish the state auditor vouchers for all moneys expended during such month, and before another warrant can be drawn. Such vouchers shall be subject to inspection at all times, and said auditor shall inspect said vouchers monthly.

1878, ch. 98, § 2: "An act to appropriate money for the support of the several state institutions herein named." Approved March 7, 1878. Sections 1 and 2 of this act appropriated money for insane asylum, state prison, deaf, dumb and blind institute and reform school; and section 3 provided for deficit on account of current expenses before passage of this act.

WARRANTS LOST OR DESTROYED.

SEC. 356. Duplicate to issue.— That whenever the state auditor, under and by virtue of the provisions of the laws of this state, issues any state warrant upon the state treasurer in favor of any state or county officer, or other person, company or corporation, for the payment of any moneys out of the state treasury, and the said warrant shall become lost or destroyed, it shall be the duty of the said state auditor to issue a duplicate warrant in favor of the state or county officer, or other person, company or corporation, to whom the original warrant was issued, or to any person, company or corporation legally holding under them, in the manner, and subject to the provisions, hereinafter contained in this act.

1874, ch. 13, § 1: "An act to provide for the issuance of duplicate state warrants in cases where the original warrant is lost or destroyed." Approved February 13, 1874.

SEC. 357. Affidavit of loss.— Whenever any warrant drawn by the state auditor for the payment of any money out of the state treasury, as in the first section of this act enumerated, and the same shall become lost or destroyed, any person, company or corporation who was the legal holder or owner of said warrant at the time it so became lost or destroyed, shall make an affidavit, particularly describing the said warrant as to date, amount, number, and fund out of which it was to be satisfied, and also shall state in said affidavit such other facts concerning the loss or destruction of the original warrant as he may have in his possession or knowledge, and shall request in such affidavit that a duplicate warrant may be issued in his favor, and shall file the same with the state auditor within one year after the loss of any warrant as aforesaid.

1874, ch. 13, § 2.

SEC. 358. Notice — Indemnity bond.— If it appears that the person, company or corporation filing such affidavit is entitled to receive such duplicate warrant as aforesaid, the state auditor may issue such duplicate warrant as aforesaid in favor of the person, company or corporation who are entitled to receive the same; but if he has any reason to believe, or if it appears possible or probable, that any person, company or corporation may be in anywise damaged by the issuance of such duplicate warrant, he shall in such cases require from the person, company or corporation applying for such duplicate warrant a bond, with good and sufficient sureties, which shall be made payable to the state of Minnesota, and shall be drawn in double the amount of the original warrant, and shall be approved by and filed with the state auditor before such duplicate warrant shall issue, conditioned for the benefit of any person, company or corporation damaged by the issuance of such duplicate warrant; and if the state auditor has grave doubts from any cause that the statements contained in the affidavit are untrue, he may, in cases where the amount of the warrant is two hundred dollars or over, publish in some newspaper having general circulation the circumstances of the case as contained in the affidavit, and shall give notice of some day certain when he will issue such duplicate warrant which shall be not less than thirty days after the first publication of the notice.

1874, ch. 13, § 3.

MINNESOTA STATUTES 1891

STATE OFFICERS — TREASURER.

[SECS. 359—365.]

SEC. 359. Original ipso facto cancelled.— Whenever a duplicate warrant shall be issued under the provisions of this act, the original warrant shall thereupon be cancelled, and the state of Minnesota relieved from any claim or liability for the payment of such original warrant.

1874, ch. 13, § 4.

SEC. 360. Auditor to use his discretion.— The state auditor shall use his discretion in carrying out the provisions of this act as appears to him to be right, and in accordance with justice and honesty: *provided*, that in no case shall the state be liable for any damages accruing under the provisions of this act.

1874, ch. 13, § 5.

SEC. 361. Reduplicate when duplicate lost.— Warrants may be reduplicated under the provisions of this act in cases where the duplicate becomes lost or destroyed.

1874, ch. 13, § 6.

SEC. 362. Fraud punished.— Any person who shall secure a duplicate warrant under the provisions of this act, who is not legally entitled to the same, shall be liable to indictment in any of the courts of this state having jurisdiction, for the crime of embezzlement or perjury as the case may be.

1874, ch. 13, § 7.

TITLE 4.

TREASURER.

Const. art. 5.

SEC. 363. Office — Seal — Duties.— The treasurer of state shall keep his office at the capitol, and by himself or deputy attend therein during the usual business hours of each day, Sundays and holidays excepted; he shall have and use a seal, and have charge of and safely keep all public moneys which are paid into the treasury, and pay out the same as directed by law, and perform all such other duties as are required of him by law.

G. S. ch. 6, § 23 (32).

SEC. 364. Bond — Oath.— Before entering on his duties, the treasurer shall give bond, with five or more sureties to be approved by the governor and state auditor, in the sum of four hundred thousand dollars, payable to the state of Minnesota, and conditioned for the faithful discharge of his duties as treasurer, and shall take and subscribe the oath required by law; which bond and oath shall be deposited with the secretary of state. The legislature may, at any time during the continuance in office of the treasurer, require him to give such additional security as they may deem necessary for the complete safety of the state.

G. S. ch. 6, § 24 (33), as amended 1874, ch. 12. Approved March 5, 1874. Amendment increased the bond from \$100,000 to \$400,000.

RECEIPTS, DISBURSEMENTS AND REPORTS.

SEC. 365. Record of receipts and disbursements.— The treasurer shall keep an accurate account of the receipts and disbursements at the treasury, in books provided for that purpose at the expense of the state, specifying the names of persons from whom received, to whom paid, on what account the same is received or paid out, and the time of such receipt or payment.

* And for all payments into the state treasury by the treasurer of any of

MINNESOTA STATUTES 1891

SEC. 366.]

STATE OFFICERS — TREASURER.

the counties of the state, he shall issue duplicate receipts, one of which shall be sent to the treasurer, and the other to the auditor of the county.

G. S. ch. 6, § 25 (34), as amended 1881, ch. 12. Approved February 23d. Amendment added provision below *.

SEC. 366. Reports — Board of auditors — Deposits — Interest — Additional bond.— He shall report to each branch of the legislature on the third day of their session, and to the governor whenever by him required, the state of the public accounts and of the state and school funds, plainly exhibiting the amount by him received from every source, and all and singular the items thereof, the amount paid out during the preceding year, and each and every item thereof, and where such funds are, and the balance remaining in the treasury,* and each and every item thereof; and shall once in two months publish, in one or more of the daily newspapers printed and published at the capital of the state, a condensed statement of the condition of the several funds in his hands belonging to the state at the date of such publication:

And there is hereby created a *board of auditors of the state treasury* and the funds thereof, consisting of the governor, secretary of state and attorney general, whose duty it shall be to carefully examine and audit the accounts, books and vouchers of the treasurer, and to count and ascertain the kinds and description and amounts of funds in the treasury as belonging thereto, at least four times in each year, without previous notice to the treasurer, and make report thereof, and of their acts and doings in the premises, to each branch of the legislature as early as the third day of their session; and also to witness and attest the transfer and delivery of accounts, books, vouchers and funds by any outgoing treasurer to his successor in office, and report the same in their report aforesaid next after the term of office of any treasurer shall expire: *provided*, that all funds belonging to the permanent school fund, or the permanent university fund, or any other permanent fund of any state institution, shall, as soon the same amounts to the sum of one thousand dollars, be at once invested in interest-bearing bonds, as provided in chapter thirty-three (33) of the laws of 1873.

Ch. 88, *post*.

(2) **Deposit funds.**— All the funds of the state shall be deposited in one or more banks located in the state immediately on their receipt by the treasurer, in the name of the state of Minnesota; such bank or banker shall be selected by the treasurer, and shall be required, prior to the receipt of any such deposits, to give to such treasurer, for the use of the state of Minnesota, a personal bond, to the satisfaction of such treasurer and said board of auditors, in at least double the amount to be so deposited, and with at least five sureties, who shall all justify in the manner provided for the justification of sureties on bonds in civil actions, as security for the amount so to be deposited with such bank or banker: *provided*, however, that the taking of such security shall not be construed in any manner to release the said treasurer or his bondsmen from their liability to the state for any money so deposited.

And the said board of auditors shall have authority to require the said treasurer to call for a new or an additional bond whenever in their opinion it is necessary for the complete protection of all the funds so deposited; but, whenever 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 not in any wise be affected or impaired.

(3) **Interest on deposits.**— Such bank or banker shall pay to the treasurer, for the use of the state of Minnesota, such fair and equitable interest on all daily balances in their hands belonging to the state as may be agreed upon between such bank or banks and the treasurer, which interest shall in no case be at a less rate than three per cent.

MINNESOTA STATUTES 1891

STATE OFFICERS — TREASURER.

[SECS. 367-372.]

(4) **Shall keep accurate books.**— The treasurer shall keep the books of the treasury department by the system known as double entry, and in such a manner as to show plainly and accurately every receipt and disbursement daily, and on the same day on which such receipt and disbursement or either of them actually occurs; and no unfinished business shall be kept or entered on loose memoranda or strips of paper; and the said treasurer's cash book shall be balanced plainly and accurately every business day; and every payment by the state treasury shall be made on the warrant of the state auditor, and by check on a depository of state funds, and such check shall bear on its face the name of the payee and the number of the warrant for which drawn, and shall be drawn to the order of the payee.

G. S. ch. 6, § 28 (37), as amended 1873, ch. 34; 1874, ch. 11; 1883, ch. 155; 1885, ch. 41. Above * substantially the original section. Acts 1885, ch. 41, struck out the words "the capital of" in second subdivision, and the interest "paid for the time on daily balances by leading bankers of New York" in third subdivision, and added "three per cent." Acts 1883, ch. 155, added provision that board of auditors may require treasurer to give new or additional bond. 1874, ch. 11, added the third subdivision and proviso in first, and provided for deposit of United States bonds with state instead of personal surety bond.

WARRANTS ON TREASURY.

SEC. 367. Received and redeemed.— He shall receive in payment of public dues, the warrants drawn by the auditor of state, in conformity to law, or redeem the same, if there is money in the treasury appropriated for that purpose; and on redeeming such warrant or receiving the same in payment, he shall cause the person presenting such warrant to endorse the same; and the treasurer shall write on the face of such warrant, "redeemed," and shall enter in his book, in separate columns, the number of such warrant, its date, amount, the name of the person to whom payable, and the date of payment.

G. S. ch. 6, § 26 (35).

SEC. 368. Deposit when redeemed.— The treasurer shall, on the first Monday of March, June, September and November, annually, deposit in the office of the auditor of state all warrants by him redeemed or received in payment at the treasury, and take the auditor's receipt therefor.

G. S. ch. 6, § 27 (36).

SEC. 369. Purchase of, and rewards prohibited.— The treasurer shall in no case purchase or receive any warrant redeemable at the treasury, or any audited account, at a less value than is expressed therein; nor shall he receive any fee or reward for transacting any business connected with the duties of his office.

G. S. ch. 6, § 29 (33).

GENERAL PROVISIONS.

SEC. 370. Treasury dues.— Treasury dues shall be paid in gold, silver, treasury drafts, national currency, or warrants.

G. S. ch. 6, § 33 (42).

SEC. 371. Accountable for loss through neglect.— If the treasurer neglects to call to account, as directed by law, any delinquents, whereby the public revenue suffers loss, he shall be accountable for the sums due by such delinquents, as if the same had actually been paid over to him.

G. S. ch. 6, § 30 (39).

SEC. 372. Judgment against treasurer on motion.— Whenever it appears that the treasurer has not accounted for and paid over the public moneys as directed by law, the state may move for and obtain judgment against the treasurer and his sureties, first giving to the persons against whom such motion shall be made, five days' notice of the time and place thereof, and said treasurer shall be further liable to a criminal action, and upon conviction be

MINNESOTA STATUTES 1891

SECS. 373-379.]

STATE OFFICERS — TREASURER.

punished by imprisonment in the state prison for a term of not more than twenty years. [G. S. ch. 6, § 31 (40).]

SEC. 373. **Preference in insolvency.**— If any treasurer, or other person indebted to the state, becomes insolvent, the debt of the state shall be paid first of all debts, notwithstanding any attachment against his effects, or any voluntary assignment thereof to pay debts, or for other purposes. [G. S. ch. 6, § 32 (41).]

APPROPRIATION OF FUNDS.

SEC. 374. **To be invested.**— There is hereby annually appropriated all moneys received into the state treasury to the credit of the permanent school fund, permanent university fund, internal improvement land fund, sinking fund, inebriate asylum fund, or other funds required to be invested in securities, to be invested in interest bearing bonds, of the United States or of the state of Minnesota issued since the year eighteen hundred and sixty, or of the bonds bearing not less than six per cent. interest of the states of Massachusetts, New York, Pennsylvania, Ohio, Indiana, Illinois, Wisconsin, Michigan, Missouri and Iowa, and the state auditor is hereby authorized to draw warrants on the treasurer [treasury] therefor.

1874, ch. 106: "An act to appropriate money required by law to be invested in interest-bearing bonds." Approved March 5, 1874.

GENERAL REVENUE FUND.

SEC. 375. **Moneys to be placed in.**— The state treasurer is hereby authorized and directed to transfer to the general revenue fund all moneys in his hands standing to the credit of the state institution fund and all moneys hereafter received into the treasury in pursuance of law from railroad, telegraph and other companies in lieu of taxation, and all moneys received from delinquent taxes and all moneys received in excess of the amount required for the purposes for which the same were levied, together with such sums as may be received from the United States in payment of war claim, shall be placed to the credit of the general revenue fund.

1885, ch. 214: "An act relating to funds in and to be received by the state treasury." Approved January 8. Acts 1872, ch. 19, § 3, repealed by above act, placed all moneys received in lieu of taxation in fund for support of prisons, charitable and educational institutions, and moneys received in excess of the levy and from United States government for war claims to credit of general revenue fund. Sections 1 and 2 and 4 of this act provided for state levy for 1872 and that taxes be paid in coin or United States notes.

SEC. 376. **Moneys payable from.**— All appropriations heretofore made for any or either of the state institutions payable from said state institutions fund shall be payable out of the general revenue fund. [1885, ch. 214, § 2.]

SEC. 377. **Forestry fund transferred.**— That the state treasurer is hereby authorized and directed to transfer to said general revenue fund all moneys in his hands standing to the credit of the state forestry fund, not required to pay the claims against said fund, now on file in the office of the state auditor. [1885, ch. 214, § 3.]

SEC. 378. **Same.**— That the state treasurer be and hereby is authorized and directed on the first (1st) day of January in each year to transfer to the general revenue fund all sums in his hands standing to the credit of said forestry fund, not required to pay the claims against said fund, that may on said day be on file in the office of the state auditor or to redeem warrants issued by said auditor on said fund. [1885, ch. 214, § 4.]

SEC. 379. **Deficiency in revenue fund.**— The state treasurer is authorized to borrow and use temporarily, from funds having an available balance in the treasury, two hundred thousand dollars, or so much thereof as may be necessary to supply any deficiency that may exist in the revenue fund: *provided*, that it will not impair said respective funds so that they cannot meet all demands as the exigencies may require: *and provided further*, that the

MINNESOTA STATUTES 1891

STATE OFFICERS — TREASURER.

[SECS. 379a-383.]

interest received on deposits or permanent trust funds in banks shall be apportioned to the proper current fund.

1874, ch. 9, as amended 1881, ch. 6; 1881, Ex. S. ch. 39; 1883, ch. 10. Laws 1874 borrowed temporarily \$80,000; 1881, ch. 6, \$100,000; 1881, Ex. S. ch. 39, \$150,000; 1883, ch. 10, \$200,000; 1883, ch. 130, \$250,000.

SEC. 379a. The governor, auditor and treasurer are authorized, whenever in their judgment it becomes necessary, in order to meet the current demands in the revenue fund for the payment of appropriations from the said fund, to make agreements or contracts with banks or other corporations or persons, to pay warrants issued against the revenue fund in payment of any claim or demand upon said fund, for the payment of which the legislature has made or hereafter may make an appropriation, and to pay interest on such warrants until the state treasury can redeem the same, at a rate not exceeding six (6) per cent. per annum, *provided*, that the amount of such warrants outstanding at any time shall not exceed one hundred thousand dollars (\$100,000). [1887, ch. 115, § 1.]

SEC. 379b. That the sum of six thousand dollars (\$6,000) or so much thereof as may be necessary, is hereby annually appropriated from the general revenue fund for the purpose of paying interest on loans as provided in section 379a. [1887, ch. 115, § 2.]

SEC. 380. Increase of revenue fund.— All money received from the United States government during the years A. D. one thousand eight hundred and eighty-one (1881) and A. D. one thousand eight hundred and eighty-two (1882) on account of the five (5) per cent. net receipts of sales of public lands in excess of appropriations from the Internal Improvement fund that may be earned during said years, shall be transferred from said fund to the General Revenue fund for the rebuilding of the State Capitol.

1881, Ex. S. ch. 53. Approved November 21, 1881.

TRANSFER OF FUNDS.

SEC. 381. Treasurer to transfer.— That the state treasurer be and is hereby authorized to transfer from the forestry fund the sum of twenty-five thousand dollars to the sinking fund, and to use the amount so transferred for the redemption of the outstanding bonds of the loan of one thousand eight hundred and seventy-three. And the state treasurer is also by this act authorized to transfer to the redemption fund created by the act approved January twelfth, one thousand eight hundred and eighty-three, any balances there may be in the sinking fund, the seed-grain sinking fund, and the interest fund, after redeeming the balance of the loan of one thousand eight hundred and seventy-three, and the coupons on the bonds so redeemed, and the coupons on the bonds of the loan of one thousand eight hundred and seventy-eight, authorized to be refunded by said act of January twelfth.

1883, ch. 144: "An act to authorize the state treasurer to transfer certain funds." Approved February 27th. Forestry fund transferred to general revenue fund (*supra*, § 377).

DESTROY AND CANCEL BONDS.

SEC. 382. Board to destroy redeemed bonds.— Whenever the board of auditors of the state treasury, created by chapter eleven of the general laws of one thousand eight hundred and seventy-four, shall find that the sinking fund holds any bonds of the state which have been redeemed by the state treasurer, they shall carefully compare such redeemed bonds with the register kept in the treasurer's office, and proceed to have them destroyed, certifying in said register how and when destroyed.

1879, ch. 90: "An act to further define the duties of the board of auditors of the state treasury." Approved March 8th.

SEC. 383. Destroy state railroad bonds.— The state treasurer is hereby authorized and directed to destroy the three hundred and twenty-two (322) "Minnesota state railroad adjustment bonds," with attached coupons, that are

MINNESOTA STATUTES 1891

SECS. 384-389.]

STATE OFFICERS — ATTORNEY GENERAL.

now held by the internal improvement land fund. The governor and the state auditor shall be present when said bonds and coupons are burned up, and shall with the state treasurer certify as to the fact of such destruction on a record which shall contain the number and description of the bonds and coupons so destroyed. [1885, ch. 217. Approved March 7th. See sec. 366, *supra*.]

SEC. 384. Cancel certain obligations.— That all obligations executed by individuals or counties to the state of Minnesota for moneys advanced by the state treasurer in the year one thousand eight hundred and sixty-seven, for the relief of certain citizens in the frontier counties of Jackson, Martin, Lincoln, Murray and Brown, amounting to six thousand nine hundred and fifty dollars and forty-two cents, be and the same are hereby cancelled, and the said individuals and counties are forever discharged from the payment of the same. That so much of the sixth subdivision of section one, chapter one hundred and twenty-two of the general laws of one thousand eight hundred and sixty-eight as provided for reserving all rights to reimbursement by said counties, be and the same is hereby repealed. [1873, ch. 114. Approved February 21st.]

TITLE 5.

ATTORNEY GENERAL.

Const. art. 5.

SEC. 385. Keep office at capitol.— The attorney general shall keep his office at the seat of government, in a room provided and furnished by the state, and the accounts for postage upon his official correspondence shall be audited and allowed by the auditor and paid out of the state treasury.

G. S. ch. 6, § 34 (45).

SEC. 386. Appear for state in supreme court.— He shall appear for the state in the trial and argument of all causes in the supreme court wherein the state is directly interested.

G. S. ch. 6, § 35 (46).

SEC. 387. Appear in district court.— He shall, upon the written request of the governor, prosecute any person charged with an indictable offence, and appear in the district court in all criminal cases, when requested by the county attorney of the county in which the same arise, whenever the public interest requires it;* and in such cases may attend upon and advise the grand jury, in the same manner and for the same purpose as county attorneys are now authorized and required to do; and shall also appear in civil actions in which the state is interested, whenever, in his opinion, the public interest requires it.

G. S. ch. 6, § 36 (47), as amended 1867, ch. 94. Amendment below*.

SEC. 388. Prosecute official bonds and school lands.— He shall cause to be prosecuted the official bonds of all delinquent officers in which the state may be interested, and institute actions against all persons holding or pretending to hold any portion of any of the school sections of this state adversely to the state, whenever, in his opinion, such actions can be sustained.

G. S. ch. 6, § 37 (48).

SEC. 389. Attend pre-emption of school lands.— Whenever notice of any application to pre-empt any portion of the school sections of this state under and by virtue of the provisions of the joint resolution of congress, entitled "A resolution relative to sections sixteen and thirty-six in the territories of Minnesota, Kansas and Nebraska," passed March 3d, 1857, is served upon the attorney general, he shall personally, or by the county attorney of the county where such application is made, cause an appearance to be entered on behalf of the state, and cause to be subpoenaed all necessary witnesses on

MINNESOTA STATUTES 1891

STATE OFFICERS — ATTORNEY GENERAL.

[SECS. 390-396.]

behalf of the state, and take such measures in the premises as will, in his opinion, best promote the public interest.

G. S. ch. 6, § 38 (49).

SEC. 390. Delinquent officers and corporations.— He shall cause to be prosecuted all assessors and other officers connected with the revenue laws of this state, for all such delinquencies and offences against those laws as come to his knowledge. Said action shall be brought in the district court of the county in which the defendants or any one of them resides or is found. If it comes to his knowledge that any incorporated company has offended against the laws of the state, misused, surrendered, abandoned or forfeited its corporate authority or any of its franchises or privileges, he shall cause proceedings to be instituted against it.

G. S. ch. 6, § 39 (50).

SEC. 391. Give legal advice.— He shall, when required, give legal advice to the governor, the secretary, auditor and treasurer of state, the warden and directors of the penitentiary, and the state superintendent of public instruction, and directors of benevolent institutions,* in all matters relating to their official business, and shall give his written opinion upon any question of law to either house of the legislature when required.

G. S. ch. 6, § 40 (51), as amended 1868, ch. 40. Amendment struck out at * "common schools."

SEC. 392. Forms of contracts, bonds, etc.— He shall prepare suitable forms of contracts, bonds, obligations and other instruments for the use of the officers of the state, when requested by the governor, secretary, auditor or treasurer.

G. S. ch. 6, § 41 (52).

SEC. 393. Appeal by state without security.— Upon all appeals taken by the attorney general on behalf of the state, or any of its officers, no security is required.

G. S. ch. 6, § 42 (53).

SEC. 394. Register of actions and business.— The attorney general shall keep, in a book furnished by the state, a register of all actions, demands, complaints, writs, informations, and other proceedings, prosecuted or defended by him officially, together with all the proceedings had in respect thereof, and also a register of all written official opinions given by him, which said books he shall deliver to his successor at the expiration of his term.

G. S. ch. 6, § 43 (54).

SEC. 395. Annual report.— He shall make an annual report to the governor, stating the number, character, condition and result of the actions prosecuted or defended by him in behalf of the state (to which shall be appended a tabular statement of offences reported to him by the county attorneys), the cost of prosecuting or defending each action, and the amount of fines and penalties collected. He shall also direct attention to any defect in the practical operation of the laws relating to schools, revenue, and criminal offences, and suggest such amendments as in his judgment are necessary to subserve the public interest.

G. S. ch. 6, § 44 (55).

SEC. 396. Approval of incorporation articles.— Hereafter it shall not be necessary for the attorney general to endorse any form of approval upon the articles of incorporation of any incorporated company.

This act shall not apply to religious incorporations.

1889, ch. 248: "An act relating to the duty of the attorney general respecting incorporations." Approved April 24, 1889.

TITLE 6.

LIBRARIAN.

SEC. 397. State library constituted.—The state library shall consist of the books, pamphlets, maps, charts and documents of every kind now belonging to the same, together with such others as it may acquire by gift, purchase, exchange or otherwise.

1878, ch. 88, § 1: "An act relating to the state library." Approved March 9, 1878. Substantially § 45, ch. 6, G. S. This act repeals this title of G. S. and acts 1877, ch. 8; and supersedes acts 1869, ch. 46, which amended § 50 of G. S.

SEC. 398. Librarian.—The governor, by and with the advice and consent of the senate, shall appoint a librarian, who shall hold his office for two years, and until his successor is appointed and qualified. Before entering upon his duties, he shall take the oath of office, and give a bond to the state, in the sum of two thousand dollars, with two sureties, to be approved by the governor, conditioned for the faithful performance of his official duties, the safe-keeping and delivery to his successor of all property belonging to the library, and the proper disbursement or payment to his successor of all moneys coming into his hands as librarian. Such oath and bond shall be filed in the office of the secretary of state.

1878, ch. 88, § 2. Same as § 47, ch. 6, G. S.

SEC. 399. Duties.—The librarian shall have the custody and charge of all property belonging to the library. He shall, under the direction and control of the judges of the supreme court, attend to all sales, purchases [and exchanges of books, pamphlets or other documents,] for the same. He shall, as respects himself, obey, and, as respects other persons, enforce such rules and regulations as may be prescribed for the government and conduct of the library and its affairs. He shall, with or without suit, collect in his own name, for the use of the library, such damages as may be sustained by injury to, or failure to return, any books or other property of the library, as well as all fines imposed by any of the rules or regulations before mentioned. He shall keep a book in which he shall enter a detailed and chronological account of all exchanges, purchases and sales of books, pamphlets or other documents. On the first day of December in each year, he shall make a report to the governor, containing a list of the books added to the library during the preceding twelve months, designating which have been added by gift, which by exchange, and which by purchase; a list of the books lost during the said twelve months; a statement of the amount collected for the use of the library during the same period, for loss of books or injury thereto, and for fines; and also a statement of the amount expended for the library, designating in a general way the purposes for which such expenditures have been made.

1878, ch. 88, § 3.

SEC. 400. Control of library.—The judges of the supreme court shall exercise a general oversight of the library. They shall have power to adopt all such rules and regulations for the government and conduct of the same and its affairs as they may deem proper, and also rules prescribing penalties and fines for any violation thereof. Such rules and regulations shall be posted up in conspicuous places in the room occupied by the library. Such judges are authorized to direct such purchases of books, pamphlets and documents for the library, and to direct such sales and exchanges of books, pamphlets and documents in the library as they may deem best, subject, however, to the exception that no copies of the statutes (including session laws) of the territory or state of Minnesota shall be sold, exchanged, or in any way disposed of.

1878, ch. 88, § 4.

MINNESOTA STATUTES 1891

STATE OFFICERS — CLERK OF THE SUPREME COURT. [SECS. 401-406.]

SEC. 401. **Exchange reports.**— Immediately upon receiving the volumes of the reports of the supreme court, the secretary of state shall furnish the librarian with a number of copies thereof equal to the number of states and territories of the United States; and thereupon it shall be the duty of the librarian (instead of the secretary of state as now required by law) to transmit one copy thereof to the governor or librarian of each of said states and territories.

1878, ch. 88, § 5.

SEC. 402. **Moneys received.**— All moneys received for books sold, or for injury to or failure to return books or other property of the library, or for fines, shall be expended for the benefit of the library.

1878, ch. 88, § 6.

TITLE 7.

CLERK OF THE SUPREME COURT.

Const. art. 6, § 2.

SEC. 403. **Oath — Bond — Deputy.**— The clerk of the supreme court, before he enters upon the duties of his office, shall take and subscribe the oath required by law, and execute a bond to the governor, with one or more sureties to be approved by him, in the penal sum of one thousand dollars, conditioned for the faithful performance of his duties, which bond shall be for the use of the state, and, with said oath, filed in the office of the secretary of state. The said clerk may appoint a deputy, who shall take and subscribe the oath required by law, which shall be filed in said court; the said clerk is responsible for the acts of his deputy.

G. S. ch. 6, § 60 (62).

SEC. 404. **Records, stationery, etc.**— The said clerk, unless otherwise provided for by law, shall procure the necessary records, stationery, lights, fuel and furniture for the use of the supreme court, the same to be paid for out of the state treasury by the proper accounting officers thereof, upon the certificate or order of the said clerk.

G. S. ch. 6, § 61 (63).

SEC. 405. **Personally perform duties.**— He shall personally perform all the duties assigned him by law and the rules of the said court. Whenever the clerk is unavoidably absent and unable to perform his duties, his deputy may perform all the duties of said office.

G. S. ch. 6, § 62 (64).

SEC. 406. **Furnish copy of syllabus.**— Whenever a syllabus is filed by the judges of the supreme court, as required by law, the clerk shall immediately thereafter make and furnish a copy thereof to the publishers of such daily papers in the city of St. Paul as consent to publish the same without charge, accompanied with the title of the action.

G. S. ch. 6, § 63 (65).

MINNESOTA STATUTES 1891

SEC. 407.]

STATE OFFICERS — JANITOR, ETC.

TITLE 8.

JANITOR — MESSENGER — ENGINEER — FIREMAN.

SEC. 407. Appointment of.— 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:.

(1) **Janitor.**— 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 (1200) dollars per annum.

(2) **Messenger.**— 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 (50) dollars per month.

(3) **Chief engineer.**— 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 (1200) dollars per annum.

(4) **Fireman.**— 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 seventy-five (75) dollars per month.

As amended 1889, ch. 251.

(5) **Night fireman.**— 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 (75) dollars per month for not more than four months in each year.

The hours of service of the above employees 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.

Rules and instructions.— The Governor shall prepare rules and instructions fixing the details of the service about the building, to carry out the above provisions.

1879, ch. 100: "An act to specify the officers who are to be employed in the care and comfort of the capitol building, defining their duties and fixing their salaries." This law supercedes G. S. ch. 6, § 64 (60), which prescribed the janitor's duties.

TITLE 9.

PUBLIC EXAMINER.

SEC. 408. Appointment.— That one competent person, who shall be a skilful accountant, and well versed as an expert in the theory and practice of book-keeping, and who is not an incumbent of any public office under the state, or any county, municipality or public institution therein, and who is not a stockholder, officer, trustee, assignee, or employee of any banking, moneyed or savings institution or corporation created under the laws thereof, shall be appointed by the governor, by and with the advice and consent of the senate, who shall be styled public examiner, and who shall take and file with the secretary of state an oath of office, and execute to the state a bond, with at least three sureties to be approved by the governor, in the penal sum of fifty thousand dollars (\$50,000) for the faithful discharge of his duties. He shall hold the office for the term of three (3) years, and execute the duties thereof as herein prescribed until his successor shall be appointed and qualified; and in case of a vacancy by death, removal, resignation or otherwise, the governor shall fill the same by appointment.

1878, ch. 83, § 1: "An act to provide for the appointment and to prescribe the duties of a public examiner for the state of Minnesota." Approved March 12, 1878.

SEC. 409. Powers and duties — State institutions.— The said public examiner is authorized and empowered by this act, and it shall be his duty, in his discretion, to assume and exercise a constant supervision over the books and financial accounts of the several public, educational, charitable, penal and reformatory institutions belonging to the state. He shall prescribe and enforce correct methods for keeping the financial accounts of said institutions, and instruct the proper officers thereof in the due performance of their duties concerning the same. It shall be his duty to visit each of said state institutions at irregular periods, without previous notice to the officers thereof, at least twice each year, and make an exhaustive examination of the books and accounts thereof, including a thorough inspection of the purposes and detailed items of expenditures and of the vouchers therefor.

Id. § 2.

SEC. 410. Same — State and county officers.— It shall be the duty of the public examiner to order and enforce a correct and, as far practicable, uniform system of book-keeping by state and county treasurers and auditors, so as to afford a suitable check upon their mutual action, and insure the thorough supervision and safety of state and county funds. He shall have full authority to expose false or erroneous systems of accounting, and, when necessary, instruct state and county officers in the proper mode of keeping the same. It shall be his duty to ascertain the character and financial standing of all present and proposed bondsmen of state and county officers, and he shall have full powers to approve or reject any or all such sureties in accordance with the knowledge so obtained. He shall require of county treasurers from time to time, as often as he shall deem necessary, a verified statement of their accounts, and he shall personally visit said offices without notice to them, at irregular intervals, at least once in each year, and at such times make a thorough examination of the books, accounts and vouchers of such officers, ascertaining in detail the various items of receipts and expenditures; and it shall be [his] the duty to inspect and verify the character and amount of any and all assets and securities held by said officers on public account, and to ascertain the character and amount of any commissions, percentages, or charges for services exacted by such officers without warrant of law. The examiner shall report to the attorney general the refusal or neglect of county officers to obey

MINNESOTA STATUTES 1891

SECS. 411-413.]

STATE OFFICERS — PUBLIC EXAMINER.

his instructions; and it shall be the duty of said attorney general to promptly take action to enforce compliance therewith. The said examiner shall report to the governor the result of his examinations, as well as any failure of duty by financial officers, as often as he thinks required by the public interests; and the governor may cause the results of such examinations to be published; or, at his discretion, to take such action for the public security as the exigency may demand; and, if he shall deem the public interests to require, he may suspend any such officer from further performance of duty until an examination be had, or such security obtained as may be demanded for the prompt protection of the public funds.

1878, ch. 83, § 3.

SEC. 411. Same — Banking institutions.— The examiner under this act shall in like manner and with like authority visit, without prior notice, each of the banking, savings, and other moneyed corporations created under the laws of this state or the territory of Minnesota, and thoroughly examine into their affairs, and ascertain their financial condition, at least once in each year. It shall be his duty to carefully inspect and verify the validity and amount of the securities and assets held by such institutions, examine into the validity of the mortgages held by savings banks, and see that the same are duly recorded, and ascertain the nature and amount of any discount or other banking transactions which he may deem foreign to the legitimate and lawful purposes of savings institutions. He shall inquire into and report any neglect or infringement of the laws governing such banking, moneyed and savings institutions, and for such purposes shall have power to examine the officers, agents and employees thereof and persons doing business therewith. He shall forthwith report the condition of such corporations, so ascertained, to the governor, together with his recommendations or suggestions respecting the same, and the governor may cause the same to be published, or, in his discretion, take such action as the emergency may seem to demand.

Id. § 4.

SEC. 412. Same — Facilities for — Penalties.— To enable said examiner to perform the services herein required of him, the trustees and financial officers and managers of the several state institutions, the county and state treasurers and auditors, and other county and state officers, and the officers and employees of all banking, moneyed and savings institutions herein referred to, shall afford all reasonable and needed facilities, and it is hereby made the duty of all such trustees, officers, managers and employees to make returns and exhibits to the said examiner, under oath, in such form and at such time or times as he shall prescribe; and each and every person so required, who shall refuse or neglect to make such return or exhibit, or [to] give such information as may be required by said examiner, shall be deemed guilty of felony; and if any person, in making such exhibit, or giving such information, or affording any statement required under this act, on his oath, shall knowingly swear falsely concerning the same, he shall be deemed guilty of perjury and punished accordingly.

Id. § 5.

SEC. 413. Examine books and witnesses.— Every person who shall wilfully obstruct or mislead the public examiner in the execution of his duties as herein prescribed, shall be subject to a conviction and punishment therefor in the same way as is provided for the conviction and punishment of persons obstructing or hindering other officers, ministerial, judicial or executive, under the authority and law of this state. And the said examiner shall have full power and authority, for the various purposes herein named, to examine any of the books, papers, accounts, bills, vouchers, or other documents or property of any or all of the aforesaid state institutions, moneyed, banking and savings corporations, and county and state officers, and custodians of county and state funds, and also to examine under oath any or all of the trustees, managers,

MINNESOTA STATUTES 1891

STATE OFFICERS — PUBLIC EXAMINER.

[SECS. 414-418.]

officers, employees or agents, of such institutions and moneyed and savings corporations, and other persons in control of or doing business with said moneyed and savings institutions, and the county and state officers, and custodians of county and state funds aforesaid. The said examiner is empowered to issue subpoenas and administer oaths, in the same manner and with the same power to enforce obedience thereof in the performance of his said duties as belong and pertain to courts of law in this state; and any person refusing access by said examiner to any such books or papers; or any trustee, manager, officer, agent, clerk, employee, or other person aforesaid, who shall obstruct said access, or refuse to furnish any required information, or who shall in any manner hinder the thorough examination, required by this act, of the officers, or of the affairs, books, accounts, papers and finances of the state, moneyed, banking and savings institutions, or pertaining to the county and state officers aforesaid, shall be deemed guilty of a felony, and shall be liable on conviction to [a] fine of one thousand dollars or imprisonment in the state prison for a period of one year.

1878, ch. 83, § 6.

SEC. 414. **Annual report.**— Said examiner shall make an annual written report to the governor, of his various proceedings, embodying therein an abstract of the condition and statistics of the several institutions, and county and state finances, as ascertained by him, which report shall be printed to the number of one thousand copies, and be included with other official reports in the volume of executive documents.

Id. § 7.

SEC. 415. **Compensation — Malfesance.**— For the services required under this act, the public examiner shall receive an annual salary of thirty-five hundred dollars (\$3,500). "And a contingent fund of fifteen hundred dollars, (\$1,500), of which one thousand dollars (\$1,000) shall be paid for clerk hire, and the remainder, or so much thereof as may be necessary, for the incidental expenses of his office, which sums shall be paid by the state treasurer in the same manner as other salaries and expenses of state officers are paid; and if the said examiner shall directly or indirectly receive any compensation or pay for any services or extra service, or for neglect of service, other than is provided in this act, he shall be deemed guilty of felony, and, on conviction thereof, shall be subject to a fine not exceeding ten thousand (\$10,000) dollars, or imprisonment in the state prison not exceeding ten years, or both, in the discretion of the court.

1878, ch. 83, § 8, as amended 1881, ch. 53. Amendment struck out contingent fund \$1,000 for all expenses and inserted \$1,500.

SEC. 416. **Attorney general to aid.**— It shall be the duty of the attorney general to aid, when called upon by the public examiner, in any investigation or matter needing legal advice and inquiry, and to supervise the prosecution of all offenders under the provisions of this act.

Id. § 9.

SEC. 417. **Ex-officio superintendent of banks.**— That all duties now required to be performed by, and all responsibilities now imposed upon, the auditor of this state, under the laws regulating the business of banking, shall hereafter be performed by the public examiner, under the title *ex-officio* of superintendent of banks, and all reports and documents now on file in the state auditor's office, pertaining to banks, now in existence, are hereby transferred to the custody of the public examiner.

1887, ch. 183: "An act transferring certain duties now performed by the state auditor to the public examiner." Approved March 2, 1887.

SEC. 418. **Appoint deputy — Compensation.**— The public examiner may appoint a deputy who shall take and subscribe the oath of office required by law, and who shall execute to the state a bond, with two (2) or more sure-

MINNESOTA STATUTES 1891

SECS. 419-420.] STATE OFFICERS — INSPECTOR OF ILLUMINATING OILS.

ties, in the penal sum of ten thousand (10,000) dollars for the faithful discharge of his duties. In case of the necessary absence or inability of the public examiner, the deputy shall perform the several duties required of that officer. Said oath and bond shall be filed in the office of the secretary of state.

There is hereby annually appropriated the sum of eighteen hundred (1,800) dollars out of any funds in the state treasury not otherwise appropriated, for the salary of the said deputy.

Contingent fund.— And also the further sum of seven hundred (700) dollars for clerk hire, traveling, and other expenses of the public examiner's office.

1887, ch. 218: "An act providing for a deputy in the office of the public examiner and to increase the contingent fund in that office." Approved March 8, 1887

TITLE 10.

INSPECTOR OF ILLUMINATING OILS.

SEC. 419. Appointment — Term — Removal.— That there shall be appointed by the governor, by and with the advice and consent of the senate, a suitable person, resident of the state, who is not interested in manufacturing, dealing or vending any illuminating oils manufactured from petroleum, as state inspector of oils, whose term of office shall be two years from the date of his appointment, or until his successor shall be appointed and qualified. The governor shall have power to remove such person from office whenever it shall appear to him from good and sufficient evidence that such officer is guilty of malfeasance or non-feasance in the performance of his duty, and may fill any vacancy arising from such removal from resignation, death or removal from the state, by a new appointment.

1876, ch. 90, § 1: "An act to provide for the inspection of illuminating oils manufactured from petroleum or coal oils." Approved March 2. In force April 1, 1876. Repeals act 1875, ch. 86, which provided for appointment in respective counties by judge of district court of five or more persons for three years.

SEC. 420. Oath — Bond — Fees — Records.— The person appointed state inspector shall, before he enters upon the duties of his office, take an oath or affirmation prescribed by the laws of this state, and shall execute a bond to the state of Minnesota, in the sum of five thousand dollars, with such sureties as shall be approved by the secretary of state, conditioned for the faithful performance of his duties under this act, which bond so approved shall be filed with the secretary of state.

Each deputy inspector appointed shall, before entering upon the duties of his office, take a like oath or affirmation, and execute a bond as aforesaid, of not less than one thousand or more than five thousand dollars, as may be directed by the state inspector, which bond, with said sureties as shall be approved by the judge of probate, be, with his approval thereon, filed in the office of the clerk of the district court for the county to which such deputy is appointed.

Fees.— Such inspector or deputy shall be entitled to demand or receive from the owner or party calling upon him, or for whom he shall inspect, the sum of forty cents for testing and marking a single barrel, cask or package; thirty cents each when not exceeding five in number; twenty-five cents each when not exceeding ten in number, and twenty cents each when in number or packages greater than ten, submitted at one time for inspection.

Record.— And it shall be the duty of every deputy inspector to keep a true and accurate record of all oils inspected by him, which record shall state

MINNESOTA STATUTES 1891

STATE OFFICERS — INSPECTOR OF ILLUMINATING OILS. [SECS. 421-425.]

the date of inspection, the number of packages, the number of gallons therein, so near as they can be ascertained, and the name of the person for whom inspected, and shall make to the state inspector, at the end of each month, a report containing a true transcript of such record. And it shall be the duty of the state inspector to keep a like record of all oils inspected by him, and at the end of each year to make a report to the secretary of state of the number of packages and gallons so inspect[ed] therein; also amount of inferior or unsafe oil for illuminating purposes, with the name of dealer in whose hands found, and from whom received by said dealer. Such records shall be open to inspection of any and all persons interested.

1876, ch. 90, § 3. Same provision in § 5, ch. 86, 1875.

SEC. 421. Cannot traffic in oil.— No inspector or deputy inspector shall, while in office, traffic directly or indirectly in any article which he is appointed to inspect. For the violation of this section he shall be liable to a penalty not exceeding one thousand dollars.

1876, ch. 90, § 6. Same provision in § 7, ch. 86, 1875.

SEC. 422. Inferior oil prohibited.— No person shall fraudulently adulterate, for the purpose of sale or use, any kerosene or coal oils to be used for illuminating purposes; nor shall any person knowingly sell or offer for sale, or knowingly use, any kerosene or coal oils, or any of the products thereof, which, by reason of being adulterated, or for any other reason, will, at the temperature of one hundred and ten (110) degrees of Fahrenheit's thermometer, emit an explosive vapor or gas, or be deficient in quality for illuminating purposes: *provided*, that the quantity used for tests shall not be less than one-half pint; *and provided further*, that the gas or vapor from said oils may be used for illuminating purposes, when the oils from which said gas or vapor is generated are contained in reservoirs outside the building illuminated by such gas. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be punished by imprisonment in the county jail not more than one year, or by a fine not exceeding five hundred dollars, or by both fine and imprisonment, in the discretion of the court.

1876, ch. 90, § 7, as amended 1877, ch. 71. Amendment struck out one hundred and thirty and inserted one hundred and ten degrees.

SEC. 423. Salary.— The inspector of illuminating oils shall receive an annual salary of two thousand four hundred (2,400) dollars per annum, payable monthly, as provided for in the cases of other state officers, which salary shall be in full compensation for all services and expenses for the performance of duties now or hereafter required by law.

1889, ch. 246, § 1: "An act to fix salary of inspector of illuminating oils; the compensation of deputy inspectors, and provide for disposition of fees, and for inspection of illuminating oils in tank cars." Approved March 22, 1889.

SEC. 424. Collect and pay fees into treasury.— The said inspector shall collect the fees now or hereafter provided by law, for inspecting oils. He shall make monthly statements, in detail under oath to the state auditor, of all fees collected by himself, or received from his deputies under the provisions of this act, and pay the amount so shown to be collected or received to the state treasurer, monthly, on or before the tenth (10th) day of each and every month.

1889, ch. 246, § 2.

SEC. 425. Deputies — Limited compensation of.— Not more than one deputy inspector of illuminating oils shall be appointed in any county. Such deputy shall collect all fees now or hereafter provided by law for inspecting oils, earned by them, and pay over the same with a monthly report under oath, to the inspector of illuminating oils, retaining for their services fifty per centum of the same, until the commission shall amount to fifty (50) dollars

MINNESOTA STATUTES 1891

SECS. 426, 427.] STATE OFFICERS — INSPECTOR OF ILLUMINATING OILS.

per month, and twenty-five (25) per cent. thereafter. *Provided* that no deputy shall retain more than the percentages herein provided, and until the commission shall amount to one hundred (100) dollars per month, and ten (10) per cent. thereafter. *Provided*, that no deputy shall receive as compensation for his services a sum to exceed the sum of two thousand (2,000) dollars per annum, and that all fees collected in excess of two thousand (2,000) dollars be paid into the state treasury. *Provided, however*, that when the fees so collected amount to less than thirty (30) dollars per month in any county, the deputy inspector may retain the entire amount thereof, on making report of the same.

Id. § 3.

SEC. 426. **Inspection — Marking — Penalties.**— It shall be the duty of said state inspector of oils to examine and test the quality of all such oils offered for sale by any manufacturer, vendor, dealer; and if, on testing or examination, the oils [shall] meet the requirements hereinafter specified, he shall affix his brand or device, and the date of the inspection, with the word “approved,” upon the barrel, cask or other package containing the same; and it shall be lawful for any manufacturer, vendor or dealer to sell the same as an illuminator; but if the oil so tested shall not meet the said requirements, he shall mark in plain letters on said barrel, cask or package, with device and date as aforesaid, the words “unsafe for illuminating purposes;” and it shall be unlawful for the owner thereof to sell such oil for illuminating; and if any person shall sell or offer for sale such rejected oil, he shall be deemed guilty of a misdemeanor, and shall be punished as provided in section four of this act: *provided*, however, that all oils inspected under this act shall be inspected within the state of Minnesota. The state inspector provided for in this act is hereby empowered to appoint a suitable number of deputies; and he shall appoint one such deputy for each and every county, on application to him to that end, which said deputies are hereby empowered to perform the duties of state inspector, and shall be liable to the same penalties as the state inspector: *provided*, that the state inspector may remove any of said deputies from office at any time, for reasonable cause. It shall be the duty of the inspector and his deputies to provide themselves, at their own proper expense, with the necessary instruments and apparatus for testing the quality of said illuminating oils, and for marking the packages in which the same may be contained; and, when called upon for that purpose, to promptly inspect all oils herein mentioned, and to report as dangerous or inferior all oils which, by reason of being adulterated, or for any other reason, will, at the temperature of one hundred and ten degrees of Fahrenheit’s thermometer, emit an explosive gas or vapor, or [is] inferior in quality for illuminating purposes: *provided*, that the quantity of oil used in this test shall not be less than half a pint. The oil tester and mode of testing adopted, recommended by the state board of health, shall be used and followed by the state inspector and his deputies. Said inspector and his deputies are hereby empowered, and shall, upon application and the tender of fees herein provided, enter during business hours into any store, shop or warehouse in which such illuminating oils are kept for sale, and inspect and test such oils, marking the packages in which the same are contained, as hereinbefore provided. The decision of any deputy inspector on any package of oil shall be subject to appeal to the state inspector, whose decision shall be final.

1876, ch. 90, § 2, as amended 1877, ch. 71, § 1. Amendment struck out one hundred and thirty and inserted one hundred and ten degrees. Laws 1875, ch. 86, §§ 1 and 2, provided for test of one hundred and fifty degrees and the method of inspection substantially as above. 37 M. 434.

SEC. 427. **Unlawful to sell without inspection.**— All illuminating oil manufactured, refined or compounded within this state, of petroleum, coal oil, or their products, in part or in whole, shall be inspected before being removed from the manufactory or refinery.

MINNESOTA STATUTES 1891

STATE OFFICERS — INSPECTOR OF ILLUMINATING OILS. [SECS. 428-430.]

Sale.—And if any person or persons, whether manufacturer, vendor or dealer, shall sell to any person within this state any such illuminating oils, whether manufactured in this state or not, before having the same inspected as provided in this act, he shall be deemed guilty of a misdemeanor, and he shall be subject to a penalty in any sum not exceeding five hundred (500) dollars.

False brands.—And if any manufacturer, vendor or dealer of such oils shall falsely brand the package, cask or barrel containing the same, as provided in sections one (1) and two (2) of this act, or shall use barrels, casks or packages having the inspector's brand thereon, without having the oil inspected, he shall be deemed guilty of a misdemeanor, and he shall be subject to a penalty in any sum not exceeding five hundred dollars, nor less than one hundred dollars, or be imprisoned in the county jail for a term not exceeding six months, or both, at the discretion of the court.

1876, ch. 90, § 4. Repealed law of 1875, ch. 86, § 3, provided for penalty not exceeding \$500 nor less than \$50, or imprisonment not exceeding three months; and also action for damages by person injured against any person violating that law, and if loss of life result, guilty of manslaughter.

SEC. 428. Inspection at stations.—All oils in quantities less than fifty barrels shall be inspected at a railroad or river station, unless the party requesting such inspection shall pay the inspector in advance in addition to the compensation heretofore provided by law, ten cents per mile for each mile necessarily traveled in going [to] and returning from the place where such inspection is to be made, the distance to be computed from the place of residence of such inspector. Said inspector and each of his deputies is also authorized and empowered to enter, during business hours, without being requested so to do, into any store, shop, yard or warehouse, or other place in which he believes oil uninspected or unsafe for illuminating purposes are found, and inspect and test such oils, and to mark in the manner hereinbefore provided the packages or barrels inspected; and in such cases the inspector shall be entitled to demand and receive from the owner or claimant of the oil inspected the same fees and mileage as in other cases herein prescribed. Any person or persons who shall sell or refill an empty cask or barrel having the inspector's brand "approved" thereon, without first erasing the brand, shall be guilty of a misdemeanor, and shall be subject to the penalty provided in the last part of section four (4), of this act.

1876, ch. 90, § 8, as amended 1877, ch. 72; 1878, ch. 37. Acts 1876, ch. 90, § 8, merely repealed act 1875, ch. 86, and all inconsistent acts. Acts of 1877, ch. 72, amended § 8, ch. 90, laws 1876, and is same as above except "ten barrels" in place of "fifty." Acts 1878, ch. 37, struck out ten and inserted fifty and changed the phraseology.

SEC. 429. Inspection of tank railroad car.—The inspector of illuminating oils and his deputies may inspect and test illuminating oils, in a tank railroad car, so called, standing on a railroad track, and such oil shall not be transferred into warehouse or storage tanks or unloaded until so inspected; when such oil has been so tested and inspected no other inspection shall be necessary, but the inspector or deputy shall, when such oil is put into barrels, brand the said barrels without charge; when the amount contained in any such tank shall exceed fifty (50) gallons, each fifty (50) gallons shall constitute a barrel within the meaning of the law, and the fees for inspecting the same, and for branding the barrel shall, for each fifty (50) gallons, be the same as prescribed for each barrel or package, by law.

Id. § 4.

SEC. 430. Mark actual test.—It shall be the duty of the state inspector to mark in plain figures on each package the actual test of oil contained in each barrel, cask or package inspected by him or his deputies, indicating at what temperature of Fahrenheit's thermometer the same would emit an explosive gas or vapor.

1877, ch. 71, § 2: "An act to amend ch. 90, laws 1876, by adding above section." Approved March 1, 1877.

MINNESOTA STATUTES 1891

SECS. 431-435.] STATE OFFICERS — INSPECTORS OF CATTLE, ETC.

SEC. 431. Prosecute violators of law.—It shall be the duty of the state inspector and of every deputy inspector who shall know of the violation of any of the provisions of this act, to enter complaint before any court of competent jurisdiction against any person so offending;* and all justices of the peace within their respective counties shall have power to order any person violating any of the provisions of this act to enter into a recognizance, and with sufficient sureties in such sum as to them may seem proper, for his appearance at the next term of the district court, to answer to such complaint or charges as may be made against him.

1876, ch. 90, § 5, as amended 1878, ch. 37. Amendment below *. Acts 1875, ch. 86, § 4. Indictment in district court and fines, to school fund.

TITLE 11.

INSPECTORS OF CATTLE, SHEEP AND SWINE.

This law declared unconstitutional.

SEC. 432. Sale without inspection prohibited.—The sale of any fresh beef, veal, mutton, lamb or pork for human food in this state, except as hereinafter provided, is hereby prohibited.

1889, ch. 8, § 1, approved April 16, 1889: "An act for the protection of the public health by providing for inspection before slaughter of cattle, sheep and swine designed for slaughter for human food."

SEC. 433. Local boards of health to appoint.—It shall be the duty of the several local boards of health of the several cities, villages, boroughs and townships within this state to appoint one (1) or more inspectors of cattle, sheep and swine for said city, village, borough or township, who shall hold their offices for one (1) year, and until their successors are appointed and qualified, and whose authority and jurisdiction shall be territorially coextensive with the board so appointing them; and said several boards shall regulate the form of certificate to be issued by such inspectors and the fees to be paid them by the person applying for such inspection, which fees shall be no greater than are actually necessary to defray the costs of the inspection provided for in section three (3) of this act.

1889, ch. 8, § 2.

SEC. 434. Duties of inspectors.—It shall be the duty of the inspectors appointed hereunder to inspect all cattle, sheep and swine slaughtered for human food within their respective jurisdictions within twenty-four (24) hours before the slaughter of the same, and if found healthy and in suitable condition to be slaughtered for human food to give to the applicant a certificate in writing to that effect.

If found unfit for food by reason of infectious disease, such inspectors shall order the immediate removal and destruction of such diseased animals, and no liability for damages shall accrue by reason of such action.

Id. § 3.

SEC. 435. Penalty.—Any person who shall sell, expose or offer for sale for human food in this state, any fresh beef, veal, mutton, lamb or pork whatsoever, which has not been taken from an animal inspected and certified before slaughter, by the proper local inspector appointed hereunder, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than one hundred (100) dollars, or by imprisonment not exceeding three (3) months for each offense.

Id. § 4.

MINNESOTA STATUTES 1891

STATE OFFICERS — COMMISSIONER OF STATISTICS. [SECS. 436-441.]

SEC. 436. Certificate.— Each and every certificate made by inspectors under the provisions of this act shall contain a statement to the effect that the animal or animals inspected, describing them as to kind and sex, were at the date of such inspection free from all indication of disease, apparently in good health, and in fit condition, when inspected, to be slaughtered for human food; a duplicate of which certificate shall be preserved in the office of the inspector.

1889, ch. 8, § 5.

SEC. 437. False certificates.— Any inspector making a false certificate shall be liable to a fine of not less than ten (10) dollars nor more than fifty (50) dollars for each animal falsely certified to be fit for human food under the provisions of this act.

1889, ch. 8, § 6.

TITLE 12.

COMMISSIONER OF STATISTICS EXCLUSIVE OF LABOR STATISTICS.

DUTIES OF.

SEC. 438. Statistics required.— It shall be the duty of the commissioner of statistics annually to collect and compile, from official and any other reliable source, the statistics of the state of Minnesota pertaining to its agriculture, manufactures and population, including statistics relating to all departments of labor in the state, especially in its relation to the commercial, industrial, social and sanitary condition of the laboring classes, and to the permanent prosperity of the productive industry of the state, including all useful facts which he may be able to gather, bearing upon the material and social interests of the state, and tending to afford, at home and abroad, a correct knowledge of resources and progress.

1870, ch. 25, § 1. Supersedes 1869, ch. 92. Acts 1881, ch. 121, required the gathering by the assessors of that year, all statistics concerning the Sioux massacre and raids of 1862 and succeeding years.

SEC. 439. Report of.— The said commissioner of statistics shall, during the month of January in each year, make a written report to the governor, giving in a concise and available form the results of his labors, which shall be communicated by the governor to the legislature, and be printed, distributed and bound with the executive documents, as provided by law.

1870, ch. 25, § 10.

HOW GATHERED.

SEC. 440. Information to be furnished.— The said commissioner of statistics shall have power to address general or special inquiries, with printed instructions and blanks for answers, or otherwise at his discretion, to any state, district, county, city or town officer, and it shall be the duty of such officer to answer fully and promptly such general or special questions as may be addressed to them by said commissioner on all matters of information which can be gathered from documents or records in their official keeping; and for such services said officers shall be allowed from their respective county treasuries just and reasonable compensation, computing the same at fifteen cents for every folio furnished by them, including all preparatory labor requisite to obtain the condensed results desired; or they shall receive, if they so elect, forty cents per hour for each hour actually occupied in furnishing such information, the same to be properly verified.

1870, ch. 25, § 2.

SEC. 441. Penalty for refusal.— Any person who by this act is required to give information to the commissioner of statistics, and who shall refuse or neglect to answer the inquiries addressed to him by that officer upon matters of fact or record in his official possession, shall forfeit to the state of Minne-

MINNESOTA STATUTES 1891

SECS. 442-444.] STATE OFFICERS — COMMISSIONER OF STATISTICS.

sota any sum not exceeding fifty dollars for each offence, to be collected as other fines are collected by law.

1870, ch. 25, § 9.

SEC. 442. Assessor and auditor to report.— Each township assessor shall on the first Monday in July, annually, transmit to the county auditor a complete statement in abstract of the number of acres cultivated for the current year within his assessment district in each of the following crops, together with the area and product for the year immediately preceding, of wheat, rye, oats, barley, buckwheat, corn, beans, peas, potatoes, sorghum, cultivated and wild hay, flax, hops, fruit trees in bearing, berries, bees, honey, and other farm produce; and also the number of milch cows two years old and over, cattle under two years old, and other cattle two years old and over, horses under three years old and horses over three years old, mules, sheep, hogs and poultry. Suitable blanks for such statements shall be furnished to said assessors by the county auditor, prepared and supplied by the commissioner of statistics. Any assessor who shall fail or omit to perform said duties in any respect shall be subject to a forfeiture of a sum not exceeding fifty dollars for each and every offence; and it shall be the duty of the county auditor to inform the county attorney, for prosecution for the recovery of said penalty, in every instance of such delinquency. Each county auditor shall carefully compile and forward to the commissioner of statistics a full abstract of said returns on the second Monday of July, under a penalty of fifty dollars, to be forfeited to the state, for every failure to perform such duty, which said abstract shall be tabulated in convenient form for general information, and a printed copy furnished to each and every newspaper in the state by said commissioner, as soon as practicable thereafter, and not later than the third Monday of July annually.

Fees.— The township assessors shall receive as compensation for making the statement required by this section to be returned to the county auditor, at the rate of ten (10) cents for each form [farm] so returned, which said sum shall be paid by the state. Upon the return of said abstract statement to the county auditor, if the same is correctly made out, he shall issue an order to the assessor for the amount due him on the treasury of the state; which said order shall be received in payment of state taxes.

1870, ch. 25, § 3, as amended 1876, ch. 87; 1885, ch. 113. Supersedes acts 1863, ch. 35, as amended 1885, ch. 113; § 1. Laws 1869, ch. 18, required census of soldiers' orphans.

BIRTHS AND DEATHS.

SEC. 443. Register of.— The clerk of each town and the health officer of each village, borough or city in this state, shall obtain and register the following facts concerning the births and deaths occurring therein, separately numbering and recording the same in the order in which he obtains them, designated in separate columns, viz: in the registry of births, the date of birth, the name of the child (if it have any), the sex and color of the child, the names and places of birth of the parents, and the date of the record. In the registry of deaths, the date of death, the sex and color, the condition, whether single, widowed or married, the names and places of birth of the parents, the disease or cause of death, and the date of the record. The county auditor of each county shall furnish each clerk or health officer within his county, at the expense of the county, a book in which to register the facts concerning the births and deaths, as above provided. *Provided, however,* that in cities of over one hundred thousand (100,000) inhabitants, where the duties hereby imposed upon the health officer have heretofore been imposed upon the city clerk, the latter shall continue to perform the same, and receive the compensation therefor.

1870, ch. 25, § 4, as amended 1871, ch. 49; 1887, ch. 114. Approved March 8th. Laws 1871, ch. 49, added provision that auditor furnish the register book. Laws 1887, ch. 114, added the proviso.

SEC. 444. Notice of.— Parents shall give notice to such clerk or health officer of the births and deaths of their children; every householder shall

MINNESOTA STATUTES 1891

STATE OFFICERS — COMMISSIONER OF STATISTICS. [SECS. 445-448.]

give like notice of every birth and death happening in the house; the oldest persons next of kin shall give such notice of the death of his kindred; the keeper or other proper officer of every work-house, poor-house, reform school, jail, prison, hospital, asylum, or other public or charitable institution, shall give like notice of every birth or death happening among the persons under his charge. Whoever neglects or refuses to give such notice for the period of ten (10) days after the occurrence of a birth or death, shall forfeit a sum not exceeding (20) dollars, to be collected as other fines are collected by law.

1870, ch. 25, § 5, as amended 1887, ch. 114, § 2. Amendment struck out thirty days and inserted ten days.

SEC. 445. **Same.**— Any physician having attended a person during his last illness, shall within ten (10) days after the decease of such person, furnish, for registration, to such clerk or health officer, a certificate of the duration of the last illness, the name of the deceased, his age, the disease of which the person died and the date of his decease. And any physician or midwife having attended a case of confinement shall within ten (10) days thereafter furnish, for registration, to such clerk or health officer, a certificate of the date of birth, sex and color of the child, with the names, dates and places of births of the parents. If any physician or midwife neglects to make such certificate, he shall forfeit the sum of twenty-five (25) dollars, to be collected as other fines are collected by law.

1870, ch. 25, § 6, as amended 1887, ch. 114, § 3. Amendment struck out "when requested within fifteen days," and inserted ten days and the provision as to births.

SEC. 446. **Report of.**— Such clerk or health officer shall, on or before the fifth (5) day of each month, transmit to the secretary of the state board of health and vital statistics, upon blanks to be furnished by said board, a certified copy of the registry of births and deaths which have occurred within such town, village, borough or city, during the calendar month immediately preceding. For obtaining, registering and returning the facts herein required, such clerk or health officer shall be entitled to receive from the county treasury of his county twenty-five (25) cents for each birth or death so obtained, registered and reported. And for any neglect to perform such duties as herein required he shall forfeit a sum not exceeding fifty (50) dollars for each offense, to be collected as other fines are collected.

1870, ch. 25, § 7, as amended 1871, ch. 49; 1885, ch. 108; 1887, ch. 114, § 4. Prior to this amendment the statistics were reported annually before the 10th day of January, to the clerk of district court, who recorded the same.

SEC. 447. **Blanks and instructions for.**— It shall be the duty of the state board of health and vital statistics to prepare and furnish to such clerks and health officers suitable blanks and instructions for the making of the returns herein provided for. And the secretary of said state board of health and vital statistics shall annually on or before the fifteenth (15th) day of January of each year transmit to the clerk of the district court of each county, all of the said returns received by said secretary from such clerks or health officers in such county during the year ending on the last day of the preceding December, together with his certificate showing the aggregate number of births and deaths so reported in such year by each such clerk and health officer.

1870, ch. 25, § 8, as amended 1887, ch. 114, § 5. Before this amendment the commissioner of statistics furnished the blanks, and did not provide for returns to clerk of district court.

SEC. 448. **Fees in obtaining.**— The said clerk of the district court shall thereupon file the said returns, so to him transmitted, in his office, and shall also issue to each such town clerk and health officer a certificate showing the amount due to them respectively for the obtaining, registering and reporting the births and deaths aforesaid, as the name may appear from the said certificate of said secretary of the state board of health and vital statistics. For all his said services such clerk of the district court shall be entitled to receive

MINNESOTA STATUTES 1891

SECS. 449-453.] STATE OFFICERS — COMMISSIONER OF LABOR STATISTICS.

from the county treasurer of his respective county, for recording such births and deaths and making such abstract thereof as he may by law be required to make, the sum of ten (10) cents for each such birth or death. And for his failure to perform any of the duties herein provided for, such clerk of the district court shall forfeit the sum of fifty (50) dollars, to be collected as other fines are collected.

1887, ch. 114, § 6.

SEC. 449. **Warrant for fees.**— The county auditor of each county, upon the presentation to him of the aforesaid certificate of the clerk of the district court of his county, shall issue and deliver to each clerk and health officer, respectively, his warrant upon the county treasurer for the amount in said certificate stated to be due to such clerk or health officer; and the county treasurer, upon the presentation of such warrant, shall pay the same, to the person entitled thereto, out of the general funds in the county treasury.

1887, ch. 7.

APPROPRIATION.

SEC. 450. **For vital statistics.**— To cover all clerk hire, stationery and incidental expenses of the state board of health and vital statistics, under this act, the sum of one thousand (1000) dollars shall be and hereby is annually appropriated.

1887, ch. 114, § 8.

SEC. 451. **For other statistics.**— To cover all the disbursements necessary under the provisions of this act, the sum of one thousand dollars shall be annually appropriated, which sum shall include the compensation of said commissioner of statistics for the performance of the duties herein specified, and all clerk hire, stationery and incidental expenses: *provided*, that the sum of two hundred dollars is hereby annually appropriated as a contingent fund to aid in collecting said statistics and distributing the same.

1870, ch. 20, § 11, as amended 1878, ch. 26, § 2.

TITLE 13.

COMMISSIONER OF LABOR STATISTICS.

SEC. 452. **Appointment of.**— That the governor, with the advice and consent of the senate, is hereby authorized and directed to appoint, as soon after the passage of this act as may be, and thereafter biennially on the first (1st) Monday in the month of January, a suitable person to act as commissioner of labor statistics, and with headquarters at the capitol.

1887, ch. 115, § 1: "An act establishing a bureau of labor statistics, and appropriating money for the maintenance thereof." Approved March 8, 1887. As amended 1889, ch. 244, by striking out word "annually" and inserting "biennially."

SEC. 453. **Duties of.**— The duties of such bureau shall be to collect, assort, systematize and present in biennial reports to the legislature, on or before the first (1st) Monday in the month of January, statistical details relating to different departments of labor in the state, especially in relation to the commercial, industrial, social, educational and sanitary condition of the laboring classes, to visit and examine factories, workshops and all other places where people are employed at any kind of labor; and for this purpose the commissioner, or his deputy, shall have power to enter the same, interview employes, examine into the methods of protection from danger to employes, and unsan-

MINNESOTA STATUTES 1891

STATE OFFICERS — COMMISSIONER OF LABOR STATISTICS. [SECS. 454-456.]

itary conditions in and around the establishment, and make a record thereof. He shall see to it that all laws regulating the employment of children, minors and women, and all laws established for the protection of the health and lives of operatives in workshops, factories and all other places where labor is employed are enforced,* and in case the commissioner or his deputy shall discover any violations of, or neglects to comply with the law in regard to child labor, hours of labor for women or children, protection to the health or lives of employes, and similar enactments now or hereafter to be made, he shall notify the owner or occupant of such factory, workshop or other establishment where labor is employed, in writing, of the offense or neglect, and if such offense or neglect is not corrected or remedied within thirty (30) days after the service of the notice aforesaid, or if the officer of the bureau is refused admission to any establishment where labor is employed, the commissioner shall lodge formal complaint with the county attorney of the county in which the offense is committed or the neglect occurs, whereupon that officer shall proceed at once against the offender according to law, and shall, without further aid or presence of the commissioner of the bureau or his deputy, secure the necessary witnesses and evidence for the complete information of the jury.* The commissioner shall in his biennial report give an account of all violations of the above named laws which have been observed by the officers of the bureau, and his proceedings under the same together with such remarks, suggestions and recommendations as he may deem necessary.

1887, ch. 115, § 2, as amended 1889, ch. 244. Amendment between **.

SEC. 454. Same — Enter workshop, require reports, etc.— Every employer of labor shall, upon request, permit the commissioner of the bureau or his deputy to enter his factory, workshop or other establishment where labor is employed, and shall make to such bureau of labor statistics, such reports and returns as the said bureau may require for the purpose of compiling such labor statistics; such reports and returns to be verified by the owner or business manager of such concern if the commissioner or his deputy so desires; and the said bureau may for such purpose prescribe blank forms, which shall be furnished by the secretary of state.

Enter factory.— And every employer who shall refuse to permit the commissioner of the bureau or his deputy to enter his factory or workshop or other place where people are employed or who shall fail to make such reports or returns within the time prescribed therefor, shall forfeit the sum of ten (\$10) dollars for each and every day the same shall be delayed. All such forfeits shall be sued for in the name of the State of Minnesota, and shall be paid into the school fund.

Biennial report.— The biennial report of the commissioner of labor statistics, provided for by section two (2) of this act, shall be printed in the same manner and under the same regulations as the reports of the executive officers of the state, *provided*, that not less than one thousand (1,000) nor more than three thousand (3,000) copies of the report shall be distributed as the judgment of the commissioner may deem best.

1887, ch. 115, § 3, as amended 1889, ch. 244. Amendment added the proviso and "biennial."

SEC. 455. Powers.— The commissioner of the bureau shall have power to issue subpoenas, administer oaths and take testimony in all matters relating to the duties herein required by said bureau: such testimony to be taken in some suitable place in the vicinity to which such testimony is applicable. Witnesses subpoenaed and testifying before the commissioner shall be paid the same fees as witnesses before a circuit court, such payment to be made from the contingent fund of the bureau.

1887, ch. 115, § 4.

SEC. 456. Compensation.— The compensation of said bureau shall be fifteen hundred (\$1,500) dollars annual salary for the commissioner, one thou-

MINNESOTA STATUTES 1891

SECS. 457, 458.] STATE OFFICERS — COMMISSIONER OF DAIRIES.

sand (\$1,000) dollars annual salary for the clerk, and one thousand (\$1,000) dollars annual salary for each deputy and a sum not exceeding two thousand (\$2,000) dollars per annum shall be allowed for the necessary traveling and contingent expenses of the bureau. The commissioner shall appoint a clerk and two deputies, whose names shall first be submitted to the governor for his approval; and said commissioner shall not appoint any clerk or deputy whose name so submitted to the governor is not by him approved; who shall be empowered to act as factory inspectors in addition to their duties as deputies of the bureau.

1887, ch. 115, § 5, as amended 1889, ch. 244. Amendment provides for deputies and appointment subject to approval of governor; and raises expenses from \$500 to \$2,000.

SEC. 457. Standing appropriation.— There is hereby annually appropriated out of any money in the treasury not otherwise appropriated the sum of six thousand and five hundred (\$6,500) dollars, or so much thereof as may be necessary to carry out the provisions of this act.

1887, ch. 115, § 6, as amended 1889, ch. 244. Amendment increases appropriation from \$3,000 to \$6,500.

TITLE 14.

COMMISSIONER OF DAIRIES.

Acts 1887, ch. 140, as amended and supplemented by acts 1889, ch. 247; 1889, ch. 7, which supersedes acts 1885, ch. 149.

SEC. 458. Appointments of — Term — Salary — Reports — Secretary.— The governor shall appoint a commissioner, who shall be known as the state dairy commissioner, who shall be a citizen of this state, and who shall hold his office for a term of two (2) years, or until his successor is appointed, and shall receive a salary of eighteen hundred (1,800) dollars per annum, and his necessary expenses incurred in the discharge of his duties under this act, and shall be charged under the direction of the governor, with the enforcement of the various provisions thereof. Said commissioner may be removed from office at the pleasure of the governor, and his successor appointed as above provided for.

Secretary.— The said commissioner is hereby authorized and empowered to appoint a secretary whose salary shall be twelve hundred (1,200) dollars per year, and such assistant commissioners, and to employ such experts, chemists, agents and such counsel as may be deemed by him necessary for the proper enforcement of this law, their compensation to be fixed by the commissioner.

Appropriation.— The sum of fifteen thousand (15,000) dollars annually is hereby appropriated, to be paid for such purposes out of any moneys in the treasury not otherwise appropriated. All charges, accounts and expenses authorized by this act shall be paid by the treasurer of the state upon the warrant of the state auditor. The entire expenses of said commissioner shall not exceed the sum appropriated for the purpose of this act.

Biennial reports.— The said commissioner shall make biennial reports to the legislature, not later than the fifteenth (15th) day of January, of his work and proceedings, and shall report in detail the number of assistant commissioners, experts, chemists, agents and counsel he has employed, with their expenses and disbursements.

Office.— The said commissioner shall have a room in the capitol, to be set apart for his use by the governor.

MINNESOTA STATUTES 1891

STATE OFFICERS — COMMISSIONER OF DAIRIES. [SECS. 459-461.]

Tenure.— * This section shall not affect the tenure of office of the present commissioner, nor to be construed to impair or affect any of the provisions in section seven (7) of chapter one hundred and forty-nine (149) of the law of one thousand eight hundred and eighty-five (1885), except in the sum of money appropriated.

1887, ch. 140, § 8, as amended 1889, ch. 247, § 8. Same as before amendment. Same as § 7, ch. 149, act 1885, except below *, and sum appropriated, which was \$6,000. Act 1887, ch. 140, approved March 2, is entitled: "An act to prevent deception in the sale of dairy products and to preserve the public health; supplementary to and in aid of acts 1885, ch. 149, entitled: An act to prohibit and prevent the sale or manufacture of unhealthy or adulterated dairy products."

Sec. 459. Inspection.— The said commissioner and assistant commissioners, and such experts, chemists, agents and counsel as they shall duly authorize for the purpose, shall have access, ingress and egress to all places of business, factories, farms, buildings, carriages, cars, vessels and cans used in the manufacture and sale of any dairy products or any imitations thereof. They also shall have power and authority to open any package, car or vessel containing such articles which may be manufactured, sold or exposed for sale, in violation of the provisions of this act, and may inspect the contents therein, and may take samples therefrom for analysis.

All clerks, bookkeepers, express agents, railroad officials, employes or common carriers shall render to them all the assistance in their power, when so requested, in tracing, finding or discovering the presence of any prohibited article named in this act.

Any refusal or neglect on the part of such clerks, bookkeepers, express agents, railroad officials or employes or common carriers to render such friendly aid shall be deemed a misdemeanor, and be punished by a fine of not less than fifty (\$50) dollars nor more than one hundred (\$100) dollars for each and every offense.

1887, ch. 140, § 9, as amended 1889, ch. 247, § 9. Same as before amendment, except penalty, same as § 8, ch. 149, acts 1885. Substantially § 15, ch. 7, acts 1889.

Sec. 460. Same — Powers of commissioner and assistants.— The said commissioner and assistant commissioners, and such experts and chemists as they shall duly authorize for the purpose, shall have access, ingress and egress to all places of business, factories and buildings where the same is manufactured or kept for sale, cases or vessels used in the manufacture and sale of any spirituous, fermented or malt liquors or any imitation thereof, or any of the substances or articles mentioned in this act. They shall also have the power and authority to open any package, car or vessel containing such articles which may be manufactured, sold or exposed for sale in violation of the provisions of this act, and may inspect the contents therein, and may take samples therefrom for analysis.

All clerks, book-keepers, express agents, railroad officials, employees or common carriers shall render to them all the assistance in their power, when so requested, in tracing, finding or discovering the presence of any prohibited article named in this act.

Any refusal or neglect on the part of such clerks, book-keepers, express agents, railroad officials, employees or common carriers to render such friendly aid, shall be deemed a misdemeanor and be punished by a fine of not less than fifty (50) dollars or more than one hundred (100) dollars for each and every offense.

1889, ch. 7, § 15. Same as preceding section, except provision concerning liquors. All the laws on this subject contain this section.

Sec. 461. Dealers to report to commissioner.— The commissioner shall provide blanks, which shall be furnished to all proprietors or managers of creameries, cheese factories or milk dairies that ship milk to the cities and all venders or peddlers of milk in the cities within the state, for the purpose of making a report of the amount of milk and dairy goods handled, and all owners

MINNESOTA STATUTES 1891

SECS. 462-465.] STATE OFFICERS — COMMISSIONER OF DAIRIES.

or managers of such creameries and cheese factories shall, on the first (1st) day of November of each year, send to the dairy commissioner a full and accurate report of the amount of business done during the year, and all milk dairies, milk venders or milk peddlers shall send to the state dairy commissioner quarterly reports of all the business done by each and every such person, firm or company in handling dairy products during the last three (3) months past, as designated under the different headings of such printed blanks.

Any neglect or failure, or false statement on the part of any proprietor or manager of such creamery, cheese factory, dairy or any milk vender or milk peddler shall be considered guilty of a misdemeanor, and be punished by a fine of not less than ten (10) dollars nor more than one hundred (100) dollars.

1887, ch. 140, § 10, as amended 1889, ch. 247, § 10. Same as before amendment. Not in acts 1885, ch. 149.

SEC. 462. Commissioner to enforce law.— It shall be the duty of the state dairy commissioner and his assistants, experts and chemists by him appointed, to enforce the provisions of this act.

Experts, etc.— The said commissioner is hereby authorized and empowered to employ such experts, and chemists as may be deemed by him necessary for the proper enforcement of this law. Their compensation to be fixed by the commissioner.

All charges, accounts, and expenses authorized by this act shall be paid by the state treasurer upon a warrant drawn by the state auditor.

1889, ch. 7, § 14.

SEC. 463. Chemists' salary.— The salary of the chemists shall not exceed two thousand (\$2,000) dollars annually.

1889, ch. 7, § 16.

MILK AND CREAM.

SEC. 464. Adulteration forbidden.— No person or persons shall sell or exchange or expose for sale or exchange, any unclean, unhealthy, adulterated or unwholesome milk, or shall offer for sale any article of food made from the same, or of cream from the same. This provision shall not apply to pure skim milk cheese made from milk which is pure, healthy, wholesome and unadulterated, except by skimming. Whoever violates the provisions of this section shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than ten (10) dollars nor more than one hundred (100) dollars, or by imprisonment of not less than one (1) month or more than three (3) months, or both such fine and imprisonment, for the first offense, and by three (3) months' imprisonment for each subsequent offense.

1887, ch. 140, § 1, as amended 1889, ch. 247, § 1. Supersedes acts 1885, ch. 149, § 1. Excepting punishment changed by act 1889 this section same in all the acts.

SEC. 465. Pure, for butter and cheese.— No person or persons shall sell, supply, or bring to be manufactured, to any butter or cheese manufactory, any milk diluted with water, or any unclean, impure, unhealthy, adulterated or unwholesome milk, or milk from which any cream has been taken (except pure skim milk to skim cheese factories), or shall keep back any part of the milk commonly known as "strippings," or shall bring or supply milk to any butter or cheese manufactory that is sour (except pure skim milk to skim cheese factories). No butter or cheese manufactories, except those who buy all the milk they use, shall use for their own benefit or allow any of their employes or any other person to use or the product thereof brought to said manufacturers, without the consent of the owners thereof. Every butter or cheese manufacturer, except those who buy all the milk they use, shall keep a correct account of all the milk daily received, and of the number of pounds and packages of butter, the number and aggregate weight of cheese made each day, the number of packages of cheese and butter disposed of, which shall be open to inspection to any person who delivers milk to such manufacturer. Whoever

MINNESOTA STATUTES 1891

STATE OFFICERS — COMMISSIONER OF DAIRIES. [SECS. 466-468.]

violates the provisions of this section shall be deemed guilty of a misdemeanor, and shall be punished for each offense by a fine of not less than ten (10) dollars or more than one hundred (100) dollars, or not less than one (1) month or more than three (3) months' imprisonment or by both such fine and imprisonment.

1887, ch. 140, § 3, as amended 1889, ch. 247, § 3. Supersedes 1885, ch. 149, § 3. Amendment reduces fine and imprisonment. Excepting this, the three laws are the same.

SEC. 466. Pure milk defined.— In all prosecutions under this act, relating to the sale and manufacture of unclean, impure, unhealthy, adulterated or unwholesome milk, if the milk is shown to contain more than eighty-seven (87) per centum of water fluids or less than thirteen (13) per centum milk solids, of which less than three and one half ($3\frac{1}{2}$) per centum shall be fat, shall be declared adulterated; and milk drawn from cows within (15) days before and four (4) days after parturition or from animals fed on distillery waste, or brewers' malt, or any unhealthy food whatever, shall be deemed, for the purpose of this act, to be unclean, impure, unhealthy and unwholesome milk. The penalties for any violation of this section are the same as those of section two (2) of this act. This section shall not prevent the feeding of ensilage from silos.

No person shall sell or expose for sale in any store or place of business, or on any wagon or other vehicle used in transporting or selling milk, any milk from which cream has been removed, or milk commonly called "skimmed milk," without first marking the can or package containing said milk with the words, "skimmed milk," in large, plain, black letters, each letter being at least one (1) inch high and one-half ($\frac{1}{2}$) inch wide. Said words to be on the top or side of said can or package, where they can be easily seen.

Whoever violates the provisions of this section shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than twenty-five (25) nor more than one hundred (100) dollars for each and every offense.

1887, ch. 140, § 12, as amended 1889, ch. 247, § 12. Amendment below *. Above * same as § 11, ch. 149, laws 1885.

SEC. 467. Condensed milk.— No person shall manufacture, sell or offer for sale any condensed milk unless the same shall be put up in packages, upon which shall be distinctly labeled or stamped the name or brand by whom or under which the same is made. No condensed milk shall be made or offered for sale unless the same is manufactured from pure, clean, healthy, fresh, unadulterated and wholesome milk, from which the cream has not been removed, or unless the proportion of milk solids contained in the condensed milk shall be in amount equivalent of twelve (12) per centum of milk solids in crude milk, and of such solids twenty-five (25) per centum shall be fat. When condensed milk shall be sold from cans or packages not hermetically sealed, the vender shall brand or label such cans or packages with the name of the county or counties from which the same was produced, and the name of the vendor. Whoever violates the provision of this section shall be guilty of a misdemeanor and be punished by a fine of not less than fifty (50) or more than five hundred (500) dollars, or by imprisonment of not more than six (6) months, or both, such fine and imprisonment for the first offense; and by six (6) months' imprisonment for each subsequent offense.

1885, ch. 149, § 6. Acts 1887, ch. 140, being supplemental to acts 1885, ch. 149, and only repealing all inconsistent acts, this section not being covered by nor inconsistent with that act is in force.

SEC. 468. Impure cream.— No person shall sell or offer for sale any cream taken from impure or diseased milk, or cream that contains less than twenty (20) per centum of fat. Whoever violates the provisions of this section shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than ten (10) dollars nor more than one hundred (100) dollars.

1887, ch. 140, § 11, as amended 1889, ch. 247, § 11. Amendment struck out thirty-five per centum and inserted twenty, and reduced fine from \$25 and \$200 to \$10 and \$100. Not in acts 1885, ch. 149.

MINNESOTA STATUTES 1891

SECS. 469-472.] STATE OFFICERS — COMMISSIONER OF DAIRIES.

SEC. 469. License to sell milk.—Every person who conveys milk in carriages, carts, or otherwise, for the purpose of selling the same, in any city or town of two thousand (2,000) inhabitants or more in the state of Minnesota, shall annually, on the first (1st) day of May, or within (30) days thereafter, be licensed by the state dairy commissioners to sell milk within the limits of said city or town, and shall pay to the said state dairy commissioner the sum of one (1) dollar each to the use of the said dairy commission.

Licenses shall be issued only in the names of the owners of carriages, carts or other vehicles, and shall, for the purpose of this act, be conclusive evidence of ownership. No license shall be sold, assigned or transferred. Each license shall record the name, residence, place of business, number of carriages, carts or other vehicles used, the name and residence of every driver, or other person engaged in selling said milk, and the number of the license. Each licensee shall, before engaging in the sale of milk, cause his name, the number of his license and his place of business to be legibly placed on each outer side of all carriages, carts or other vehicles used by him in the conveyance and sale of milk, and he shall report to the state dairy commissioner any change of driver or other person employed by him, which may occur during the term of his license. Whoever without being first licensed under the provisions of this section, sells milk, or exposes it for sale from carriages, carts, or other vehicles, or has it in his custody or possession with intent to sell, and whoever violates any of the provisions of this section, shall, for the first offense, be punished by a fine of not less than ten (10) dollars, nor more than fifty (50) dollars. For a second offense by a fine of not less than fifty (50) dollars, nor more than one hundred (100) dollars, and for a subsequent offense by a fine of fifty (50) dollars and imprisonment in the county jail for not less than thirty (30), nor more than sixty (60) days.

1887, ch. 140, § 13. New.

SEC. 470. Neglect to procure license.—Every person, before selling milk or offering it for sale in a store, booth, stand or market place, in the respective towns or cities, as designated in this act, shall procure a license from the state dairy commissioner, or his authorized agents, and shall pay to said commissioner or his agents the sum of one (1) dollar. And whoever neglects to procure said license shall be deemed guilty of a misdemeanor and shall be punished for each offense by a fine not exceeding twenty-five (25) dollars.

1889, ch. 247, § 14. New.

SEC. 471. License fees, etc., disbursed.—That all moneys received as license fees, or from the sale of any and all goods confiscated by the state dairy commissioner, under said act, shall be received and disbursed the same as money appropriated for the use of said dairy commission.

1889, ch. 247, § 15. New.

SEC. 472. Care of cows — Use of impure milk.—No person shall keep cows for the production of milk for market, or for sale or exchange, or for manufacturing the same, or cream from the same, into articles of food, in a crowded or unhealthy condition, or feed the cows on food that is unhealthy, or that produces impure, unhealthy, diseased or unwholesome milk. No person shall manufacture from impure, unhealthy, diseased or unwholesome milk or of cream from the same, any article of food. Whoever violates the provisions of this section is guilty of a misdemeanor, and shall be punished by a fine of not less than ten (\$10) dollars nor more than one hundred (\$100) dollars, or by imprisonment of not less than one (1) month or more than three (3) months, or by both such fine or imprisonment for the first offense, and by three (3) months' imprisonment for each subsequent offense.

1887, ch. 140, § 2, as amended 1889, ch. 247, § 2. Supersedes 1885, ch. 149, § 2. Amendment reduces the punishment. Excepting this, all are alike.

MINNESOTA STATUTES 1891

STATE OFFICERS — COMMISSIONER OF DAIRIES. [SECS. 473-475.]

BUTTER AND CHEESE.

SEC. 473. Use of oleaginous substances forbidden.— No person shall manufacture out of any oleaginous substance or substances, or any compound of the same, or any other compound other than that produced from unadulterated milk or of cream from the same, any article designed to take the place of butter or cheese, produced from pure, unadulterated milk or cream from the same, or shall sell or offer for sale the same as an article of food. This shall not apply to pure skim milk cheese made from pure skim milk. Whoever violates the provisions of this section shall be deemed guilty of a misdemeanor and be punished by a fine of not less than one hundred (100) dollars or more than five hundred (500) dollars or not less than six (6) months' or more than one (1) year's imprisonment, or by both such fine and imprisonment for the first (1st) offense, and by imprisonment for one (1) year for each subsequent offense.

1887, ch. 140, § 4, as amended 1889, ch. 247, § 4. Supersedes 1885, ch. 149, § 4. Same as before amendment, and same as § 4, ch. 149, laws 1885.

SEC. 474. Use of fat, oil, acids, deleterious substance forbidden.— No person, by himself or his agents or servants, shall render or manufacture out of any animal fat, or animal or vegetable oils not produced from unadulterated milk or cream from the same, any article or product in imitation or semblance of or designed to take the place of natural butter or cheese produced from pure, unadulterated milk or cream of the same, nor shall he or they mix, compound with or add to milk, cream or butter any acids or other deleterious substance or any animal fats or animal or vegetable oils not produced from milk or cream with designs or interest [intent] to render, make or produce any article or substance for human food in imitation or semblance of natural butter or cheese, nor shall he sell, keep for sale or offer for sale any article, substance or compound made, manufactured or produced in violation of the provisions of this section, whether such article, substance or compound shall be made or produced in this state or any other state or country. Whoever violates the provisions of this section shall be deemed guilty of a misdemeanor, and be punished by a fine of not less than one hundred (100) dollars nor more than five hundred (500) dollars, nor less than six (6) months' or more than one (1) year's imprisonment for the first (1st) offense, and by imprisonment for one (1) year for each subsequent offense.

Nothing in this section shall impair the provisions of section four (4) of this act.

1887, ch. 140, § 5, as amended 1889, ch. 247, § 5. Same as before amendment. Not in acts 1885, ch. 149.

SEC. 475. Coloring matter, etc., forbidden.— No person shall manufacture, mix or compound with or add to natural milk, cream or butter any animal fats, or animal or vegetable oils, nor shall he make or manufacture any oleaginous substance not produced from milk or cream, with intent to sell the same for butter or cheese made from unadulterated milk or cream, or have the same in his possession, or offer the same for sale with such intent; nor shall any article or substance or compound so made or produced, be sold for butter or cheese, the product of the dairy. If any person shall coat, powder or color with annatto or any coloring matter whatever, butterine, oleomargarine, or any compounds of the same, or any products or manufacture made in whole or in part from animal fats, or animal or vegetable oils not produced from unadulterated milk or cream, whereby the said product, manufacture or compound shall be made to resemble butter or cheese, the product of the dairy, or shall have the same in his possession, or sell or offer for sale, or have in his possession any of said products which shall be coated or colored in semblance of or to resemble butter or cheese, it shall be prima facie evidence of an intent to sell the same for butter or cheese, the product of the dairy. Whoever violates any of the provisions of this section shall be deemed guilty of a

MINNESOTA STATUTES 1891

SECS. 476-479.] STATE OFFICERS — COMMISSIONER OF DAIRIES.

misdemeanor, and be punished by a fine of not less than one hundred (100) dollars nor more than one thousand (1,000) dollars.

This section shall not be construed to impair or affect the prohibition of section four (4) and five (5) of this act.

1887, ch. 140, § 6, as amended 1889, ch. 247, § 6. Same as before amendment. Not in acts 1885, ch. 149.

SEC. 476. Brand for butter or cheese.— No person shall offer, sell or expose for sale, butter or cheese branded or labeled with a false brand or label as to the quality of the article, or to the county or state in which the article is made.

The Minnesota state dairy commissioner is hereby authorized and directed to procure and issue to the cheese manufacturers of the state upon proper application therefor, and under such regulations as to the custody and use thereof as he may prescribe, a uniform stencil brand bearing a suitable device or motto and the words "Minnesota state full cream cheese." Every brand issued shall be used upon the outside of the cheese, and also upon the package containing the same, and shall be a different number for each separate manufactory, and the commissioner shall keep a book in which shall be registered the name, location and number of each manufactory using the said brand, and the name or names of the persons at each manufactory authorized to use the same.

It shall be unlawful to use or permit such stencil brand to be used upon any other than full cream cheese, or packages containing the same. Minnesota state full cream cheese, of which there be less than forty (40) per centum of fats to total solids, shall be deemed for the purpose of this act to be adulterated. Whoever violates the provisions of this section shall be deemed guilty of a misdemeanor, and for each and every cheese or package so falsely branded shall be punished by a fine of not less than twenty-five (25) dollars or more than fifty (50) dollars or imprisonment of not less than fifteen (15) days or more than thirty (30) days.

1887, ch. 140, § 7, as amended 1889, ch. 247, § 7. Amendment added the provision that less than forty per centum of fats to total solids shall be deemed adulterated. Laws 1885, ch. 149, § 5, merely permitted above penalty for "false brand or label."

SEC. 477. Patent butter.— Any person or firm who shall make or manufacture imitation butter, or butter made of part cream and part casiene and other ingredients under what is known as the "Quinness patent" or process, or any other similar process, whereby the casiene of milk and other ingredients are made to imitate and resemble genuine butter made from cream, shall stamp each package of the same on the top and side with lamblack and oil, the words, "patent butter," in letters at least one-fourth ($\frac{1}{4}$) of an inch wide and one-half ($\frac{1}{2}$) of an inch long.

Whoever violates the provisions of this section is guilty of a misdemeanor and shall be punished for each offense by a fine of not less than twenty-five (25) dollars nor more than one hundred (100) dollars.

1887, ch. 141, § 1, approved March 7, 1887, being an "Act to prevent fraud in dairy products and to preserve health." In force from passage.

SEC. 478. Sale of.— Whoever sells or offers for sale any imitation or patent butter, as described in section one (1) of this act, shall give to each purchaser of said goods a printed card stating correctly the different ingredients contained in the said compound.

Whoever violates the provisions of this section is guilty of a misdemeanor, and shall be punished for each offense by a fine of not less than twenty-five (25) dollars nor more than one hundred (100) dollars.

1887, ch. 141, § 2.

BAKING POWDER.

SEC. 479. Alum in.— Every person who manufactures for sale within this state, or offers or exposes for sale, or sells any baking powder, or any mixture

MINNESOTA STATUTES 1891

STATE OFFICERS — COMMISSIONER OF DAIRIES. [SECS. 480-484.]

or compound intended for use as a baking powder, under any name or title whatsoever, which shall contain, as may appear by the proper tests, any alum in any form or shape, unless the same be labelled as hereinafter required and directed, shall be deemed guilty of a misdemeanor; and upon conviction, shall for each offense be punished by a fine not less than twenty-five (25) or more than one hundred (100) dollars and costs, or by imprisonment in the county jail not exceeding thirty (30) days.

1889, ch. 7, § 1, approved April 24, 1889: "An act in relation to the manufacture and sale of baking powders, sugars and syrups, vinegars, lard, spirituous and malt liquors; to prevent fraud and to preserve the public health." In force from and after August 1, 1889.

SEC. 480. Labelled when contains alum.—Every person making or manufacturing baking powder, or any mixture or compound intended for use as a baking powder, which contains alum in any form or shape, shall securely affix or cause to be securely affixed to every box, can or package containing such baking powder or like mixture or compound, a label upon the outside and face of which is distinctly printed in legible type not smaller than "long primer," the name and residence of the manufacturer and the following words: "This baking powder contains alum." Any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and shall for each offense be punished by a fine not less than twenty-five (25) nor more than one hundred (100) dollars and costs, or by imprisonment in the county jail not to exceed thirty (30) days.

1889, ch. 7, § 2.

SEC. 481. Possession of articles not labelled.—The having in possession by any person or firm of any of the articles or substances hereinbefore described, and not labelled as provided by section two (2) of this act, shall be considered prima facie evidence that the same is kept by such person or firm in violation of the provisions of this act, and the state dairy commissioner, his assistants, experts and chemists or any one thereof, are hereby authorized to seize upon and take possession of such articles or substances, and upon the order of any court which has jurisdiction under this act, he shall sell the same, giving full notice of the time of such sale and of the fact that such compound or substances contain alum, and the proceeds of such sale shall be placed to the credit of the state dairy commissioner's fund.

1889, ch. 7, § 3.

VINEGAR.

SEC. 482. Cider vinegar — Adulteration of.—Every person who manufactures for sale, or offers or exposes for sale as cider vinegar, any vinegar not the legitimate product of pure apple juice, known as apple cider, or vinegar not made exclusively of said apple cider, or vinegar into which foreign substances, drugs or acids have been introduced, as may appear by proper tests, shall be deemed guilty of a misdemeanor, and for each offense be punishable by fine of not less than twenty-five (25) or more than one hundred (100) dollars and costs.

1889, ch. 7, § 6.

SEC. 483. Other vinegar — Adulteration of.—Every person who manufactures for sale, or offers for sale, any vinegar found upon proper tests to contain any preparation of lead, copper, sulphuric acid, or other ingredient injurious to health, shall be deemed guilty of a misdemeanor, and for each such offense shall be punished by a fine of not more than one hundred (100) dollars and costs.

1889, ch. 7, § 7.

SEC. 484. Sale or exchange prohibited.—No person, by himself, his servant or agent, or as the servant or agent of any other person, shall sell, exchange deliver, or have in his custody or possession, with intent to sell or

MINNESOTA STATUTES 1891

SECS. 485-487.] STATE OFFICERS — COMMISSIONER OF DAIRIES.

exchange, or expose or offer for sale or exchange, any adulterated vinegar, or label, brand or sell as cider vinegar, or as apple vinegar, any vinegar not the legitimate product of pure apple juice, or not made exclusively from apple cider.

1889, ch. 7, § 8.

SEC. 485. Acidity of — Mark packages.— All vinegars shall have an acidity equivalent to the presence of not less than four and one-half ($4\frac{1}{2}$) per cent. by weight of absolute acetic acid, and in the case of cider vinegar shall contain, in addition, not less than two (2) per cent., by weight, of cider vinegar solids upon full evaporation over boiling water; and if any vinegar contains any artificial coloring matter injurious to health, or less than the above amount of acidity, or, in the case of cider vinegar, if it contains less than the above amount of acidity, or of cider vinegar solids, it shall be deemed to be adulterated within the meaning of this act.

All manufacturers of vinegar in the state of Minnesota, and all persons who reduce, or re-barrel, vinegar in this state, and all persons who handle vinegar in lots of one (1) barrel or more, are hereby required to stencil or mark in black figures, at least one (1) inch in length, on the head of each barrel of vinegar bought or sold by them, the standard strength of the vinegar contained in the package or barrel, and shall be denoted by the number of grains of pure bi-carbonate of potash required to neutralize one (1) fluid ounce of vinegar.

And any neglect so to mark, or stencil, each package or barrel, or any false marking of packages or barrels, shall be deemed a misdemeanor, and shall be punished by a fine of not less than twenty-five (25), nor more than one hundred (100) dollars and costs.

1889, ch. 7, § 9.

Whoever violates any of the provisions of this act shall be deemed guilty of a misdemeanor, and shall be punished by fine not exceeding one hundred (100) dollars and costs.

1889, ch. 7, § 10.

LARD AND FOOD.

SEC. 486. Adulteration of forbidden.— Whoever adulterates, for the purpose of sale, lard with cotton seed oil, or other vegetable oils, or terra alba, or any substance injurious to health, or whoever barter or gives away, or sells, or has in possession with intent to sell, any substance intended for food, which has been adulterated with cotton seed oil, terra alba, or any other substance injurious to health, shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than twenty-five (25) nor more than one hundred (100) dollars and costs for each offense.

1889, ch. 7, § 11.

Possession of.— The having in possession of any adulterated lard, by any dealer or trader, shall for the purpose of this act, be deemed *prima facie* evidence of intent to sell the same.

1889, ch. 7, § 12.

LIQUORS — SPIRITUOUS, FERMENTED OR MALT.

SEC. 487. Impure forbidden.— No person shall within this state manufacture, brew, distill, have or offer for sale, or sell any spirituous or fermented or malt liquors containing any substance or ingredient not normal, or healthful, to exist in spirituous, fermented or malt liquors, or which may be deleterious or detrimental to health when such liquors are used as a beverage, and any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty-five (25) or more than one hundred (100) dollars and costs for the

MINNESOTA STATUTES 1891

STATE OFFICERS — COMMISSIONERS OF FISHERIES. [SECS. 488—492.]

first offense, and by a fine of not less than fifty (50) or more than one hundred (100) dollars and costs, or imprisonment of not less than thirty (30) or more than ninety (90) days, or by both such fine and imprisonment for each subsequent offense.

1889, ch. 7, § 13.

GENERAL PROVISIONS.

SEC. 488. Possession of forbidden articles.— The having in possession by any person or firm of any articles or substances prohibited by this act, shall be considered *prima facie* evidence that the same is kept by such person or firm in violation of the provisions of this act, and the commissioner shall be authorized to seize upon and take possession of such articles or substances, and upon the order of any court which has jurisdiction under this act, he shall sell the same for any purpose other than to be used for food, the proceeds to be placed to the credit of the state dairy commissioners' fund.

1889, ch. 247, § 16. Same as § 13, ch. 140, acts 1887.

SEC. 489. Jurisdiction of courts.— The district and municipal courts and justices of the peace of this state shall have jurisdiction of all cases arising under this act, and their jurisdiction is hereby extended so as to enable them to enforce the penalties imposed by any or all of the sections hereof.

1887, ch. 140, § 14, as amended 1889, ch. 247, § 17. Same as before amendment. Same as acts 1885, ch. 149, § 9; and 1889, ch. 7, § 4.

SEC. 490. Costs, payment of.— In all prosecutions under this act the cost thereof shall be paid in the manner now provided by law, and the rest placed to the credit of the state dairy commissioners' fund.

1887, ch. 140, § 15, as amended 1889, ch. 247, § 18. In acts 1885, ch. 149, § 10; 1887, ch. 140, § 15, the "rest of the fine shall be paid into the state treasury." Substantially § 5, ch. 7, acts 1889.

TITLE 15.

COMMISSIONERS OF FISHERIES.

Acts 1874, ch. 109, as amended 1875, ch. 152; 1877, ch. 161; 1878, ch. 42.

SEC. 491. Appointment of.— That the Fish Commissioners hereafter appointed under the act, of March five (5), one thousand eight hundred and seventy-four (1874), and of the act amendatory thereto approved March nine (9), one thousand eight hundred and seventy-five, shall be appointed one (1) from each congressional district of this State.

The term of office of the said Fish Commissioners shall be three (3) years from and after their appointment, and the Governor shall nominate such Commissioners immediately after the approval of this act, who shall serve without any compensation direct or indirect.

1878, ch. 42, approved March 7, amending § 1, ch. 161, laws of 1877, which was an act appropriating \$5,000 for 1877 and like sum for 1878 to carry out provisions of acts 1874, ch. 109, as amended 1875, ch. 152. This section abrogates § 1, ch. 109, acts 1874. Section 3, ch. 109, acts 1874, as amended 1875, ch. 152, § 3, and 1878, ch. 42, appropriated money to carry out the provisions of this act.

SEC. 492. Business agent.— That thereafter the said board of commissioners may, by resolution, designate one member of the board as the business agent of the board; and it shall be his duty to keep minutes of the acts and proceedings of said board from time to time, including a detailed list of all expenditures; to collect, classify and present to said board such statistics, data and information as the board may order, or he may think tend to promote the object of this act, and to conduct the correspondence, take charge of and safely

MINNESOTA STATUTES 1891

SECS. 493, 494.] STATE OFFICERS — COMMISSIONERS OF STATE PARK.

keep the reports, books, papers, documents, specimens, etc., which may be collected by the commissioners; and to prepare an annual report of the board to the governor, showing what has been done by the board for the current year, the performance of their duties, the amount expended by them, and the objects for which the expenditures were made; which report shall contain such recommendations for legislative action as the commissioners may deem best calculated to promote the cultivation and increase of and to cheapen the more useful food fishes within the state. For the performance of these duties, and of such other duties as may be ordered by the board, the said agent shall be paid from the funds appropriated, such sum as the board by resolution shall designate, not exceeding one thousand dollars per annum.

1875, ch. 152, approved March 9th, which amended § 1, ch. 109, acts 1874, by adding the above as a proviso.

SEC. 493. Duties of commissioners.—It shall be the duty of such commissioners to make application for and receive from the United States commissioner of fisheries, such quota of stock, spawn or fry, as may be allotted from time to time to this state, and to purchase or procure from the fish commissioners of other states, or from other persons or sources, the eggs or fry of such species or varieties of food fishes as the commissioners may deem desirable, and to hatch the spawn and plant the fry so received or procured in such lakes and streams in the state as shall in their judgment afford the best opportunity for the success of this enterprise; and further to make investigations on the subject of and experiments in fish culture, calculated to promote the objects of this act within the state. And to institute and prosecute actions and proceedings on behalf of the state, against any person or persons to recover any claim or claims due said commissioners and arising on contract or otherwise, or to protect the property of the state employed in or in any manner connected with the work of said commissioners, and all actions or proceedings instituted by them shall be entitled: The commissioners of fisheries, against (naming the defendant). It shall be the duty of the commissioners to see that the report of their proceedings and recommendations required by the first section of this act, shall be made to the governor on or before the first Monday of December of each year, and the governor shall lay the same before the legislature on the assembling thereof.

1874, ch. 109, § 2, as amended 1875, ch. 152; 1889, ch. 207. Amendment of 1875 added the procuring from other sources and to report on first Monday of December of each year. Amendment of 1889 added provision for prosecuting suits.

TITLE 16.

COMMISSIONERS OF STATE PARK.

Acts 1885, ch. 129, approved March 9, 1885, "to authorize the selection, location and appropriation of certain lands in the county of Hennepin for a state park, for horticultural and mechanical state exhibit grounds, and for the location of other state institutions and buildings," as amended 1887, ch. 88, provided in § 15 for the purchase and condemnation of certain lands for the purposes named, which land was subsequently, by acts 1889, ch. 71, transferred to the board of park commissioners of Minneapolis.

SEC. 494. Transfer.—That if the board of park commissioners of the city of Minneapolis within ninety (90) days after the passage of this act, shall pay into the state treasury the sum of one hundred thousand dollars (\$100,000) heretofore appropriated to pay for lands designated in the act appropriating said sum for a state park, the governor and secretary of state, as soon as the title to said lands vests in the state as in said chapter is provided, be and they

MINNESOTA STATUTES 1891

STATE OFFICERS — COMMISSIONERS OF STATE PARK. [SECS. 495-497.

are hereby authorized and directed to convey to the city of Minneapolis said lands and all the right, title and interest of the state of Minnesota in and to the same, subject, however, to the following conditions and reservations which shall be expressed in said conveyance, viz.:

First:— That said lands shall always be open to the people of the state as a park, under such rules and regulations as the board of park commissioners of said city shall establish.

Second:— That the state shall have the right to use said lands or any part thereof for horticultural and mechanical state exhibit grounds and for such state buildings and institutions as may hereafter by said state be found necessary or expedient.

Third:— That the said city shall, as soon as practicable, properly lay out and improve said lands, and always keep and maintain the same in proper condition, at the expense of said city, for park purposes.

Fourth:— That the said park shall be called, known and designated by the name of "Minnehaha State Park," and not otherwise.

1889, ch. 71, § 1: "An act to provide for the conveyance of the state park at Minnehaha Falls to the city of Minneapolis, and to enable the board of park commissioners of said city to assess and collect the cost thereof and to improve the same for park purposes." Approved April 4, 1889. The preamble to this act gives the metes and bounds of the park.

SEC. 495. **Excess to be repaid.**— When the actual cost of the lands taken for said state park purposes is determined, under the provisions of the act heretofore at this session of the legislature passed, the balance remaining of the sum appropriated thereby, and which, under the provisions thereof, is to be paid into the state treasury, shall be repaid by the treasurer of state to the city of Minneapolis, to be placed in the park fund if said board of park commissioners shall have complied with the provisions of this act as to payment into the state treasury.

1889, ch. 71, § 2.

SEC. 496. **Assessments.**— As soon as the actual cost of the land taken for a state park is ascertained, in the manner provided in the act heretofore at this session of the legislature passed, the board of park commissioners of the city of Minneapolis may assess on and collect the cost of said state park lands from the property benefited thereby. In making such assessment and collection said board shall have the right to proceed under and shall be governed by the laws then in force prescribing the method of the assessment and collection by said board of park commissioners of benefits to pay for lands taken for park purposes in the city of Minneapolis.

1889, ch. 71, § 3.

SEC. 497. **Reversion to state.**— The grant herein provided for shall be on the express condition that if said city of Minneapolis shall fail to preserve or maintain at its own expense, for the purposes in this act expressed, any portion of said lands to which it shall obtain title under such grant, then the lands granted shall revert to state of Minnesota; it being the express conditions herein that the state of Minnesota shall not be called upon for any appropriation to maintain or improve said lands, and that this condition shall be expressed in the deed of conveyance from the state.

1889, ch. 71, § 4.

MINNESOTA STATUTES 1891

SEC. 498:] STATE OFFICERS — RAILROAD AND WAREHOUSE COMMISSION.

TITLE 17.

RAILROAD AND WAREHOUSE COMMISSION.

Acts 1871, ch. 22; 1871, ch. 24; 1872, ch. 23, first legislation. Acts 1874, ch. 26, created board of three commissioners with authority to exercise the powers and perform the duties in acts 1871, where not changed, leaving §§ 3-13 of acts of 1871 in force. Acts 1875, ch. 103, repealed 1874, ch. 26, and all inconsistent acts, leaving §§ 4, 5, 7-13, ch. 22, acts 1871, and acts 1875, ch. 103, as the law. Acts 1885, ch. 188, repealed so much of 1875, ch. 103, as created the office of railroad commissioner, and all inconsistent acts, leaving in force acts 1875, ch. 103, §§ 7-11; 1871, ch. 22, §§ 4, 5, 7-13. Acts 1887, ch. 10, § 21, repeals "all acts and parts of acts inconsistent herewith," which containing the subject-matter of the prior laws abrogates such laws except where noted in the sections. Acts 1885, ch. 188, appropriated \$20,000, and 1887, ch. 10, \$30,000, to carry out provisions of each act.

APPOINTMENT — QUALIFICATIONS — COMPENSATION — DUTIES.

SEC. 498. **Three commissioners.**—(a) That a commission is hereby created and established, to be known as the "Railroad and Warehouse Commission of the State of Minnesota," which shall be composed of three (3) commissioners, who shall be appointed by the governor, by and with the advice and consent of the senate.

Term of office.—(b) The commissioners first appointed under this act shall continue in office for the term of one (1), two (2) and three (3) years respectively, and until their successors are appointed and qualified, beginning with the first (1st) Monday of January, A. D. 1889; the term of each to be designated by the governor, but their successors shall be appointed for a term of three (3) years, and until their successors are appointed and qualified, except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the commissioner whom he shall succeed. Any commissioner may be removed by the governor for inefficiency, neglect of duty, or malfeasance in office. Said commissioners shall not engage in any other business, vocation or employment while acting as such commissioners. No vacancy in the commission shall impair the right of the remaining commissioners to exercise all the powers of the commission.

Vacancies.—(c) Vacancies occasioned by removal, resignation or other cause, shall be filled by the governor as provided in case of original appointments. Not more than two of the commissioners appointed shall be members of the same political party. No person in the employ of or holding any official relation to any common carrier subject to the provisions of this act, or any law of this state, or owning stocks or bonds, or other property thereof, or who is in any manner interested therein, shall enter upon the duties of or hold such office.

Decision — Oath.—(d) The decision of a majority of the commission shall be considered the decision of the commission on all questions arising for its consideration. Before entering upon the duties of his office each commissioner shall make and subscribe and file with the secretary of state an affidavit in the following form: "I do solemnly swear (or affirm, as the case may be) that I will support the constitution of the United States and the constitution of the state of Minnesota, and that I will faithfully discharge my duties as a member of the railroad and warehouse commission of the state of Minnesota, according to the best of my ability; and I further declare that I am not in the employ of, or holding any official relation to any common carrier within this state; nor am I in any manner interested in any stock, bonds or other property of such common carrier."

Bonds.—(e) Each commissioner so appointed and qualified shall enter into bonds [to] of the state of Minnesota, to be approved by the governor, in the

MINNESOTA STATUTES 1891

STATE OFFICERS — RAILROAD AND WAREHOUSE COMMISSION. [SEC. 499.]

sum of twenty thousand (20,000) dollars, conditioned for the faithful performance of his duty as a member of such commission, which bond shall be filed with the secretary of state.

Proceedings.—(*f*) The commission shall conduct its proceedings in such a manner as will best conduce to the proper dispatch of business and to the ends of justice. A majority of the commissioners shall constitute a quorum for the transaction of business, but no commissioner shall participate in any hearing or proceeding in which he has any pecuniary interest. Said commissioner may from time to time make or amend such general rules or orders as may be requisite for the order and regulation of proceedings before it, including forms of notices and service thereof, which shall conform as nearly as may be to those in use in the courts of this state. Any party may appear before said commission and be heard in person or by attorney. Every vote and official act of the commission shall be entered of record and its proceedings shall be public upon the request of either party interested, or at the discretion of the commission. Said commission shall have an official seal which shall be judicially noticed. Any member of the commission may administer oaths and affirmations. The principal office of the commission shall be in the city of St. Paul, where its general session shall be held.

Special sessions.—(*g*) Whenever the convenience of the public or of the parties, may be promoted, or delay or expenses prevented thereby, the commission may hold special sessions in any part of the state. It may, by one, or more of the commissioners prosecute any inquiry necessary to its duties in any part of the state, into any matter or question of fact pertaining to the business of any common carrier subject to the provisions of this act.

Attorney general.—(*h*) The attorney general of the state of Minnesota shall be ex-officio attorney for the commission, and shall give them such counsel and advice as they may from time to time require; and he shall institute and prosecute any and all suits which said railroad and warehouse commission may deem it expedient and proper to institute; and he shall render to such railroad and warehouse commission all counsel, advice and assistance necessary to carry out the provisions of this act, or of any law of this state, according to the true intent and meaning thereof. It shall likewise be the duty of the county attorney of any county in which suit is instituted or prosecuted, to aid in the prosecution of the same to a final issue upon the request of such commission. Said commission are hereby authorized, when the facts in any given case shall in their judgment warrant, to employ any and all additional legal counsel that they may think proper, expedient and necessary to assist the attorney general or any county attorney in the conduct and prosecution of any suit they may determine to bring under the provisions of this act, or of any law of this state.

1887, ch. 10, § 9: "An act to regulate common carriers and creating the railroad and warehouse commission of the state of Minnesota, and defining the duties of such commission in relation to common carriers." Approved March 7, 1887. This section supersedes 1871, ch. 22, §§ 1, 13; 1874, ch. 26, § 1; 1875, ch. 103, §§ 1, 2; 1885, ch. 188, §§ 1, 2, 20, 21, 22. Acts 1871, ch. 22, provided for one commissioner; 1874, ch. 26, for board of three commissioners; 1875, ch. 103, for a state railroad commissioner to be elected November, 1875, and every two years thereafter; 1885, ch. 188, for railroad and warehouse commission composed of three commissioners.

SEC. 499. Salary — Expenses — Oath of office.—Each commissioner shall receive an annual salary of three thousand (3,000) dollars, payable in the same manner as the salaries of other state officers. The commissioners shall appoint a secretary who shall receive an annual salary of eighteen hundred (1,800) dollars payable in like manner.

Oath of secretary.—Said secretary shall, before entering upon the duties of his office, make and file with the secretary of state an affidavit in the following form: "I do solemnly swear or affirm (as the case may be) that I will support the constitution of the United States and the constitution of the state of Minnesota, and that I will faithfully discharge my duties as secretary of

MINNESOTA STATUTES 1891

SECS. 500, 501.] STATE OFFICERS — RAILROAD AND WAREHOUSE COMMISSION.

the railroad and warehouse commission of the state of Minnesota, according to the best of my ability; and I further declare that I am not in the employ of, or holding any official relation to, any common carrier or grain warehouseman, within said state; nor am I, in any manner, interested in any stock, bonds or other property of such common carrier or grain warehouseman."

Secretary to give bond.— The said secretary so appointed and qualified shall enter into bonds to the state of Minnesota, to be approved by the governor in the sum of ten thousand (10,000) dollars, conditioned for the faithful performance of his duty as secretary of such commission, which bond shall be filed with the secretary of state.

Compensation of other employes.— The commission shall have authority to employ and fix the compensation for such other employes as it may find necessary to the proper performance of its duties, subject to the approval of the governor of the state.

Office.— The commissioners shall be furnished with a suitable office and all necessary office supplies.

Witness fees.— Witnesses summoned before the commission shall be paid the same fees and mileage that are paid witnesses in the district courts of the state.

Expenses.— All the expenses of the commission, including all necessary expenses for transportation incurred by the commissioners, or by their employes under their order, in making any investigation in any other place than the city of St. Paul, shall be allowed and paid out of the state treasury on the presentation of itemized vouchers therefor, approved by the chairman of the commission and the state auditor.

1887, ch. 10, § 19. Supersedes § 4, ch. 188, laws 1885; sec. 2, ch. 103, laws 1875; sec. 2, ch. 26, 1874.

SEC. 500. Commission — Annual report.— (a) That such commissioners shall, on or before the first (1st) day of December in each year, and oftener if required by the governor to do so, make a report to the governor of their doings for the preceding year, containing such facts, statements and explanations as will disclose the actual workings of the system of railroad transportation in its bearings upon the business and prosperity of the people of this state, and such suggestions in relation thereto as to them may seem appropriate.

Investigation by order of governor.— (b) They shall also, at such times as the governor shall direct, examine any particular subject connected with the conditions and management of such railroads, and report to him in writing, their opinion thereon, with their reasons therefor. Said commissioners shall also investigate and consider what, if any, amendment or revision of the railroad laws of this state the best interest of the state demand, and they shall make a special biennial report on said subject to the governor. All such reports made to the governor shall be by him transmitted to the legislature at the earliest practicable time.

Saving clause.— (c) Nothing in this act contained shall in any way abridge or alter the remedies now existing at common law or by statute, but the provisions of this act are in addition to such remedies. *Provided*, that no pending litigation shall in any way be affected by this act.

1887, ch. 10, § 18. Supersedes and same as § 9, ch. 188, laws 1885, except below (c). 1875, ch. 103, § 4. Laws of 1871, ch. 22, § 10, provide for commissioners to print their report, which not being inconsistent with this act nor repealed by former acts, is in force, but superseded by ch. 5, G. S.

SEC. 501. Carriers to make annual report.— (a) That the commission is hereby directed to require annual reports from all common carriers, subject to the provisions of this act, to fix the time and prescribe the manner in which said reports shall be made, and to require from such carriers specific answers to all questions upon which the commission may need information. Such annual reports shall show in detail the amount of capital stock

MINNESOTA STATUTES 1891

STATE OFFICERS — RAILROAD AND WAREHOUSE COMMISSION. [SEC. 502.]

issued, the amounts paid therefor, and the manner of payment for the same, the dividends paid, the surplus fund, if any, and the number of stockholders, the funded and floating debts and the interest paid thereon; the cost and value of the carrier's property, franchises and equipment, the number of employes and the salary paid each class, the amounts expended for improvements each year, how expended, and the character of such improvements; the earnings and receipts of each branch of business, and from all sources, the operating, and other expenses; the balance of profit and loss; and complete exhibit of the financial operations of the carrier each year, including an annual balance sheet; also the total number of acres of land received as grants either from the United States or from the state of Minnesota, the number [of] acres of said grants sold, and average price received per acre, the number acres of grants unsold and the appraised value per acre. Such detailed reports shall also contain such information in relation to rates or regulations concerning fares or freights and agreements, arrangements or contracts with express companies, telegraph companies, sleeping and dining car companies, fast freight lines, and other common carriers, as the commission may require, with copies of such contracts, agreements or arrangements.

System of accounts.—(b) And the commission may, within its discretion, for the purpose of enabling it the better to carry out the purposes of this act, prescribe (if in the opinion of the commission it is practicable to prescribe such uniformity and methods of keeping accounts) a period of time within which all common carriers, subject to the provisions of this act, shall have, as near as may be, a uniform system of accounts, and the manner in which such accounts shall be kept.

1887, ch. 10, § 17. Supersedes §§ 6, 7 and 8, ch. 188, laws 1885; sec. 5, ch. 103, laws 1875; sec. 6, ch. 22, laws 1871.

INVESTIGATIONS — POWERS OF COMMISSION.

SEC. 502. Authority of commission.—That the commission hereby created shall have authority to enquire into the management of the business of all common carriers, subject to the provisions of this act, and shall keep itself informed as to the manner and method in which the same is conducted, and shall have the right to obtain from such common carriers full and complete information, necessary to enable the commission to perform the duties and carry out the objects for which it was created; in order to enable said commissioners efficiently to perform their duties under this act, it is hereby made their duty to cause one of their number to visit the various stations on the lines of each railroad as often as practicable, after giving twenty (20) days' notice of such visit and the time and place thereof in the local newspapers, and at least once in twelve (12) months to visit each county in the state in which is or shall be located a railroad station and personally enquire into the management of such railroad business, and for this purpose, all railroad companies and common carriers, and their officers and employes, are required to aid and furnish each member of the railroad and warehouse commission with reasonable and proper facilities, and each, or all of the members of said commission, shall have the right, in his or their official capacity, to pass free on any railroad trains on all railroads in this state, and to enter and remain in at all suitable times, any and all cars, offices or depots, or upon the railroads of any railroad company, in this state in the performance of official duties; and whenever, in the judgment of the commission, it shall appear that any common carrier fails in any respect or particular to comply with the laws of this state, or whenever in their judgment, any repairs are necessary upon its railroad, or any addition to or change of its stations or station houses is necessary, or any change in the mode of operating its road or conducting its business is reasonable or expedient in order to promote the security, convenience, and accommodation of the public, said commission shall inform such

MINNESOTA STATUTES 1891

SECS. 503, 504.] STATE OFFICERS — RAILROAD AND WAREHOUSE COMMISSION.

railroad company, by a notice thereof in writing, to be served as a summons in civil actions is required to be served by the statutes of this state in actions against corporations, certified by the commission's clerk or secretary, and if such common carrier shall neglect or refuse to comply with such order, then the commission may, in its discretion, cause suits or proceedings to be instituted to enforce its orders as provided in this act.

1887, ch. 10, § 10. Supersedes acts 1885, ch. 188, §§ 5, 10; 1875, ch. 103, §§ 3, 4; 1874, ch. 26, § 4; 1871, ch. 22, § 5. Acts 1875, ch. 103, § 5; and 1885, ch. 188, § 11, specifically provided for examination of books of railroad companies. Laws 1871, ch. 22, § 9, provided penalty for obstructing commissioners, which is covered by section 12 of this act. Laws 1871, ch. 22, § 12, provided that commissioners shall investigate accidents, which is not specifically covered by laws 1887, ch. 10, and not repealed. Laws 1881, Ex. S. ch. 66, provided for the examination of all bridges and tracks, and the exercise of a general supervision over all railroads, and to report to legislature any failure or refusal of any railroad to do what is equitable and just and for the best interests of the people, and to investigate upon written request any complaint in regard to unjust discrimination or extortions. Acts 1872, ch. 26, empowered commissioner to examine books for gross earnings.

SEC. 503. **Complaint for damages.**—(a) That in case any common carrier, subject to the provisions of this act, shall do, cause to be done, or permit to be done, any act or thing in this act prohibited, or declared to be unlawful, or shall omit to do any act, matter or thing in this act required to be done, such common carrier shall be liable to the person or persons, party or parties injured thereby, for the full amount of damages sustained in consequence of any such violation of the provisions of this act, together with a reasonable counsel or attorney's fee to be fixed by the court in every case of recovery, which attorney's fees shall be taxed and collected as part of the costs in the case.

Complaint to commission.—(b) That any person or persons, party or parties claiming to be damaged by the action or non-action of any common carrier, subject to the provisions of this act, may either make complaint to the commission, as hereinafter provided for, or may bring suit in his or their own behalf for the recovery of the damages for which such common carrier may be liable under the provisions of this act, in any district court of this state, of competent jurisdiction; but such person or persons shall not have the right to pursue both of said remedies at the same time.

Action at law.—(c) In any action brought for the recovery of damages the court before which the same shall be pending may compel any director, officer, receiver, trustee or agent of any corporation or company, defendant in such suit, to attend, appear and testify in such case, and may compel the production of the books and papers of such corporation or company, party to any such suit; the claim that any such testimony or evidence may tend to criminate the person giving such evidence shall not excuse such witness from testifying, but such evidence or testimony shall not be used against such person on the trial of any criminal proceeding.

1887, ch. 10, § 11.

SEC. 504. **Complaint to commission.**—(a) That any person, firm, corporation or association, or any mercantile, agricultural or manufacturing society, or any body politic or municipal organization, complaining of anything done or omitted to be done by any common carrier subject to the provisions of this act, in contravention of the provisions thereof, may apply to said commission by petition, which shall briefly state the facts.

Notice to carrier.—(b) Whereupon a statement of the charges thus made shall be forwarded by the commission to such common carrier, who shall be called upon to satisfy the complaint, or to answer the same in writing within a reasonable time, to be specified by the commission. If such common carrier, within the time specified, shall make reparation for the injury alleged to have been done, said carrier shall be relieved of liability to the complainant only, for the particular violation of law thus complained of.

Refusal of carrier.—If such carrier shall not satisfy the complaint within the time specified, or there shall appear to be any reasonable ground

MINNESOTA STATUTES 1891

STATE OFFICERS — RAILROAD AND WAREHOUSE COMMISSION. [SEC. 505.]

for investigating said complaint, it shall be the duty of the commission summarily to investigate the matter complained of, in such manner and by such means as it shall deem proper. No complaint shall at any time be dismissed because of absence of direct damages to the complainant.

Witnesses.—And for the purposes of this act the commission shall have power to require the attendance of witnesses and the production of all books, papers, contracts, agreements and documents relating to any matter under investigation, and, to that end, may invoke the aid of any of the courts of this state, in requiring the attendance of witnesses and the production of books, papers and documents, under the provisions of this act.

Witnesses.—(c) Any of the district courts of this state, within the jurisdiction of which such inquiry is carried on, shall, in case of contumacy or refusal to obey a subpoena issued by the commissioners to any common carrier subject to the provisions of this act, or, when such common carrier is a corporation, to an officer or agent thereof, or to any person connected therewith, if proceedings are instituted in the name of such commission as plaintiffs, issue an order requiring such common carrier, officer or agent, or person to show cause why such contumacy or refusal should not be punished as and for contempt, and if upon the hearing the court finds that the inquiry is within the jurisdiction of the commission, and that such contumacy or refusal is willful and the same is persisted in, such contumacy or refusal shall be punished as though the same had taken place in an action pending in the district court for any judicial district in this state. The claim that any such testimony or evidence may tend to criminate the person giving such evidence shall not excuse such witness from testifying; but such evidence or testimony shall not be used against such persons on the trial of any criminal proceeding.

1887, ch. 10, § 13. Supersedes §§ 12, 13, ch. 188, laws 1885. Laws 1885, ch. 188, § 24, and 1875, ch. 103, § 9, provide for rules of evidence and practice, which, in so far as not inconsistent with this act, are not repealed.

SEC. 505. **Commission to report investigation.**—(a) Whenever an investigation shall be made by said commission, it shall be its duty to make a report in writing in respect thereto, which shall include the findings of fact upon which the conclusions of the commission are based, together with its recommendation as to what reparation, if any, should be made by the common carrier to party or parties who may be found to have been injured; and such findings so made shall thereafter, in all judicial proceedings, be deemed prima facie evidence as to each and every fact found. All reports of investigations made by the commission shall be entered of record, and a copy thereof shall be furnished to the party who may have complained, and to any common carrier that may have been complained of, and the record thereof shall be public.

Copy of served on carrier.—(b) If in any case in which an investigation shall be made by said commission it shall be made to appear to the satisfaction of the commission, either by testimony of witnesses or other evidence, that anything has been done or omitted to be done by any common carrier, in violation of the provisions of this act or of any law cognizable by said commission, or that any injury or damages has been sustained by the party or parties complaining, or by other parties aggrieved in consequence of any such violation, it shall be the duty of the commission to forthwith cause a copy of its report in respect thereto to be delivered to such common carrier, together with a notice to said common carrier to cease and desist from such violation and to make reparation for the injury so found to have been done, within a brief but reasonable time, to be specified by the commission; and if within the time specified, it shall be made to appear to the commission that such common carrier has ceased from such violation of law, and has made reparation for the injury found to have been done, in compliance with the report and notice of the commission, or to the satisfaction of the party complaining, a statement to that effect shall be entered of record by the commission, and the said com-

MINNESOTA STATUTES 1891

SEC. 506.] STATE OFFICERS — RAILROAD AND WAREHOUSE COMMISSION.

mon carrier shall thereupon be relieved from further liability or penalty for such particular violation of law.

Refusal of carrier.—(c) But if said common carrier shall neglect or refuse, within the time specified, to desist from such violation of law, and make reparation for the injury done in compliance with the report and notice of the commission as aforesaid, it shall be the duty of the commission to forthwith certify the fact of such neglect or refusal, and forward a copy of its report and such certificate to the attorney general of the state for redress and punishment as hereinafter provided.

1887, ch. 10, § 14.

SEC. 506. **Attorney general to sue.**—(a) That it shall be the duty of the attorney general to whom said commission may forward its report and certificate, as provided in the next preceding section of this act, when it shall appear from such report that any injury or damages has been sustained by any party or parties by reason of such violation of law by such common carrier, to forthwith cause suit to be brought in the district court in the judicial district wherein such violation occurred, on behalf and in the name of the person or persons injured, against such common carrier, for the recovery of damages for such injury as may have been sustained by the injured party; and the cost and expenses of such prosecution shall be paid out of the appropriation hereinafter provided for for the uses and purposes of this act.

Procedure.—(b) And the said court shall have power to hear and determine the matter on such short notice to the common carrier complained of as the court shall deem reasonable; and such notice shall be served on such common carrier, his or its officers, agents or servants, in such manner as the court shall direct; and said court shall proceed to hear and determine the matter speedily, and without the formal pleading and proceedings applicable to ordinary suits in equity; but in such manner as to do justice in the premises, and to this end such court shall have power if it thinks fit to direct and prosecute in such mode and by such persons as it may appoint, all such inquiries as the court may think needful to enable it [to] form a just judgment in the matter of such petition. And on such hearing the report of said commission shall be prima facie evidence of the matters therein stated.

Decision of court.—(c) And if it be made to appear to such court, on such hearing, or on report of any such person or persons, that the lawful order or requirement of such commission, drawn in question, has been violated or disobeyed, it shall be lawful for such court to issue a writ of injunction, or other proper process, mandatory or otherwise, to restrain such common carrier from further continuing such violation or such disobedience of such order or requirement of said commission, and enjoining obedience to the same; and in case of any disobedience of any such writ of injunction or other proper process, mandatory or otherwise, it shall be lawful for such court to issue writs of attachment, or any other process of said court incident or applicable to writs of injunction or other proper process, mandatory or otherwise, against such common carrier; and if a corporation, against one or more of the directors, officers or agents of the same, or against any owner, lessee, trustee, receiver or other person failing to obey such writ of injunction or other proper process, mandatory or otherwise; and said court may, if it shall think fit, make an order directing such common carrier or other person so disobeying such writ of injunction or other proper process, mandatory or otherwise, to pay such sum of money not exceeding for each carrier or person in default the sum of five hundred (500) dollars for every day after a day to be named in the order, that such carrier or other person shall fail to obey such injunction or other proper process, mandatory or otherwise; and such moneys shall be payable as the court shall direct, either to the party complaining, or into court to abide the ultimate decision of the court; and payment thereof may, without prejudice to any other mode of recovering the same, be enforced by at-

MINNESOTA STATUTES 1891

STATE OFFICERS — RAILROAD AND WAREHOUSE COMMISSION. [SEC. 507.]

tachment or order in the nature of a writ of execution, in like manner as if the same had been recovered by a final decree in personam in such court.

Appeal.— Either party to such proceeding before said court, may appeal to the supreme court of the state, under the same regulations now provided by law in respect to security for such appeal; but such appeal shall not operate to stay or supersede the order of the court or the execution of any writ or process thereon, unless the court hearing or deciding such case should otherwise direct; and such court may, in every such matter, order the payment of such costs and counsel fees as shall be deemed reasonable.

Appeal by carrier.— (*d*) In case the attorney general shall not within a period of ten (10) days after the making of any order by the commission, commence judicial proceedings for the enforcement thereof, any railroad company, or other common carrier affected by such order, may at any time within the period of thirty (30) days after the service [of it] upon him or it of such order, and before commencement of proceedings, appeal therefrom to the district court of any judicial district through or into which his or its route may run, by the service of a written notice of such appeal upon some member or the secretary of such commission. And upon the taking of such appeal, and the filing of the notice thereof, with the proof of service, in the office of the clerk of such court, there shall be deemed to be pending in such court a civil action of the character and for the purposes mentioned in sections eleven (11) and fifteen (15) of this act. Upon such appeal, and upon the hearing of any application for the enforcement of any such order made by the commission or by the attorney general, the court shall have jurisdiction to examine the whole matter in controversy, including matters of fact as well as questions of law, and to affirm, modify or rescind such order in whole or in part, as justice may require; and in case of any order being modified, as aforesaid, such modified order shall for all the purposes contemplated by this act, stand in place of the original order so modified.

Supersedes.— No appeal as aforesaid shall stay or supersede the order appealed from in so far as such order shall relate to rates of transportation or to modes of transacting the business of the appellant with the public, unless the court hearing or deciding such case shall so direct.

1887, ch. 10, § 15. Supersedes § 23, ch. 188, laws 1885.

REGULATION OF COMMON CARRIERS.

SEC. 507. **Carriers embraced in the law.**— (*a*) That the provisions of this act shall apply to any common carrier or carriers engaged in the transportation of passengers or property wholly by railroad, or partly by railroad and partly by water, when both are used under a common control, management or arrangement, for a carriage or shipment from one place or station to another, both being within the state of Minnesota.

Provided, that nothing in this act shall apply to the carriage, storage or handling by any common carrier of property free or at reduced rates for the United States or the state of Minnesota, or for any municipal government or corporation within the state, or for any charitable purpose, or to or from fairs or expositions for exhibition thereat (or stock for breeding purposes), or to the issuance of mileage, excursion or commutation passenger tickets, at rates made equal to all, or to transportation to stock shippers with cars; * and nothing in the provisions of this act shall be construed to prohibit any common carrier from giving reduced rates to ministers of religion, sisters of charity, or to missionaries, or to students of any college or university or other institutions of learning of this state, or to children attending the Minnesota institute for defectives at Faribault, or the school for indigent children at Owatonna,* or from issuing passes for the free transportation of passengers subject to the provisions of this act.

MINNESOTA STATUTES 1891

SECS. 508, 509.] STATE OFFICERS — RAILROAD AND WAREHOUSE COMMISSION.

(b) *The term "railroad"* as used in this act shall include all bridges or ferries used or operated in connection with any railroad, and also all the road in use by any corporation operating a railroad, whether owned or operated under a contract, agreement or lease; and the term "transportation" shall include all instrumentalities of shipment or carriage.

1887, ch. 10, § 1, as amended 1889, ch. 124. Approved March 1, 1889. Amendment between * *. Supersedes § 25, ch. 188, laws 1885.

SEC. 508. **Charges to be equal and reasonable.**—(a) That all charges made by any common carrier, subject to the provisions of this act, for any service rendered or to be rendered in the transportation of passengers or property as aforesaid, or in connection therewith, or for the receiving, delivering, storage or handling of such property shall be equal and reasonable; and every unequal and unreasonable charge for such service is prohibited and declared to be unlawful.

Provided, that one car load of freight of any kind or class shall be transported at as low a rate per ton, and per ton per mile, as any greater number of car loads of the same kind and class from and to the same points of origin or destination.

(b) It shall be unlawful for any common carrier, subject to the provisions of this act, to make or give any unequal or unreasonable preference or advantage to any particular person, company, firm, corporation, or locality, or any particular description of traffic, in any respect whatsoever, or to subject any particular person, company, firm, corporation, or locality, or any particular description of traffic to any unequal or unreasonable prejudice or disadvantage in any respect whatsoever.

1887, ch. 10, § 2. Supersedes and contains § 20, ch. 188, laws 1885; 1875, ch. 103, §§ 7, 8.

SEC. 509. **Facilities at connecting points.**—(a) That all common carriers, subject to the provisions of this act, shall, according to their respective powers, provide, at the point of connection, crossing or intersection, ample facilities for transferring cars, and for accommodating and transferring passengers, and traffic of all kinds and classes, from their lines or tracks, to those of any other common carrier whose lines or tracks may connect with, cross or intersect their own, and shall afford all equal and reasonable facilities for the interchange of cars and traffic between their respective lines, and for the receiving, forwarding and delivering of passengers and property and cars to and from their several lines and those of other common carriers connecting therewith, and shall not discriminate in their rates and charges between such connecting lines, or on freight coming over such lines; but this shall not be construed as requiring any common carrier to use for another common carrier its tracks, equipments or terminal facilities without reasonable compensation.

Continuous carriage.—(b) That it shall be unlawful for any common carrier, subject to the provisions of this act, to enter into any combination, contract or agreement, expressed or implied, to prevent, by change of time schedule, or by carriage in different cars, or by any other means or devices, the carriage or freight from being continuous from the place of shipment to the place of destination; and no break of bulk, stoppage or interruption made by such common carrier shall prevent the carriage of freight from being treated as one continuous carriage from the place of shipment to the place of destination, unless such break, stoppage or interruption was made in good faith for some necessary purpose and without any intent to avoid or unnecessarily interrupt such continuous carriage or to evade any of the provisions of this act.

Carriage without unreasonable delay.—(c) Every common carrier operating a railway in this state shall, without unreasonable delay, furnish, start and run cars for the transportation of persons and property, which, within a reasonable time theretofore, is offered for transportation at any of its stations on its line of road and at the junctions of other railroads, and at such stopping

MINNESOTA STATUTES 1891

STATE OFFICERS — RAILROAD AND WAREHOUSE COMMISSION. [SECS. 510-512.]

places as may be established for receiving and discharging passengers and freights; and shall take, receive, transport and discharge such passengers and property at, from and to such stations, junctions and places, on and from all trains advertised to stop at the same, for passengers and freights, respectively, upon the due payment, or tender of payment, of tolls, freight or fare therefor, if such payment is demanded. Every such common carrier shall permit connections to be made and maintained in a reasonable manner with its side tracks to and from any warehouse, elevator or manufactory without reference to its size or capacity; provided, that this shall not be construed so as to require any common carrier to construct or furnish any side track off from its own land; provided, further, that where stations are ten (10) miles or more apart the common carrier, when required to do so by the railroad and warehouse commissioners, shall construct and maintain a side track for the use of shippers between such stations.

Common law liability.—(d) Whenever any property is received by any common carrier subject to the provisions of this act, to be transported from one place to another within this state, it shall be unlawful for such common carrier to limit in any way, except as stated in its classification schedule, herein after provided for, its common law liability with reference to such property while in its custody as a common carrier (as hereinbefore mentioned), such liability must include the absolute responsibility of the common carrier for the acts of its agents in relation to such property.

1887, ch. 10, § 3. Supersedes and contains §§ 19, 26, and last half of § 15, ch. 188, laws 1885; § 9, ch. 103, laws 1875; §§ 11 and 12, ch. 26, laws 1874. 34 M. 88.

SEC. 510. Pooling prohibited.—That it shall be unlawful for any common carrier subject to the provisions of this act, to enter into any contract, agreement, or combination with any other common carrier or carriers for the division or pooling of business of different and competing railroads, or to divide between them the aggregate or net proceeds of the earnings of such railroads, or any portion thereof; and in case of an agreement for the pooling of their business aforesaid each day of its continuance shall be deemed a separate offense.

1887, ch. 10, § 4.

SEC. 511. Special rates prohibited.—That if any common carrier, subject to the provisions of this act, shall, directly or indirectly, by any special rate, rebate, drawback or other device charge, demand, collect or receive from any person or persons a greater or less compensation for any service rendered, or to be rendered, in the transportation of passengers or property subject to the provisions of this act, than it charges, demands, collects or receives from any other person or persons for doing for him or them a like and contemporaneous service in the transportation of passengers or property, such common carrier shall be deemed guilty of unjust discrimination, which is hereby prohibited and declared to be unlawful.

1887, ch. 10, § 5. Supersedes and contains provision in § 20, ch. 188, laws 1885; §§ 9 and 10, ch. 26, laws 1874.

SEC. 512. Long and short haul.—That it shall be unlawful for any common carrier, subject to the provisions of this act, to charge or receive any greater compensation for the transportation of passengers or of like kind or class and quantity of property, for a shorter than for a longer distance over the same line, the shorter being included within the longer distance; but this shall not be construed as authorizing any common carrier, subject to the provisions of this act, to charge or receive as great compensation for a shorter as for a longer distance.

Provided, however, that upon application to the commission appointed under the provisions of this act, such common carrier may, in special cases, after investigation by the commissioners, be authorized to charge less, for longer than for shorter distances, for the transportation of passengers or property; and

MINNESOTA STATUTES 1891

SECS. 513, 514.] STATE OFFICERS — RAILROAD AND WAREHOUSE COMMISSION.

the commission may from time to time prescribe the extent to which such designated common carrier may be relieved from the operation of this section of this act.

1887, ch. 10, § 6. Supersedes § 6, ch. 103, laws 1875.

SEC. 513. Same — Per ton per mile.—(a) That it shall be unlawful for any common carrier, subject to the provisions of this act, to charge or receive any greater compensation, per ton, per mile, for the contemporaneous transportation of the same class of freight for a longer than for a shorter distance over the same line, in the same general direction, or from the same original point of departure, or to the same point of arrival; but this shall not be construed as authorizing any common carrier, subject to the provisions of this act, to charge as high a rate per ton, per mile, for a longer as for a shorter distance.

Dividing cars among shippers.—(b) Whenever any railway company doing business in this state shall be unable, from any reasonable cause, to furnish cars at any railway station or side track, in accordance with the demands made by all persons demanding cars at such stations or side tracks for the shipment of grain or other freight, such cars as are furnished shall be divided as equally as may be among the applicants until each shipper shall have received, at least, one car, when the balance shall be divided ratably in proportion to the amount of daily receipts of grain, or other freight, to each shipper, or to the amount of grain offered at such station on side tracks.

Terminal charge.—(c) There shall in no case be more than one terminal charge for switching or transferring any car, whether the same is loaded or empty, within the limits of any one city or town. If it is necessary that any car pass over the tracks of more than one company, within such city or town limits, in order to reach its final destination, or to be returned therefrom to its owner or owners, then the company first switching or transferring such car shall be entitled to receive the entire charge to be made therefor and shall be liable to the company or companies doing the subsequent switching or transferring thereof for its or their reasonable and equitable share of the compensation received, and if the companies so jointly interested therein can not agree upon the share thereof which each is entitled to receive, the same shall be determined by the board of railroad and warehouse commissioners, whose decision thereon shall be final and conclusive upon all parties interested, and the said board are authorized to establish such rules, regulations in that behalf as to them may seem just and reasonable and not in conflict with this act.

1887, ch. 10, § 7. Supersedes §§ 16, 17, 18, ch. 188, laws 1885.

SEC. 514. Schedules of rates, fares and charges.—(a) That every common carrier, subject to the provisions of this act, shall within sixty (60) days after this act shall take effect, print and thereafter keep for public inspection, schedules showing the classification, rates, fares and charges for the transportation of passengers and property of all kinds and classes which such common carrier has established, and which are in force at the time, upon its railroad, as defined by the first (1st) section of this act. This schedule printed as aforesaid by such common carrier shall plainly state the places upon its railroad between which property and passengers will be carried, and shall contain "classification of freight" in force upon each the lines of such railroad, a distance tariff, and a table of interstation distances, and shall also state separately the terminal charges, and any rules or regulations which in any wise change, affect or determine any part of the aggregate of such aforesaid rates, fares and charges. Such schedules shall be plainly printed in large type, and copies, for the use of the public, shall be kept in every depot or station upon any such railroad, in such places and in such form that they can be conveniently inspected.

MINNESOTA STATUTES 1891

STATE OFFICERS — RAILROAD AND WAREHOUSE COMMISSION. [Sec. 514.]

Notice of change.—(b) No change of classification shall be made, and no charge shall be made in the rates, fares and charges, which have been established and published as aforesaid, by any common carrier, in compliance with the requirements of this section, except after ten (10) days' public notice, which notice shall plainly state the changes proposed to be made in the schedules then in force, and the time when the changed schedules will go into effect, and the proposed changes will be shown by printing new schedules, or shall be plainly indicated upon the schedules in force at the time and kept for public inspection.

Unlawful charges.—(c) And when any common carrier shall have established and published its classifications, rates, fares and charges in compliance with the provisions of this section, it shall be unlawful for such common carrier to charge, demand, collect or receive from any person or persons a greater or less compensation for the transportation of passengers or property or for any service in connection therewith, than is specified in such published schedule of classifications, rates, fares and charges as may at the time be in force.

File schedules with commission.—(d) Every common carrier, subject to the provisions of this act, shall file with the commission hereafter provided for in section ten (10) [9] of this act, copies of its schedules of classifications, rates, fares and charges which have been established and published in compliance with the requirements of this section, and shall promptly notify said commission of all changes proposed to be made in the same. Every [such] common carrier shall also file with said commission copies of all contracts, agreements or arrangements with other common carriers in relation to any traffic affected by the provisions of this act, to which contracts, agreements or arrangements it may be a party. And in cases where passengers or freight pass over lines or routes operated by more than one common carrier, and the several common carriers operating such lines or routes, establish joint schedules of rates or fares, or charges or classifications for such lines or routes, copies of such joint schedules shall also, in like manner, be filed with said commission. Such joint schedules of rates, fares, charges and classifications, for such lines, so filed as aforesaid, shall also be made public by such common carriers in the same manner as hereinbefore provided for the publication of tariffs upon its own lines.

Commission — Order of to change schedules.—(e) That in case the commission shall at any time find that any part of the tariffs of rates, fares, charges or classifications so filed and published as hereinbefore provided, are in any respect unequal or unreasonable, it shall have the power and is hereby authorized and directed to compel any common carrier to change the same and adopt such rate, fare, charge or classification as said commission shall declare to be equal and reasonable. To which end the commission shall, in writing, inform such common carrier, in what respect such tariff of rates, fares, charges or classifications are unequal and unreasonable, and shall recommend what tariffs shall be substituted therefor.

Refuse to change — Effect of.—(f) In case such common carrier shall neglect or refuse for ten (10) days after such notice to substitute such tariff of rates, fares, charges or classifications, or to adopt the same as recommended by the commission, it shall be the duty of said commission to immediately publish such tariff of rates, fares, charges or classifications as they had declared to be equal and reasonable, and cause the same to be posted at all the regular stations on the line of such common carrier in this state, and thereafter it shall be unlawful for such common carrier to charge or maintain a higher or lower rate, fare, charge or classification than that so fixed and published by said commission.

Mandamus.—(g) If any common carrier, subject to the provisions of this act, shall neglect or refuse to publish or file its schedule of classifications, rates, fares or charges or any part thereof as provided in this section, or if any com-

MINNESOTA STATUTES 1891

SECS. 515-517.] STATE OFFICERS — RAILROAD AND WAREHOUSE COMMISSION.

mon carrier shall refuse or neglect to carry out such recommendation made and published by such commission, such common carrier shall be subject to a writ of mandamus, to be issued by any judge of the supreme court, or of any of the district courts of this state upon application of the commission, to compel compliance with the requirements of this section and with the recommendation of the commission and failure to comply with the requirements of said writ of mandamus shall be punishable as and for contempt, and the said commission, as complainants, may also apply to any such judge for a writ of injunction against such common carrier from receiving or transporting property or passengers within this state until such common carrier shall have complied with the requirements of this section and the recommendation of said commission; and for any willful violation or failure to comply with such requirements or such recommendation of said commission, the court may award such costs, including counsel fees, by way of penalty, on the return of said writs and after due deliberation thereon, as may be just.

1887, ch. 10, § 8. Supersedes acts 1873, ch. 23.

SEC. 515. Penalty for violation of this act.— That any common carrier, subject to the provisions of this act, or whenever such common carrier is a corporation, any director or officer thereof, or any receiver, trustee, lessee, agent or person acting for, or employed by such corporation, who, alone or with any other corporation, company, person or party, shall wilfully do or cause to be done, or shall wilfully suffer or permit to be done, any act, matter or thing in this act prohibited or declared to be unlawful, or who shall aid or abet therein, or shall wilfully omit or fail to do any act, matter or thing in this act required to be done, or shall cause or willingly suffer or permit any act, matter or thing so directed or required by this act to be done, not to be so done, or shall aid and abet therein any such omission, or shall be guilty of any willful infraction of this act, or shall aid or abet therein, shall be deemed guilty of a violation of the provisions of this act and shall, upon conviction thereof in any district court of the state within the jurisdiction of which such offense was committed, be subject to a penalty of not less than two thousand five hundred (2,500) dollars or more than five thousand (5,000) dollars for the first offense, and not less than five thousand (5,000) dollars or more than ten thousand (10,000) dollars for each subsequent offense.

1887, ch. 10, § 12. Supersedes §§ 14, 27, ch. 188, laws 1885; § 16, ch. 26, laws 1874; § 7, ch. 22, laws 1871; § 8, ch. 103, laws 1875. Laws 1871, ch. 22, § 9, provides penalty for obstructing commissioner, which, though not repealed, seems to be covered by above section. Laws 1871, ch. 22, § 8, provides for forfeiture of franchise, which, though not expressly repealed, is abrogated by above section by prescribing a different penalty for same offense.

SEC. 516. Prosecution of carrier.— (a) That whenever facts, in any manner ascertained by said commission, shall, in its judgment warrant a prosecution, it shall be the duty of said commission to immediately cause suit to be instituted and prosecuted against any common carrier who may violate any of the provisions of this act, or of any law of this state. All such prosecutions shall be in the name of the state of Minnesota, except as is otherwise provided in this act, or in any law of this state, and may be instituted in any county in the state through or into which the line of any common carrier so sued may extend, and all penalties recovered under the provisions of this act, or of any law of this state, in any suit instituted in the name of the state, shall be immediately paid into the state treasury by the sheriff or other officer or person collecting the same; and the same shall be by the state treasurer placed to the credit of the general revenue fund.

(b) For the purposes of this act, except its penal provisions, the district courts of this state shall be deemed to be always in session.

1887, ch. 10, § 16. Supersedes and substantially § 21, ch. 188, laws 1885.

SEC. 517. Repeal.— That all acts and parts of acts inconsistent herewith are hereby repealed; *provided*, that the provisions of this act shall apply to and govern the existing railroad and warehouse commissioners appointed by

MINNESOTA STATUTES 1891

STATE OFFICERS — RAILROAD AND WAREHOUSE COMMISSION. [SECS. 518-522.]

virtue of an act approved March fifth (5th), eighteen hundred and eighty-five (1885), who are hereby clothed with the powers and charged with the duties and responsibilities of this act, granted to and imposed upon the railroad and warehouse commissioners of the state of Minnesota. This act shall take effect and be in force from and after its passage. Approved March 7th, 1887.

1887, ch. 10, § 21. Laws 1885, ch. 188, § 28, repealed all inconsistent acts, "but actions or proceedings or rights of actions already accrued growing out of or founded upon" acts 1875, ch. 103, "shall not be affected." Laws 1875, ch. 103, § 12, repealed ch. 26, laws 1874, and all inconsistent acts, but "said repeal shall not affect any action pending in any court under the provisions of such acts." Laws 1874, ch. 26, §§ 24, 25, repealed so much of ch. 22, laws 1871, as created the office of railroad commissioner, and acts 1871, ch. 24, being "An act to regulate the carrying freight and passengers on all railroads in this state."

REGULATION OF GRAIN WAREHOUSES, AND INSPECTION, WEIGHING AND HANDLING GRAIN.

Acts 1885, ch. 144, § 45, repealed acts 1879, ch. 95, to regulate the grading and weighing of wheat; 1879, ch. 99, creating and prescribing the duties of Farmers' Board of Trade, and all conflicting acts, and abrogates acts 1881, Ex. S. ch. 103, making appropriation for latter.

SEC. 518. Public warehouses.— All elevators or warehouses located at Minneapolis, St. Paul, and Duluth, in this State, in which grain is stored in bulk, and in which the grain of different owners is mixed together, or in which grain is stored in such a manner that the identity of different lots or parcels cannot be accurately preserved, and doing business for a compensation, are hereby declared to be public warehouses.

1885, ch. 144, § 1: "An act to regulate warehouses, inspection, weighing and handling of grain." Approved March 5, 1885. In force sixty days thereafter.

SEC. 519. Under supervision of commissioners.— It will be the duty of the railroad and warehouse commissioners to assume and exercise a constant supervision over the grain interests of this state, to supervise the handling, inspection, weighing and storage of grain, to establish all necessary rules and regulations for the weighing, grading, inspection and appeal on inspection of grain, and for the management of public warehouses of the state as far as such rules and regulations may be necessary to enforce the provisions of this act, or any law of this state in regard to the same, to investigate all complaints of fraud or oppression in the grain trade and to correct the same so far as it may be in their power.

1885, ch. 144, § 39.

SEC. 520. Rules and regulations to be published.— The aforesaid rules and regulations not being contrary to the provisions of law, shall be published by said railroad and warehouse commissioners in a daily paper in St. Paul, Minneapolis, and Duluth, and shall be in force and effect until they shall be changed or abrogated by said commissioners in a like public manner.

1885, ch. 144, § 40.

SEC. 521. Combinations forbidden.— It shall be unlawful for any proprietor, lessee or manager of any public warehouse to enter into any contract, agreement, understanding or combination with any railroad company or other corporation, or with any individual or individuals, by which the property of any person is to be delivered to any public warehouse for storage or for any purpose, contrary to the direction of the owner, his agent or consignee.

1885, ch. 144, § 36.

SEC. 522. Attorney general.— The attorney general of the state of Minnesota shall be *ex officio* attorney for the railroad and warehouse commissioners, and shall give them such counsel and advice as they may from time to time require, and he shall institute and prosecute any and all suits which said railroad and warehouse commissioners may deem expedient and proper to institute, and he shall render to such railroad and warehouse commissioners all counsel, advice and assistance necessary to carry out the provisions of this

MINNESOTA STATUTES 1891

[SECS. 523-526.] STATE OFFICERS — RAILROAD AND WAREHOUSE COMMISSION.

act, according to the true intent and meaning thereof. In all criminal prosecutions against a warehouseman for the violation of any of the provisions of this act, it shall be the duty of the county attorney of the county in which such prosecution is brought, to prosecute the same to a final issue.

1885, ch. 144, § 43.

LICENSE.

SEC. 523. **When required — Revocation of.**— The proprietor, lessee or manager of any public warehouse shall be required before transacting any business to procure from the railroad and warehouse commissioners a license permitting such proprietor, lessee or manager to transact business as a public warehouseman under the laws of this State, which license shall be issued by the railroad and warehouse commissioners upon written application, which shall set forth the location and name of such warehouse, and the individual name of each person interested as owner or principal in the management of the same, or if the warehouse be owned or managed by a corporation, the name of the president, secretary, and treasurer of such corporation shall be stated, and the said license shall give authority to carry on and conduct the business of public warehouse, in accordance with the laws of the State, and shall be revocable by said commissioners upon a summary proceeding before the commissioners, upon complaint of any person in writing, setting forth the particular violation of law, and upon satisfactory proof to be taken in such manner as may be directed by the commissioners.

1885, ch. 144, § 2.

SEC. 524. **Bond — Fee.**— The person receiving a license as herein provided shall file with the commissioners granting the same, a bond to the state of Minnesota, with good and sufficient sureties to be approved by said commissioners, in the penal sum of not less than ten thousand (10,000) dollars, nor more than fifty thousand (50,000) dollars, in the discretion of the railroad and warehouse commissioners, for each warehouse licensed in the county conditional for the faithful performance of his duty as a public warehouseman and his full and unreserved compliance with all laws of this State in relation thereto. A fee for the issuance of each license of two (2) dollars shall be paid by the person applying for the same; *provided*, that when any person or corporation procures a license for more than one warehouse in any one county in the state, no more than one bond need be given.

1885, ch. 144, § 3.

SEC. 525. **Penalty for acting without license.**— Any person who shall transact the business of a public warehouseman, without first procuring a license as herein provided, or who shall continue to transact any such business after such license has been revoked (save only that he may be permitted to deliver property previously stored in such warehouse), shall on conviction by indictment be fined in a sum not less than one hundred (100) dollars, nor more than five hundred (500) dollars, for each and every day such business is carried on, and the railroad and warehouse commissioners may refuse to renew any license or grant a new one to any of the persons whose license has been revoked within one (1) year from the time the same was revoked.

1885, ch. 144, § 4.

STATEMENT OF CONDITION AND BUSINESS.

SEC. 526. **When required.**— It shall be the duty of every owner, lessee and manager of every public warehouse in this state to furnish in writing, under oath, at such times as the board of warehouse commissioners shall require and prescribe, a statement concerning the condition and management of the business as such warehouseman.

1885, ch. 144, § 10.

MINNESOTA STATUTES 1891

STATE OFFICERS — RAILROAD AND WAREHOUSE COMMISSION. [SECS. 527-529.]

SEC. 527. **To be posted and for registrar.**—The warehouseman of every public warehouse located at Minneapolis, St. Paul and Duluth shall, on or before Tuesday morning of each week, cause to be made out and shall keep posted up in the business office of his warehouse, in a conspicuous place, a statement of the amount of each kind and grade of grain in store in his warehouse at the close of business on the previous Saturday, and shall also on each Tuesday morning render a similar statement made under oath before some officer authorized by law to administer oaths, by one of the principal owners or operators thereof or by the bookkeeper thereof having personal knowledge of the facts, to the warehouse registrar appointed as hereinafter provided. They shall also be required to furnish daily to the said registrar a correct statement of the amount of each kind and grade of grain received in store in such warehouse on the previous day, also the amount of each kind and grade of grain delivered or shipped by such warehouseman during the previous day, and what warehouse receipts have been canceled, upon which the grain has been delivered on such day, giving the number of each receipt and amount, kind and grade of grain, received and shipped upon each, also how much grain, if any, was so delivered or shipped, and the kind and grade of it, for which warehouse receipts had not been issued, and when and how such unreceipted grain was received by them, the aggregate of such reported cancellations and delivery of unreceipted grain corresponding in amount, kind and grade with the amount so reported delivered, or shipped. They shall also, at the same time report what receipts, if any, have been canceled and new ones issued in their stead as herein provided for, and the warehouseman making such statements shall in addition furnish the said registrar any further information regarding receipts issued or canceled, that may be necessary to enable him to keep a full and correct record of all receipts issued and canceled, and of grain received and delivered.

1885, ch. 144, § 11.

SEC. 528. **Registrar.**—It is hereby made the duty of the secretary of the railroad and warehouse commissioners to act as registrar in accordance with the spirit and intent of section eleven (11) of this act.

1885, ch. 144, § 12.

CHARGE FOR STORAGE.

SEC. 529. **To be published.**—Every warehouseman of public warehouses located at Minneapolis, St. Paul and Duluth, shall be required during the first week in September of each year to publish in one or more of the newspapers (daily if there be such) published in the city or village in which such warehouse is situated, a table or schedule of rates for the storage of grain in his warehouse during the ensuing year, which rates shall not be increased during the year, and such published rates or any published reduction of them shall apply to all grain received into such warehouse from any person or source, and no discrimination as to rates shall be made directly or indirectly by such warehouseman for the storage of grain.

The maximum charge for storage and handling of grain, including the cost of receiving and delivering shall be for the first (1st) fifteen (15) days or part thereof one and one-half ($1\frac{1}{2}$) cents per bushel, and for each fifteen (15) days or part thereof after the first fifteen (15) days, one-half ($\frac{1}{2}$) cent per bushel, and for continuous storage between the fifteenth (15th) day of November and the fifteenth (15th) day of May following, not more than four (4) cents per bushel.

1885, ch. 144, § 13. Acts 1874, ch. 31, prohibited a charge greater than two cents per bushel, and, if not obeyed, third parties were empowered to construct warehouses, and in addition punishment by fine for violation.

MINNESOTA STATUTES 1891

SECS. 530-532.] STATE OFFICERS — RAILROAD AND WAREHOUSE COMMISSION.

RECEIVING GRAIN.

SEC. 530. When and how.—In shall be the duty of every public warehouseman to receive for storage any grain, dry and in a suitable condition for warehousing, that may be tendered to him in the usual manner, in which such warehouses are accustomed to receive the same in the ordinary and usual course of business, not making any discrimination between persons desiring to avail themselves of warehouse facilities. Such grain to be in all cases inspected and graded by a duly authorized inspector, and to be stored with grain of a similar grade.

Separate bin.—And in no case shall grain of a different grade be mixed together while in store, but if the owner or consignee so requests and the warehouseman consents thereto, his grain of the same grade may be kept in a bin by itself, apart from that of other owners, which bin shall thereupon be marked and known as a special bin. If a warehouse receipt be issued for grain so kept separate, it shall state on its face that it is a special bin, and shall state the number of such bin and all grain delivered from such warehouse shall be inspected on its delivery by a duly authorized inspector of grain. Nothing in this section shall be construed so as to require the receipt of any kind of grain into any warehouse in which there is not sufficient room to accommodate or to store it properly, or in cases where such warehouse is necessarily closed.

Charges for inspection.—The charges for inspection, upon receipt and delivery, shall be paid by the warehouseman and may be added to the charge of the storage. The chief inspector may recover such charges of the warehouseman by an appropriate action in his name.

1876, ch. 86, § 1. Acts 1876, ch. 86, § 1, enacted that storage of grain is a bailment.

SEC. 531. Withheld from storage.—In case any owner or consignee of grain shall be dissatisfied with the inspection of any lot of grain, or shall from any cause desire to receive his property without its passing into store, he shall be at liberty to have the same withheld from going into any public warehouse (whether the property may have previously been consigned to such warehouse or not) by giving notice to the person or corporation in whose possession it may be at the time of giving such notice; and such grain shall be withheld from going into store, and be delivered to him, subject only to such proper charges as may be a lien upon it prior to such notice — the grain in railroad cars to be removed therefrom by such owner or consignee within twenty-four (24) hours after such notice has been given to the railroad company having it in possession. *Provided*, such railroad company place the same in a proper and convenient place for unloading; and any person or corporation refusing to allow such owner or consignee to receive his grain shall be deemed guilty of conversion, and shall be liable to pay such owner or consignee double the value of the property so converted. Notice that such grain is not to be delivered into store may also be given to the proprietor or manager of any warehouse into which it would otherwise have been delivered, and if, after such notice, it be taken into store in such warehouse, the proprietor or manager of such warehouse shall be liable to the owner of such grain for double its market value.

1885, ch. 144, § 35.

RECEIPT FOR GRAIN.

SEC. 532. When to be given — Contents.—Upon application of the owner or consignee of grain stored in a public warehouse, the same being accompanied with evidence that all transportation or other charges, which may be a lien upon the grain, including charges for inspection and weighing, have been paid, the warehouseman shall issue to the person entitled to receive it a warehouse receipt therefor, subject to the order of the owner or consignee,

MINNESOTA STATUTES 1891

STATE OFFICERS — RAILROAD AND WAREHOUSE COMMISSION. [SECS. 533-535.]

which receipt shall bear date corresponding with the receipt of the grain in store, and shall state upon its face the quantity and inspected grade of the grain, and that the grain mentioned on it, has been received into store to be stored with grain of the same grade by inspection, and that it is deliverable upon the return of the receipt properly endorsed by the person to whose order it was issued and the payment of proper charges for storage.

Numbered.— All warehouse receipts for grain issued by the same warehouse, shall be consecutively numbered, and no two receipts bearing the same number shall be issued from the same warehouse during any one year, except in case of a lost or destroyed receipt, in which case the new receipt shall bear the same date and number as the original, and shall be plainly marked on its face "duplicate."

Contents.— If the grain was received from railroad cars, the number of each car shall be stated upon the receipt with the amount it contained, if from barges or other vessels, the name of such craft, if from team or by other means, the manner of its receipt shall be stated on its face.

1885, ch. 144, § 6. Acts 1876, ch. 86, § 2, required the receipt to state "advance made" if such was the fact, and prohibited issuance of false or fraudulent receipts, and provided when same should be negotiable.

SEC. 533. Same — When cancelled.— Upon the delivery of grain from store upon any receipt, such receipt shall be plainly marked across its face the word "cancelled," with the name of the person cancelling the same, and shall thereafter be void, and shall not again be put in circulation, nor shall grain be delivered twice upon the same receipt.

When receipt to be issued.— No warehouse receipt shall be issued, except upon actual delivery of grain into store in the warehouse from which it purports to be issued, and which is to be represented by the receipts. Nor shall any receipt be issued for a greater quantity of grain than was contained in the lot or parcel stated to have been received. Nor shall more than one receipt be issued for the same lot of grain, except in cases where receipt for a part of a lot is desired, and then the aggregate receipt for a particular lot shall cover that lot and no more.

New receipt.— In cases where a part of the grain represented by the receipt is delivered out of store, and the remainder is left, a new receipt may be issued for such remainder, but the new receipt shall bear the same date as the original, and shall state on the face that it is balance of receipt of the original number, and the receipt upon which a part has been delivered, shall be cancelled in the same manner as if it had all been delivered. In case it be desirable to divide one receipt into two or more, or in case it be desirable to consolidate two or more receipts into one, and the warehouseman consents thereto, the original receipt shall be cancelled the same as if the grain had been delivered from [the] store, and the new receipts shall express on their face that they are a part of another receipt or a consolidation of other receipts, as the case may be, and the numbers of the original receipts shall also appear upon the new ones, issued as explanatory of the change, but no consolidation of receipts of dates differing more than ten (10) days shall be permitted. And all new receipts issued for old ones cancelled as herein provided, shall bear the same date as those originally issued as near as may be.

1885, ch. 144, § 7.

SEC. 534. Not to limit liability.— No warehouseman in the state shall insert in any receipt issued by him any language in anywise limiting or modifying his liabilities or responsibility as imposed by the laws of this state.

1885, ch. 144, § 8.

SEC. 535. Delivery of grain to holder of receipt.— On the return of any warehouse receipt by him, properly endorsed and the tender of all proper

MINNESOTA STATUTES 1891

SEC. 536.] STATE OFFICERS—RAILROAD AND WAREHOUSE COMMISSION.

charges upon the property represented by it, such property shall be immediately delivered to the holder of such receipt, and it shall not be subject to any further charges for storage after demand for such delivery shall have been made, and the property represented by such receipt shall be delivered within twenty-four (24) hours after such demand shall have been made, and the cars or vessels for the same shall have been furnished.

The warehouseman in default shall be liable to the owner of such receipt for damages for such default in the sum of one (1) cent per bushel, and in addition thereto one (1) cent per bushel for each and every day of such neglect or refusal to deliver; *provided*, no warehouseman shall be held to be in default in delivering if the property is delivered in the order demanded, and as rapidly as due diligence, care and prudence will justify.

1885, ch. 144, § 9. Acts 1876, ch. 86, § 3, provided for return of the property, and a failure to deliver to be punished as guilty of larceny; and authorized actions for recovery.

MIXING GRAIN.

SEC. 536. **When unlawful.**—It shall not be lawful for any public warehouseman to mix any grain of different grades together or to select different qualities of the same grade for the purpose of storing or delivering the same. Nor shall he attempt to deliver grain of one grade for another, or in any way tamper with grain while in his possession or custody, with a view of securing any profit to himself or any other person. And in no case, even of grain stored in a separate bin, shall he be permitted to mix grain of different grades together while in store. He may, however, on request of the owner of any grain stored in a private bin, be permitted to dry, clean, or otherwise improve the condition or value of any such lot of grain; but in such case it shall only be delivered as such separate lot, or as the grade it was originally inspected when received by him, without reference to the grade it may be as improved by such process of drying or cleaning. Nothing in this section, however, shall prevent any warehouseman from removing grain while within his warehouse for its preservation or safe keeping.

Damage to grain.—No public warehouseman shall be held responsible for any loss or damage to property by fire while in his custody, provided reasonable care and vigilance be exercised to protect and preserve the same, nor shall he be held liable for damage to grain by heating, if it can be shown that he has exercised proper care in handling and storing the same, and that such heat or damage was the result of causes beyond his control, and in order that no injustice may result to the holder of grain in any public warehouse of Minneapolis, St. Paul, and Duluth, it shall be deemed the duty of such warehouseman to dispose of by delivery or shipping in the ordinary and legal manner of so delivering that grain of any particular grade which was first received by them or which has been for the longest time in store in his warehouse, and unless public notice has been given that some portion of the grain in his warehouse is out of condition, or becoming so, such warehouseman shall deliver grain of quality equal to that received by him, on all receipts as presented.

Public notice.—In case, however, any warehouseman of Minneapolis, St. Paul, and Duluth, shall discover that any portion of the grain in his warehouse is out of condition, or becoming so, and it is not in his power to preserve the same, he shall immediately give public notice by advertising in a daily newspaper in the city in which such warehouse is situated, and by posting a notice in the most public place (for such purpose) in such city, of its actual condition as near as he can ascertain. It shall state in such notice the kind and grade of the grain, and the bins in which it is stored, and shall also state in such notice the receipts outstanding upon which such grain will be delivered, giving the numbers, amounts and dates of each, which receipts shall be those of the oldest dates then in circulation or uncanceled, the grain repre-

MINNESOTA STATUTES 1891

STATE OFFICERS — RAILROAD AND WAREHOUSE COMMISSION. [SEC. 537.]

mented by which has not previously been declared or receipted for as out of condition, or if the grain longest in store has not been receipted for, he shall so state, and shall give the name of the party for whom such grain was stored, the date it was received, and the amount of it, and the enumeration of receipts and identification of grain so discredited, shall embrace as near as may be as great a quantity of grain as is contained in such bins, and such grain shall be delivered upon the return and cancellation of the receipts, and the unreceipted grain upon the request of the owner or person in charge thereof.

Preserving grain.— Nothing herein contained shall be held to relieve the said warehouseman from exercising proper care and vigilance in preserving such grain after such publication of its condition, but such grain shall be kept separate and apart from all direct contact with other grain, and shall not be mixed with other grain while in store in such warehouse.

Negligence.— Any warehouseman guilty of any act or neglect, the effect of which is to depreciate property stored in the warehouse under his control, shall be held responsible as at common law or upon the bond of such warehouseman, and in addition thereto the license of such warehouseman, if his warehouse be in Minneapolis, St. Paul, or Duluth, shall be revoked.

Special bin.— Nothing in this section shall be so construed as to permit any warehouseman to deliver any grain stored in a special bin or by itself as provided in this act, to any but the owner of the lot, whether the same be represented by a warehouse receipt or otherwise.

Disposal of.— *In case the grain declared out of condition*, as herein provided for, shall not be removed from store by the owner thereof within two (2) months from the date of the notice of its being out of condition, it shall be lawful for the warehouseman where the grain is stored to sell the same at public auction, for account of said owner, by giving ten (10) days' public notice by advertisement in a newspaper (daily if there be such) published in the city or town where such warehouse is located.

1885, ch. 144, § 14. Acts 1871, ch. 25, prohibited the mixing of grain of an inferior grade with grain of a better grade under penalty of fine and imprisonment. Acts 1876, ch. 86, §§ 7 and 8, prohibited the mixing of grain of different grades or selecting different qualities, or attempting to deliver grain of one grade for another, or in any way tampering with the grain of other persons, under fine of not more than \$1,000 and imprisonment not exceeding five years.

EXAMINATION OF GRAIN.

SEC. 537. **Examination of grain and scales.**— All persons owning property, or who may be interested in the same in any public warehouse, and all duly authorized inspectors of such property shall at all times, during ordinary business hours, be at full liberty to examine any and all property stored in any public warehouse in this state, and all proper facilities shall be extended to such person by the warehouseman, his agents and servants for an examination, and all parts of the public warehouses shall be free for the inspection and examination of any person interested in property stored therein, or of any authorized inspector of such property. And all scales used for the weighing of property in public warehouses shall be subject to examination and test by any duly authorized inspector, weighmaster, or scaler of weights and measures, at any time when required by any person or persons, agent or agents whose property has been or is to be weighed on such scales. The expense of such test by an inspector or scaler to be paid by the warehouse proprietor if the scales are found incorrect, but not otherwise. Any warehouseman who may be guilty of continuing to use scales found to be in an imperfect or incorrect condition by such examination and test until the same shall have been pronounced correct and properly sealed, shall be liable to be proceeded against as hereinbefore provided.

1885, ch. 144, § 15.

MINNESOTA STATUTES 1891

SECS. 538-544.] STATE OFFICERS—RAILROAD AND WAREHOUSE COMMISSION.

WEIGHMASTER AND ASSISTANTS.

SEC. 538. **Appointment of.**— The railroad and warehouse commissioners shall appoint in all cities where there is state inspection of grain a state weighmaster and such assistants as shall be necessary.

1885, ch. 144, § 16.

SEC. 539. **Qualification.—Bond.**— Said state weighmaster and assistants shall not be a member of any board of trade or association of [any] like character; they shall give bonds in the sum of five thousand dollars (\$5,000), conditioned for the faithful discharge of their duties, and shall receive such compensation as the board of railroad and warehouse commissioners shall determine.

1885, ch. 144, § 19.

SEC. 540. **Exclusive right to weigh.**— Said state weighmaster and assistants shall, at the places aforesaid, supervise and have exclusive control of the weighing of grain and other property which may be subject to inspection; and the inspection of scales and the action and certificate of such weighmaster and assistants in the discharge of their aforesaid duties shall be conclusive upon all parties in interest.

1885, ch. 144, § 17.

SEC. 541. **Regulation for weighing.**— The railroad and warehouse commissioners shall adopt such rules and regulations for the weighing of grain and other property as they shall deem proper.

1885, ch. 144, § 20.

SEC. 542. **Refusing access to scales — Penalty.**— In case any person, warehouse or railroad corporation or any of their agents or employes shall refuse or prevent the aforesaid state weighmaster or either of his assistants from having access to their scales in the regular performance of their duties in supervising the weighing of any grain or other property in accordance with the tenor and meaning of this act, they shall forfeit the sum of one hundred dollars (\$100) for each offense, to be recovered in an action of debt before any justice of the peace, in the name of the state of Minnesota, such penalty or forfeiture to be paid to the state treasurer for the benefit of the grain inspection fund, and shall also be required to pay all costs of prosecution.

1885, ch. 144, § 21.

SEC. 543. **Fees for weighing.**— The board of railroad and warehouse commissioners shall fix the fees to be paid for the weighing of grain or other property, which fees shall be paid by the warehouseman and may be added to the charges for storage.

1885, ch. 144, § 18.

CHIEF INSPECTOR OF GRAIN.

SEC. 544. **Appointment — Term — Bond.**— It shall be the duty of the railroad and warehouse commissioners to appoint a suitable person as chief inspector of grain in the state of Minnesota, who shall hold his office for the term of two (2) years, unless sooner removed by said railroad and warehouse commissioners, who shall, before entering upon the duties of his office, take an oath of office, as in case of other state officers, and shall execute a bond to the state of Minnesota, in the penal sum of ten thousand (10,000) dollars, with good and sufficient sureties, to be approved by the railroad and warehouse commissioners, conditioned that he will faithfully and impartially discharge the duties of the office of chief inspector according to law and the rules and regulations of said railroad and warehouse commissioners, and that he will pay all damages to any person or persons who may be injured by reason of

MINNESOTA STATUTES 1891

STATE OFFICERS — RAILROAD AND WAREHOUSE COMMISSION. [SECS. 545-550.]

his neglect or failure to comply with the law or the rules and regulations aforesaid.

1885, ch. 144, § 22.

SEC. 545. Duties — Compensation.—The chief inspector of grain and all deputy inspectors shall be governed in their inspection duties by such rules and regulations as may be provided by the railroad and warehouse commissioners; and the said commissioners shall have power to fix the rate of charges for inspection of grain, and the manner in which the same shall be collected, and which charges shall be regulated in such manner as will in the judgment of said commissioners produce sufficient revenue to meet the necessary expenses of the inspection service, and no more. Said railroad and warehouse commissioners shall fix the amount of compensation to be paid to the chief inspector and deputy inspectors, and prescribe the time and manner of payment thereof; which compensation shall be paid out of the grain inspection fund, hereinafter created, on the order of the railroad and warehouse commissioners.

1885, ch. 144, § 27.

SEC. 546. Not interested.—No chief inspector or deputy inspector of grain shall, during his term of service, be interested, directly or indirectly, in the handling, storing, shipping, purchasing or selling of grain, nor shall he be in the employment of any person or corporation interested in the handling, storing, shipping, purchasing or selling of grain.

1885, ch. 144, § 28. This provision was in § 1, ch. 31, acts 1874.

SEC. 547. Neglect of duty.—Any duly authorized inspector or deputy inspector of grain, who shall be guilty of any neglect of duty, or who shall knowingly or carelessly inspect or grade any grain improperly, or who shall accept any money, or other consideration, directly or indirectly, for any neglect of duty or any improper performance of duty as such inspector of grain, or any person who shall improperly influence any inspector of grain in the performance of his duty as such inspector shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not less than one hundred (100) dollars nor more than one thousand (1,000) dollars, or shall be imprisoned in the county jail not less than thirty (30) days nor more than one (1) year, or both in the discretion of the court.

1885, ch. 144, § 31.

SEC. 548. Complaint against.—Upon complaint in writing of any person to the railroad and warehouse commissioners, supported by reasonable and satisfactory proof, that the chief inspector or any of his deputies have violated any of the rules prescribed for his government, or has been guilty of any improper official act, or has been found inefficient or incompetent for the duties of his position, said person shall be by said railroad and warehouse commissioners immediately removed from office.

1885, ch. 144, § 29.

SEC. 549. Deputy inspectors.—Said chief inspector shall appoint, subject to the approval of the railroad and warehouse commissioners, such number of deputy inspectors as may be required. One of which deputies in each of the cities of St. Paul and Minneapolis, and the village of Duluth, shall be denominated and styled chief deputy.

1885, ch. 144, § 23.

SEC. 550. Deputy to take oath and give bond.—Such deputy inspectors shall take a like oath of office to that required from the chief inspector, and shall give a bond to the state of Minnesota, in the penal sum of five thousand (5,000) dollars, with such good and sufficient securities as may be approved by the railroad and warehouse commissioners, and conditioned in

like manner as the railroad and warehouse commissioners require from the chief inspector.

1885, ch. 144, § 24.

SEC. 551. Removal of deputy.— The chief inspector shall have power to remove any of the deputy inspectors at pleasure, and said deputy inspectors shall act under the immediate control and supervision of said chief inspector.

1885, ch. 144, § 26.

SEC. 552. Assuming to act without appointment.— Any person who shall assume to act as an inspector of grain, who has not first been so appointed and sworn, shall be held to be an impostor, and shall be punished by a fine of not less than fifty (50) dollars nor more than one hundred (100) dollars, for each and every attempt to so inspect grain, to be recovered before a justice of the peace in an action of debt in the name of the state of Minnesota, for the use of any person choosing to sue.

1885, ch. 144, § 30.

SEC. 553. Bonds filed with secretary of state.— The bonds given by the chief inspector and the deputy inspectors shall be filed in the office of the secretary of state for the state of Minnesota, and suit may be brought upon said bond or bonds in any court having jurisdiction thereof, for the use of the person or persons so injured.

1885, ch. 144, § 25.

GRADE OF GRAIN.

SEC. 554. Commission to establish grades.— The railroad and warehouse commissioners shall before the fifteenth (15th) day of September in each year establish a grade for all kinds of grain bought or handled by any public warehouse in the state, which shall be known as "Minnesota grades," and the grades so established shall be published in some daily newspaper, in each of the three places of St. Paul, Minneapolis and Duluth, each day for the space of one week.

1885, ch. 144, § 37.

SEC. 555. Decision of grade of grain.— The decision of the chief inspector or any of the deputy inspectors as to [the] grade of grain shall be final and binding on all parties, unless an appeal is taken from such decision as hereinafter provided.

1885, ch. 144, § 33.

SEC. 556. Appeal from such decision.— In case any owner, consignee or shipper of grain, or any warehouse manager shall be aggrieved by the decision of the chief inspector or any of his deputies, an appeal may be had to the railroad and warehouse commissioners and a decision of a majority of such commissioners shall be final, and the railroad and warehouse commissioners are authorized to make all necessary rules governing such appeal; *provided*, that the party appealing shall pay to the chief inspector a sum not to exceed five (5) dollars per case before said case be entertained, which sum shall be refunded in case such case is sustained.

1885, ch. 144, § 34.

SEC. 557. Samples for elevator or warehouse.— It shall be the duty of the chief inspector of grain to furnish any elevator or warehouse in this State standard samples of grain as established by the official inspection, when requested so to do by the proprietor, lessee or manager thereof, at the actual cost of such sample.

1885, ch. 144, § 38.

SEC. 558. Selling grain by samples.— Nothing in this act shall be so construed as to prevent any person from selling grain by sample regardless of grade.

1885, ch. 144, § 44.

MINNESOTA STATUTES 1891

STATE OFFICERS — RAILROAD AND WAREHOUSE COMMISSION. [SECS. 559-564.]

FEEs.

SEC. 559. **Lien, inspection and weighing.**—The charge for the inspection and weighing of grain shall be and constitute a lien on grain so inspected, and whenever such grain is in transit the said charges shall be treated as advanced charges, to be paid by the common carrier in whose possession the same is at the time of inspection.

1885, ch. 144, § 32.

SEC. 560. **Fees to be paid into treasury.**—All moneys collected by state grain inspectors, weighmasters, and other officers, as herein provided for, shall by them be paid into the state treasury.

1885, ch. 144, § 41.

SEC. 561. **Treasurer to receive.**—It shall be the duty of the treasurer of the state of Minnesota to receive all moneys aforesaid, and all fines and penalties collected by virtue of this act, and to keep a separate account of the same, and to pay the same on the order of the railroad and warehouse commissioners, and not otherwise.

1885, ch. 144, § 42.

SEC. 562. **For salaries and expenses.**—That all moneys paid into the state treasury for, on account of, or by reason of any of the provisions of an act of the legislature entitled "An act to regulate warehouses, inspection, weighing and handling of grain" (or so much thereof as may be necessary), be and the same hereby are annually appropriated for the purpose of paying the salaries, fees and expenses provided for in and contemplated by said act.

1885, ch. 250. Approved March 9th.

EXPORTING GRAIN.

SEC. 563. **Receipt for.**—That all common carriers doing business within this state engaged in the transportation of grain, shall, when requested, give a receipt for the number of bushels or pounds of grain delivered to them for transportation, and shall deliver the number of bushels or pounds so receipted for to the consignee thereof, or to the line or lines or common carrier with which they may connect, or to which they may deliver the same to be forwarded to the point of destination, less the usual loss from transportation, not exceeding forty-five pounds to each car.

1875, ch. 88, § 1: "An act for the protection of exporters of grain from this state." Approved March 4th. In force September 1, 1875.

SEC. 564. **Penalties.**—That any such common carrier, or the agent of such common carrier, who shall refuse to give a receipt as herein provided for, shall pay a fine of not more than fifty dollars nor less than ten dollars for each and every violation of this act, to be recovered before any justice of the peace; and any such common carrier refusing or neglecting to deliver the amount of grain so receipted for to the consignee thereof, or to the common carrier to which such grain may be delivered to be carried to the point of destination, shall, in addition to the civil liability of such common carrier for all loss or shrinkage, except as above provided, be subject to a penalty of not less than fifty dollars, nor more than one hundred dollars, for each and every such refusal or neglect, to be recovered before any justice of the peace.

Prosecutions in name of state.—All prosecutions under the provisions of this act shall be carried on in the name of the state, and be prosecuted under the direction of the attorney general.

1875, ch. 88, §§ 2, 3.

MINNESOTA STATUTES 1891

SECS. 565-569.]

STATE OFFICERS — LUNACY COMMISSION.

COLORING GRAIN.

SEC. 565. Prohibited.—No person shall subject, or procure to be subjected, any barley or other grain, to fumigation by sulphur or other material, or to any other chemical process affecting the color of such barley or grain.

1879, ch. 73, § 1: "An act to prevent fraud by coloring grain." Approved March 6, 1879.

SEC. 566. Sale forbidden.—No person shall sell or offer for sale, any barley or other grain which shall have been subjected to fumigation or other process mentioned in the last section, knowing the same to have been so subjected.

1879, ch. 73, § 2.

SEC. 567. Punishment.—Any person violating the provisions of this act, shall, upon conviction thereof, be punished by a fine not exceeding five hundred dollars, or imprisonment, not exceeding one year in the State Prison, or both such fine and imprisonment, and shall be liable to treble the damages sustained by any person injured by such violation.

1879, ch. 73, § 3.

SEC. 568. Warehouse receipts negotiable.—Warehouse receipts, given for any goods, wares and merchandise, grain, flour, produce or other commodity, stored or deposited with any warehouseman, or other person or corporation in this state, or bills of lading, or receipt for the same when in transit by cars or vessels to any such warehouseman or other person, shall be negotiable, and may be transferred by endorsement and delivery of such receipt or bill of lading; and any person to whom the said receipt or bill of lading may be transferred, shall be deemed and taken to be the owner of the goods, wares or merchandise therein specified, so as to give security and validity to any lien created on the same, subject to the payment of freight and charges thereon. *Provided*, that all warehouse receipts or bills of lading, which shall have the words "not negotiable" plainly written or stamped on the face thereof, shall be exempt from the provisions of this act.

1876, ch. 86, § 5: "An act to regulate the storage of grain." Approved March 3, 1876. This act contains eight sections, all of which seem to be superseded by preceding sections, except this section, which is not limited to receipts for grain, and may for that reason impinge on constitution.

TITLE 18.

LUNACY COMMISSION.

SEC. 569. Appointment—Powers—Expenses.—The Governor shall appoint a commission of three doctors, one of whom shall be a member of the State Board of Health, who shall serve for a period of two years or until their successors shall be appointed, who shall constitute a commission whose duty it shall be to visit the several Minnesota hospitals for the insane at least once every six months of each year, or upon the written request of the Governor of the State, and inspect said hospitals as to the sanitary condition and the general management of the same, and also to examine into the mental and physical condition of the patients therein, frequency, manner and cause of punishment, elopements, deaths, and such other matters as may fall within the scope of a thorough hospital inspection, and report in detail to the Governor within ten days after each and every such inspection is made.* Said commissioners shall be known and designated as the Lunacy Commission, and shall receive for their said services and expenses the sum of one hundred (100) dollars per annum each; for which the State Auditor shall draw his warrant on the State Treasurer, payable out of the General Fund.

1879, ch. 31, § 1, as amended 1881, Ex. S. ch. 40. Amendment below *. Acts 1879, ch. 31, amended acts 1874, ch. 19, § 3, as amended 1877, ch. 42, § 4. Act 1874, ch. 19, was an act to

MINNESOTA STATUTES 1891

STATE OFFICERS — LUNACY COMMISSION.

[SECS. 570-574.]

abolish the distinction between public and private patients in the insane hospitals, section 3 of which only provided that the act take effect from passage. Acts 1877, ch. 42, amended this section 3 by providing for a commission of two members of the Board of Health and superintendent of hospital for insane, to examine hospital every six months and examine the patients and determine whether any "are not insane, but idiotic or weak-minded, or harmlessly demented or imbecile," and cause the return of such persons to the county whence they came; but if such county has not proper facilities "for the care of such weak-minded or demented patients" they may be retained in the hospital on the condition that the county pay all the expenses "for keeping said patients in said hospital." These provisions were amended by acts 1879, ch. 31.

SEC. 570. Authority to remand patients.—Should the said commission find, upon visiting either of the said hospitals, any patient or patients whose insanity they have reason to doubt, said commission shall have the authority to remand such patient or patients to the Probate Court, from which they were committed respectively, there to be detained a reasonable time under proper surveillance, when, if such judge shall be satisfied of his or her sanity, he or she shall be discharged by order of said court; otherwise he or she shall be recommitted to the hospital for the insane. *Provided*, that said commission shall have no authority to discharge any patient committed to either of the insane asylums in this State and charged with crime.

1879, ch. 31, § 2.

SEC. 571. Transfer to deaf, dumb and blind asylum.—It shall further be the duty of said commission to select from the patients of the insane hospitals such idiotic and feeble-minded children and youths who, in their opinion, are proper subjects for training and instruction and transfer the same to the trustees of the asylum for the deaf, dumb and the blind at Faribault.

1879, ch. 31, § 3.

SEC. 572. Duty of trustees.—The trustees of the asylum for the deaf, dumb and the blind are hereby authorized to receive such weak-minded and idiotic children and youths as may be sent them under the provisions of this act, and make provisions for the maintenance of said children and youths, and are required to lease for a term not exceeding two years, a proper building or rooms for the same, and to provide a competent teacher and attendants for said children and youths, and to establish such rules and regulations as may be necessary for the instruction, training and government of said children and youths.

1879, ch. 31, § 4.

SEC. 573. Removal to parents.—In case any children and youths so received shall be found, upon trial, incapable of receiving any benefit from such instruction and training, or when in the opinion of the superintendent of said asylum it shall be better for the welfare of any child or youth to be removed from said asylum, the said superintendent shall have full power to remand any such child or youth to the parents thereof or to the board of commissioners of the county from which the child or youth was sent.

1879, ch. 31, § 5.

SEC. 574. Exception.—That nothing herein contained shall be construed as establishing a permanent institution for the support and education of the persons herein named.

1879, ch. 31, § 6.

MINNESOTA STATUTES 1891

SECS. 575-579.] STATE OFFICERS — STATE BOARD OF HEALTH.

TITLE 19.

STATE BOARD OF HEALTH.

SEC. 575. **Appointment.**—The governor shall appoint seven physicians, one from the city of St. Paul, and the other six from different sections of the state, who shall constitute the state board of health and vital statistics. The physicians so appointed shall hold their offices for four years, and until their successors are appointed, and all vacancies in the board shall be filled by the governor.

1872, ch. 15, § 1: "An act to establish a state board of health." Approved March 4, 1872.

SEC. 576. **Duties.**—The state board of health shall place themselves in communication with the local board[s] of health, the hospitals, asylums, and public institutions throughout the state, and shall take cognizance of the interests of health and life among the citizens generally. They shall make sanitary investigations and inquiries respecting the causes of disease, especially [of] epidemics; the source of mortality, and the effects of localities, employments, conditions and circumstances on the public health; and they shall gather such information in respect to these matters as they may deem proper for diffusion among the people. They shall devise some scheme whereby medical and vital statistics of sanitary value may be obtained, and act as an advisory board to the state in all hygienic and medical matters, especially such as relate to the location, construction, sewerage and administrations of prisons, hospitals, asylums and other public institutions. They shall at each annual session of the legislature make a report of their doings, investigations and discoveries, with such suggestions as to legislative action as they may deem proper. They shall also have charge of all matters pertaining to quarantine, and authority to enact and enforce such measures as may be necessary to the public health.

1872, ch. 15, § 2.

SEC. 577. **Meetings — President — Secretary.**—The board shall hold regular meetings at least once every three months, one of which meetings shall be held in the capitol during the session of the legislature. Their first meeting shall be held at the capitol within ten days after their appointment shall have been made, and three members shall always constitute a quorum for business. They shall elect, from their own number, a president and permanent secretary; the latter shall be their executive officer. No member, except the secretary, shall receive any compensation; but the actual expenses of any and all the members, while engaged in the duties of the board, shall be allowed and paid to the extent authorized by this act.

1872, ch. 15, § 3.

SEC. 578. **Duties of secretary.**—The secretary shall 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 legislature when in session such information cognate to this act as from time to time they may deem necessary.

1872, ch. 15, § 4.

SEC. 579. **Salary and expenses.**—The secretary of the board shall receive from the treasury, in quarterly payments, an annual salary of twenty-five hundred dollars, and his necessary and actual traveling expenses incurred in the performance of official duties, after they have been audited by the board and approved by the governor; and all other necessary expenses arising in his office shall be paid out of the treasury in the same manner as those of the

MINNESOTA STATUTES 1891

STATE OFFICERS — STATE BOARD OF HEALTH. [SECS. 580-583.

different departments of state government: *provided*, that the expenses of said board shall not exceed the sum of fifteen hundred dollars per annum.

1872, ch. 15, § 5, as amended 1873, ch. 7; 1881, Ex. S. ch. 21; 1885, ch. 93. Laws 1872, ch. 15, gave secretary salary of \$200, and limited expenses of board to \$500 per annum. 1873, ch. 7, increased salary to \$500 and expenses not to exceed \$1,500. 1881, Ex. S. ch. 21, increased salary to \$1,000, and 1885, ch. 93, to \$2,500.

INFECTIOUS AND EPIDEMIC DISEASES.

SEC. 580. State board to make regulations.— 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, ch. 132, § 1: "An act relating to infectious and epidemic diseases and the preservation of the public health." Approved March 3, 1883.

SEC. 581. And publish same.— 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.

1883, ch. 132, § 2.

SEC. 582. Local boards to execute.— 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 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.

1883, ch. 132, § 3.

SEC. 583. Orders of state board to be obeyed.— 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

MINNESOTA STATUTES 1891

SECS. 584-586.] STATE OFFICERS — STATE BOARD OF HEALTH.

be fined in a sum not less than twenty-five (25) dollars, or more than one hundred (100) dollars, and shall become disqualified from holding the office of a member of the board of health.

1883, ch. 132, § 10.

SEC. 584. Local boards act together.—The State Board of Health may, by order, require any two (2) or more local boards to act together for the purposes of the provisions of this act, for the prevention of epidemic diseases.

1883, ch. 132, § 14.

SEC. 585. Local boards of health—How constituted.—The town supervisors of each town together with a physician, to be employed by said supervisors when in their judgment necessary, or when ordered by the state board of health, shall constitute a board of health, and all villages, boroughs and cities shall have a board of health, to be chosen and to consist of the number hereafter provided, anything in the charter of any such village, borough or city to the contrary notwithstanding; such boards shall, within their respective towns, villages, boroughs and cities, have and exercise all the powers necessary for preservation of the public health. Said village, borough or city board shall consist of not less than three (3) members, one (1) of whom shall be a physician, and such physician shall be health officer and executive of the board, and shall receive such compensation for his services as the council, or other body answering thereto, of the village, borough or city, shall determine. Said board shall be elected by the council, or other body answering thereto, of each village, borough and city, on the first (1) Monday of April A. D. one thousand eight hundred and eighty-five (1885). One member of such board shall be elected for and hold such office for the term of three (3) years, one for two (2) years, and one for one (1) year, and one member of such board shall be so elected annually thereafter, and all vacancies occurring in said board shall be filled in like manner. 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 to make once in each year, in the month of May, and oftener if necessary, a thorough sanitary inspection of said town, village or 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 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 (\$100), or by imprisonment in the county jail not exceeding three (3) months.

1883, ch. 132, § 4, as amended 1885, ch. 4, approved March 7th. Amendment provided for the town board and terms of office of all boards. This section supersedes G. S. ch. 10, § 51 (55), and acts 1873, ch. 8, § 2, and G. S. ch. 10, § 52 (56), creating and governing local board of health for townships, and also supersedes and contains the substance of §§ 1, 2, 3, 4, ch. 8, acts 1873, as amended 1881, Ex. S. ch. 11, providing for board of health in towns, villages and boroughs. Duties of local boards of health as to contagious or infectious diseases among animals and regulation of offensive trades and employments, see ch. 10.

SEC. 586. Publish orders and regulations.—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 (5) public places therein; and such publication of said orders and regulations shall be deemed a legal notice to all persons.

1883, ch. 132, § 5. This section supersedes and substantially same as G. S. ch. 10, § 53 (57).

MINNESOTA STATUTES 1891

STATE OFFICERS — STATE BOARD OF HEALTH. [SECS. 587-592.]

SEC. 587. May employ physicians and help.— 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.

1883, ch. 132, § 28.

NUISANCES.

SEC. 588. Abatement of.— 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 (24) hours; and if the owner or occupant neglects so to do, he shall forfeit a sum not exceeding fifty dollars (\$50), to be recovered in the name of and for the use of the town, city or village.

1883, ch. 132, § 6. This section supersedes and substantially same as G. S. ch. 10, § 54 (58).

SEC. 589. Failure of occupant to abate.— 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.

1883, ch. 132, § 7. This section supersedes and same as G. S. ch. 10, § 55 (59).

SEC. 590. Complaint to justice of peace.— 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.

1883, ch. 132, § 8. This section supersedes and same as G. S. ch. 10, § 56 (60).

SEC. 591. Warrant to abate.— 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 (2) 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.

1883, ch. 132, § 9. This section supersedes and same as G. S. ch. 10, § 61 (57).

DISINFECTING.

SEC. 592. Notice and proceedings.— 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 (25) dollars nor more than one hundred (100) 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

MINNESOTA STATUTES 1891

SECS. 593-596.] STATE OFFICERS — STATE BOARD OF HEALTH.

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 purposes 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.

1883, ch. 132, § 11.

SEC. 593. Destruction of infected articles.— 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.

1883, ch. 132, § 12.

HOSPITAL FOR INFECTIOUS DISEASES.

SEC. 594. How provided.— 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 (1) 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 wilfully disobeys or obstructs the execution of said order shall be liable to a fine not exceeding fifty dollars (\$50), to be recovered on criminal complaint, and the sum so recovered shall be paid over to said board for general expenses thereof.

1883, ch. 132, § 13.

SEC. 595. Temporary, how provided.— 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.

1883, ch. 132, § 17. This section supersedes and same as § 60 (64), ch. 10, G. S.

VACCINATION.

SEC. 596. When required.— That every person being the parent or guardian, or having the care, custody or control, of any minor or other person, shall, to the extent of any means, power or authority of said parent,

MINNESOTA STATUTES 1891

STATE OFFICERS — STATE BOARD OF HEALTH. [SECS. 597-599.]

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.

1883, ch. 132, § 25.

QUARANTINE.

SEC. 597. How established.— [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.

1883, ch. 132, § 18. This section contains and supersedes § 1, ch. 137, acts 1877, as amended 1883, ch. 31, requiring quarantine and sanitary measures against scarlatina, scarlet fever, diphtheria and small-pox.

PREVENTING SPREAD OF CONTAGIOUS DISEASE.

SEC. 598. Precautions to be adopted.— 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 (\$5) nor more than twenty-five dollars (\$25) 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 (\$25) nor more than one hundred dollars (\$100) 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.

1883, ch. 132, § 19. This section supersedes and same as § 2, ch. 137, acts 1877, as amended 1883, ch. 31.

SEC. 599. Precautions for 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.

1883, ch. 132, § 26.

MINNESOTA STATUTES 1891.

SECS. 600-604.] STATE OFFICERS — STATE BOARD OF HEALTH.

REPORTS OF CONTAGIOUS DISEASE.

SEC. 600. Physicians to report — Disposition of fines.— 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 (24) hours; but not more than two (2) reports shall be required in one (1) week concerning the same person; but every attending physician thereat must see that such report is or has been made by some attending physician.

1883, ch. 132, § 20.

SEC. 601. Deaths to be reported.— 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 (24) hours thereafter, and to state in such report the specified [specific] name and type of such disease.

1883, ch. 132, § 21.

SEC. 602. Hotels, etc., to report.— That every keeper of any private house, boarding-house or lodging-house, and every inn keeper and hotel keeper shall, within twenty-four (24) 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.

1883, ch. 132, § 22.

SEC. 603. Every person having notice 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.

1883, ch. 132, § 23.

CARE OF STRANGERS INFECTED.

SEC. 604. Duties of local board.— 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 necessaries, 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

MINNESOTA STATUTES 1891

STATE OFFICERS — STATE BOARD OF HEALTH. [SECS. 605–608.]

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.

1883, ch. 132, § 15. This section supersedes and above * same as G. S. ch. 10, § 58 (62), as amended 1872, ch. 60. Acts 1887, ch. 216, appropriated \$500 for purposes named in this section, to be paid upon approval of State Board and Governor.

SEC. 605. **Same.**— 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.

1883, ch. 132, § 16. This section supersedes and same as § 59 (63), ch. 10 of G. S.

PERMITS.

SEC. 606. **To remove infected person.**— 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 (1) building to another, or from a vessel to the shore, or 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.

1883, ch. 132, § 24.

SEC. 607. **To bury.**— That no person shall allow to be retained unburied the dead body of any human being for a longer time than four (4) days, or where death has been caused by a contagious disease for a longer time than twenty-four (24) 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 enclosed 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.

1883, ch. 132, § 27.

EXPENSES.

SEC. 608. **How paid.**— All expenses so incurred for the control of infectious diseases, etc., by any town or village board of health shall hereafter be authorized by the county commissioner of the district wherein such town or village is situate, and when so authorized shall be audited by the county commissioners, and when so audited paid out of the county treasury by orders on the treasurer drawn by the county auditor and paid out of the general revenue fund of the county as other claims against the county are paid. All expenses incurred by any city board of health shall in the first instance be borne by and paid out of the city treasury. The proper authorities of said city shall certify the amount required to reimburse said city 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 the treasurer of such city.

Not to apply.—*Provided*, that the provisions of this act shall not apply to the cities of Minneapolis or St. Paul.

1883, ch. 132, § 29, as amended 1885, ch. 4, § 2; 1889, ch. 178. Amendment of 1885 provided that county commissioners should audit the expenses, and limited the certifying for reimbursement to cities as above. Amendment of 1889 provides that the commissioners should authorize as well as audit.

PENALTIES.

SEC. 609. For violating this act.— 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 (\$100) or imprisonment not to exceed thirty (30) 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.

1883, ch. 132, § 30. This section supersedes § 3, ch. 137, acts 1877.

POLLUTION OF WATER SUPPLY.

SEC. 610. Prohibited.— No sewage, drainage, or refuse or polluting matter of such kind as either by itself or in connection with other matter will corrupt or impair the quality of the water of any spring, well, pond, lake, stream or river for domestic use, or render it injurious to health, and no human or animal excrement shall be placed in or discharged into, or placed or deposited upon the ice of any pond, lake, stream or river, used as a source of water supply by any town, village or city; nor shall any such sewage, drainage, refuse, or polluting matter or excrement be placed upon the banks of any such pond, lake, stream or river, within five miles above the point where such supply is taken, or into any feeders or the banks thereof, of any such pond, lake, stream or river; *provided*, nothing in this section contained shall apply to Lake Superior.

1885, ch. 225, § 1: "An act to prevent the pollution of rivers and sources of water supply." Approved March 7, 1885.

SEC. 611. State board of health — Duties of.— The state board of health shall have the general supervision of all springs, wells, ponds, lakes, streams or rivers used by any town, village or city as a source of water supply, with reference to their purity, together with the waters feeding the same, and shall examine the same from time to time, and inquire what, if any, pollution exist, and their causes. In case of a violation of any of the provisions of section one (1) of this act, said board may appoint a time and place for hearing parties to be affected, and shall give due notice thereof, as hereinafter provided, to such parties, and after such hearing, if in its judgment the public health requires it, may order any person or corporation, or municipal corporation, to desist from the acts causing such pollution, and may direct any such person or corporation to remedy the pollution, or to cleanse or purify the polluting substances in such a manner and to such a degree as shall be directed by said board, before being cast or allowed to flow into the waters thereby polluted, or placed or deposited upon the ice or banks of any of the bodies of water in the first section of this act mentioned. Upon the application of the proper officers of any town, village or city, or of not less than — legal voters of any such town, village or city, to said state board, alleging the pollution of the water supply of any such town, village or city, by the violation of any of the provisions of this act, said state board shall investigate the alleged pollution, and shall appoint a time and place when and where it will hear and examine the matter, and shall give notice of such hearing and examination to the complainant, and also to the person or corporation, or municipal corporation alleged to have caused such pollution, and such notice shall be served

not less than ten (10) days prior to the time so appointed, and shall be served in the same manner that now is or hereafter may be by law provided for the service of a summons in a civil action in the district court. Said board, if in its judgment any of the provisions of this act have been violated, shall issue the order or orders already mentioned in this section.

1885, ch. 225, § 2.

SEC. 612. Injunction.—The district court, or the judge thereof, may, upon the complaint of said state board, or of the proper authorities of any town, city or village whose sources of water supply shall be so polluted, issue an injunction to enforce the order of said state board.

1885, ch. 225, § 3.

SEC. 613. Appeal.—Such orders of the state board shall be served upon the persons, corporations, or municipal corporations found to have violated any of the provisions of this act, and any party aggrieved thereby shall have the right to appeal to the district court of the county in which is situate the town, village or city whose source of water supply is found to have been polluted, and such aggrieved party shall have the right to a trial by jury in the same manner as in a civil action in said court. During the pendency of the appeal, the pollution against which the order has issued shall not be continued contrary to the order of the state board, and upon violation of the order the appeal shall forthwith be dismissed.

1885, ch. 225, § 4.

SEC. 614. Manner of appealing.—Any person, corporation or municipal corporation desiring to appeal from any such order of the state board, shall, within thirty (30) days after the service upon him or it of a copy of such order, file in the office of the clerk of the district court of the proper county, a notice of such appeal, together with a bond in the sum of not less than two thousand (2,000) dollars, with two (2) sureties, to be approved by the judge of said court, conditioned for the prosecution of such appeal to judgment, and for the payment of all the costs and disbursements that may be adjudged against him or it therein, and shall, within three (3) days after such filing, serve a copy of such notice and bond upon the secretary of said board; and said secretary shall, within ten (10) days thereafter, deliver such copies so served upon him to the mayor or other chief executive officer of any such city, village or town, whose source of water supply has been found to have been so polluted.

1885, ch. 225, § 5.

SEC. 615. Reports for board of health.—Water boards, water commissioners, water companies, and the proper officers of any city, village or town making use as a source of water supply, of any well, spring, pond, lake, stream, river, reservoir or well, within, or partly within, this state, and distributing the waters thereof for public, domestic and general uses, shall, from time to time, and whenever required by said state board, make returns to said board, upon blanks to be furnished by it, of such matters as may be required by said board and called for by such blanks, and any such water board, water commissioner, water company, or officers of any city, village or town, who shall, for the space of thirty (30) days after being furnished with such blanks, fail or neglect to make any such report so required, shall, for each and every such neglect or failure, forfeit and pay the sum of one hundred (100) dollars, for the use of the local board of health, or the proper officer acting as such, of the city, town or village where such delinquent has its principal office. Said state board shall, in the name of the state, prosecute in the district court of the proper county an action for the recovery of the penalty or forfeit herein imposed.

1885, ch. 225, § 6.

MINNESOTA STATUTES 1891

SECS. 616-619.] STATE OFFICERS—INSPECTORS OF STEAM VESSELS, ETC.

MISSISSIPPI RIVER.

SEC. 616. **Protection of.**—That it shall not be lawful to cast, throw or empty, or cause, suffer or procure to be cast, thrown or emptied from mills of any kind whatever, any slabs, edgings or timber, sound or unsound, or by falling or throwing any tree into the Mississippi river. *Provided*, nothing in this bill will prevent persons from depositing mill waste of any kind for the purpose of building or extending wharves or yard room in any city or town on the Mississippi river.

1879, ch. 104, § 1: "An act to protect the Mississippi river from injury to navigation." Approved March 8. In force from and after June 1, 1879.

SEC. 617. **Penalties.**—That any person, persons or corporations offending against the provisions of this act, shall for each and every such offense, forfeit and pay a penalty not exceeding fifty (50) dollars, besides such further sum as may be found in any action for the recovery of the penalty or penalties, to the extent of any expense in making good the damage incurred or removing to a proper place the things deposited in violation of this act, such penalty to be recoverable in any of the courts in this State having jurisdiction thereof.

1879, ch. 104, § 2.

TITLE 20.

BOARD OF INSPECTORS OF STEAM VESSELS AND STEAM BOILERS.

1881, ch. 111, first law, amended 1883, ch. 70. Repealed and superseded by 1885, ch. 148, which act was in turn repealed by acts 1889, ch. 253.

SEC. 618. **Appointment — Term — Report — Duties.**—Within sixty (60) days after the passage of this act, and biennially thereafter, there shall be appointed by the governor a board of five (5) inspectors, one of whom shall reside in each congressional district, whose duty it shall be to inspect all steam boilers in use within the state, not subject to inspection under the laws of the United States, and not hereinafter excepted, and to examine and grant certificates of license to steam engineers entrusted with the care and management of steam boilers. Said inspectors shall examine and license all masters and pilots on inland waters of the state, and such examination shall be conducted, as near as may be, pursuant to the rules and regulations provided by the laws of the United States for the examination of masters and pilots.

Said inspectors shall hold their respective offices for two years from the first day of February, A. D. one thousand eight hundred and eighty-nine (1889), and until their successors are appointed and qualified, unless sooner removed by the governor. Said inspectors shall annually on or before the thirty-first (31st) day of January, render a report to the secretary of state, and to the legislature, showing a detailed statement of the number of inspections made, licenses issued, and the amount of fees received therefor, also showing the amount of disbursements of their offices.

1889, ch. 253, § 1: "An act to provide for the better protection of life and property by establishing a board of inspectors to inspect steam vessels and steam boilers, and provide for the licensing of engineers of steam-engines, and masters and pilots of steamboats on the inland waters of the state, and to repeal ch. 148, General Laws 1885." Approved April 24, 1889. Supersedes 1881, ch. 111, § 1; 1885, ch. 148, § 1. Acts 1881, ch. 111, § 1, provided for appointment of three inspectors to inspect steam boilers only, and hold office for three years. Acts 1885, ch. 148, § 1, provided for appointment of three inspectors, to hold office for three years, to inspect steam boilers not subject to inspection under United States laws.

SEC. 619. **Eligibility.**—No person shall be eligible to hold the office of inspector of boilers who has not had at least ten (10) years of actual experience

MINNESOTA STATUTES 1891

STATE OFFICERS — INSPECTORS OF STEAM VESSELS, ETC. [SECS. 620-622.]

in operating steam engines and steam boilers, or who is directly or indirectly interested in the manufacture or sale of boilers or steam machinery, or any patented article required to be used, or that is in general use in the construction of steam engines or boilers, or who is not of good moral character, and suitably qualified by experience in the construction of steam boilers so as to enable him to perform the duties of the office; and no person shall enter upon or perform any of the duties of inspector who has not taken and subscribed an oath, and filed the same with the secretary of state, that he will faithfully and impartially perform the duties of his office.

1889, ch. 253, § 2. Substantially § 2, ch. 148, acts 1885, except requirement of ten years' experience. Law of 1881 only required that he have the practice and experience to perform the duties and take proper oath.

SEC. 620. Meetings — Prescribe rules — Penalties.— Said inspectors, in April next after the passage of this act, and in February each year thereafter, shall meet as a board, at the capitol in St. Paul, and establish such rules and regulations for the inspection of steam vessels and steam boilers, and their other duties, as herein provided for, as shall be required by the terms of this chapter.

They shall also prescribe rules and regulations for the inspection of the hulls, machinery, boilers, steam connections, fire apparatus, life-saving appliances and equipments of all the steamers propelled in whole or in part by steam, and navigating the inland waters of the state; such rules to conform, as near as may be, to the requirements of the laws of the United States in regard to the inspection of hulls, machinery, boilers, steam connections, fire apparatus, life-saving appliances and equipments of steam vessels, and such rules and regulations, when approved by the governor, shall have the force of law.

They shall also designate the number of passengers that each steam vessel may safely carry; and it shall be unlawful for any master or owner of any steam vessel herein provided for, to carry a greater number of passengers than is allowed by the inspector's certificate.

Penalties.— *Provided, further,* any master, owner or person not complying with this section and the rules and regulations as prescribed by the inspectors, shall be deemed guilty of misdemeanor, and fined not less than fifty (50) dollars nor more than one hundred (100) dollars, or imprisonment in the county jail not to exceed thirty (30) days, or both, at the discretion of the court.

1889, ch. 253, § 3. Acts 1881, ch. 111, § 3, provided regulations for inspection of steam boilers only. 1885, ch. 148, § 4, same as above, except provision that rules conform to United States laws and the proviso.

SEC. 621. May act jointly — False certificate.— In making the inspection of boilers, machinery or steam vessels herein provided for, the inspectors may act jointly or separately, but the inspector or inspectors making such inspection shall in all cases subscribe an oath to the certificate of inspection.

False certificate.— And any inspector who shall wilfully certify falsely regarding any steam boilers or their attachments or the hull and equipments of any steam vessel, or who shall grant a certificate of license to any person to act as engineer, master or pilot contrary to the provisions of this act, shall on conviction thereof be fined not less than fifty (50) dollars nor to exceed five hundred (500) dollars, or may be imprisoned not to exceed one (1) year in the state prison or both at the discretion of the court, and in all cases removed from office. All the fines of this act not otherwise disposed of shall accrue to the state.

1889, ch. 253, § 11. Contains acts 1881, ch. 111, § 10, and same as 1885, ch. 148, § 13.

SEC. 622. Deputies.— The board of boiler inspectors may appoint one (1) or more deputies in the several counties of this state, which deputies shall have the same qualifications as are herein prescribed for boiler inspectors, and shall

MINNESOTA STATUTES 1891

SECS. 623-627.] STATE OFFICERS — INSPECTORS OF STEAM VESSELS, ETC.

qualify by taking the oath prescribed by section two (2) of this act, and such deputies shall have the authority within the county for which they are appointed as the chief boiler inspectors under the provisions of this act.

1889, ch. 253, § 16. Not in laws 1881, ch. 111; 1885, ch. 148.

SEC. 623. Retain fees.— All fees collected by the inspectors as provided for in this act shall be retained by them as full compensation for their services and divided among them as they may determine at their regular annual meeting.

1889, ch. 253, § 13. Not in acts 1881, ch. 111; 1885, ch. 148.

SEC. 624. Boilers and engineers excluded.— This act shall not apply to railroad locomotives nor shall engineers employed by railroad companies be required to procure licenses from the state board of inspectors. Nor shall it apply to boilers inspected by insurance companies and certified by their authorized inspectors to be safe. *Provided, further,* that the penalties provided for in this act shall not apply in any case where prior to the time the inspector or inspectors, have after the application has been made provided for in this act, notified the persons affected that they are ready to make the inspection as herein provided for.

1889, ch. 253, § 14. Laws 1881, ch. 111, § 11, exempted locomotives and boilers used in railroad shops, boilers holding insurance certificates, boilers under United States laws, and provides that laws apply to boilers on steamers upon inland lakes. Laws 1885, ch. 148, § 15, substantially as above.

INSPECTION.

SEC. 625. Inspection once each year.— Every owner, lessee or other person having charge of steam boilers, or any boat propelled in whole or in part by steam, not subject to inspection under the laws of the United States, shall cause the same to be inspected at least once each year by the inspectors herein provided for, and every such owner, lessee or person having charge of such boilers or steam vessels who shall raise steam and operate such boilers and machinery without such inspection shall be deemed guilty of a misdemeanor and fined not less than fifty (50) dollars nor more than one hundred (100) dollars, or may be imprisoned in the county jail not to exceed thirty (30) days, or both at the discretion of the court.

1889, ch. 253, § 4. Acts 1881, ch. 111, § 4, contained the limitation "plying upon any inland lake," and gave one-half the fine to the informer, which were stricken out by acts 1885, ch. 148, § 5.

SEC. 626. Inspection at any time.— In addition to the annual inspection it shall be the duty of the inspectors to examine at proper times, when in their opinion such examination shall become necessary, all such boilers as shall become unsafe from any cause and to notify the owners or persons using such boilers of any defect and what repairs are necessary in order to render them safe, and it shall be the duty of any person operating such boiler to cease to use the same until such repairs are made, and in case of a failure to comply with the requirements of said inspector, the person operating any such boiler shall, on conviction thereof, be fined not to exceed one hundred (100) dollars and liable to damage to persons or property resulting therefrom.

1889, ch. 253, § 8. Same as 1885, ch. 148, § 9. Laws 1881, ch. 111, § 8, only provided for free access and assistance of engineer.

SEC. 627. Certificates of inspection.— When the inspector or inspectors shall find after proper tests and examination of a steam boiler or steam generator, as herein provided, that the same is safe and suitable for use, such inspector or inspectors shall make and subscribe a sworn and verified certificate to the secretary of state, in such form as the board of inspectors shall prescribe, and which among other things shall contain a specification of the test applied and the working power allowed, and a copy of the said certificate shall be furnished by the inspector to the owner of the boiler or steam gen-

MINNESOTA STATUTES 1891

STATE OFFICERS — INSPECTORS OF STEAM VESSELS, ETC. [SEC. 628.

erator. Such copy so furnished the owner of such boiler or generator shall be by him placed or posted in a conspicuous position on such boiler or generator, and shall so remain.

Fees.—The inspectors shall be authorized to charge a fee of three (3) dollars for the inspection of each single boiler and its steam connections and two (2) dollars for each additional boiler when connected and inspected at the same time. Said fees shall be payable at the time of the delivery of the inspector's certificate of approval. The fees for the examination of applicants for engineer's license shall be one (1) dollar, and for the biennial renewal of certificates of license the fee shall be one (1) dollar, which fee shall accompany the application.

1889, ch. 253, § 12. The fees in 1881, ch. 111, § 9, \$5 for one boiler and \$3 for each additional. As amended 1883, ch. 70, \$15 for each boiler. By acts 1885, ch. 148, § 14, \$5 for single and \$2 for each additional, and \$1 for engineer's license and fifty cents for renewal.

STEAM VESSELS.

SEC. 628. Inspection.—The inspector or inspectors shall once each year at least, upon application in writing by the owner, lessee or manager, carefully inspect the hull, boiler, machinery and equipments of all steam vessels and all steam boilers liable to inspection under this act, and shall satisfy themselves that every such vessel is of a structure suitable for the service in which she is to be employed, and has suitable accommodations for passengers and the crew, and is in condition to warrant the belief that she may be used in navigating as a steamer with safety to life, and that such equipments as life preservers, floats, pumps, hose, anchors and other things necessary to insure safety have been provided.

Certificate.—When the inspection of a steam vessel is completed and the inspector or inspectors approve the vessel and her equipments throughout, he or they shall make and subscribe a sworn and verified certificate to the secretary of state in such form as the board of inspectors shall prescribe, and a copy of said certificate shall be furnished by the inspector to the managing owner or master of said steam vessel, who shall post the same in a conspicuous place on said boat. The original certificate shall be kept on file in the office of secretary of state.*

Examine masters and pilots.—The said inspector shall also examine all masters and pilots of steam vessels on inland waters of the state as to their qualifications and fitness, and if found competent and reliable enough to perform the duties of master or pilot, the inspector shall issue them a certificate authorizing them to act as such on such inland waters of the state as designated by their certificate.

Make rules.—The inspector shall also make such rules and regulations for the navigation of steam vessels as will permit such navigation without danger to life or property.

Revoke license.—The inspectors shall revoke the license of any master, pilot or engineer if found under the influence of intoxicating liquor when on duty, or who otherwise disregards the rules and regulations as prescribed by the inspectors.

Fees.—The said inspectors shall be authorized to collect a fee of ten (10) dollars for inspection of all vessels of fifty (50) tons burden and over, and five (5) dollars for all of a less tonnage, and a fee of one (1) dollar for the examination of and issuing a master's or pilot's license and one (1) dollar for the biennial renewal of the same.

Penalties.—Every lessee, pilot or owner not complying with this section shall be deemed guilty of a misdemeanor and fined not less than one hundred (100) dollars nor more than two hundred (200) dollars, or may be imprisoned

MINNESOTA STATUTES 1891

SEC. 629.] STATE OFFICERS — INSPECTORS OF STEAM VESSELS, ETC.

in the county jail not to exceed sixty (60) days, or both at the discretion of the court.

1889, ch. 253, § 5. Acts 1881, ch. 111, § 5, only required annual inspection of boilers. 1885, ch. 148, § 6, same as above*.

STEAM BOILERS AND STEAM GENERATORS.

SEC. 629. **Inspection.**—The said inspectors shall in addition to their duties as inspectors of steam vessels, inspect all steam boilers and steam generators before the same shall be used, and all steam boilers at least once every year thereafter. They shall subject all boilers to hydrostatic pressure or hammer test and shall satisfy themselves by a thorough internal and external examination that the boilers are well made and of good and suitable material, that the openings for the passage of water and steam, respectively, and all pipes and tubes exposed to heat are of proper dimensions and free from obstructions; that the flues are circular in form; that the arrangement for delivering the feed water is such that the boilers cannot be injured thereby, and that such boilers and their steam connections may be safely used without danger to life or property. *Provided, further,* they shall also satisfy themselves that the safety valves are of suitable dimensions, sufficient in number and properly arranged, and that the safety valve weights are properly adjusted so as to allow no greater pressure in the boilers than the amount prescribed by the inspector's certificate; that there is a sufficient number of gauge cocks properly inserted to indicate the amount of water, and suitable gauges that will correctly record the pressure of steam; and that the fusible metals are properly inserted so as to fuse by the heat of the furnace whenever the water in the boilers falls below its prescribed limits, and that adequate and certain provisions for an ample supply of water to feed the boilers at all times, so that in high pressure boilers the water shall not be less than three (3) inches above the top of the fire surface, and that means for blowing out are provided, so as to thoroughly remove the mud and sediment from all parts of the boilers when they are under pressure of steam. In subjecting to the hydrostatic test boilers usually designated as high pressure, the inspector shall assume one hundred and twenty-five (125) pounds to the square inch as the maximum pressure allowable, as a working pressure for new boilers forty-two (42) inches in diameter, double riveted, made in the best manner, of plates one-fourth ($\frac{1}{4}$) of an inch thick, and of good material; but the inspector shall rate the working power of all high pressure boilers according to their strength compared with this standard, and in all cases the test applied shall exceed the working power allowed, in the ratio of one hundred and sixty-five (165) to one hundred and ten (110). In subjecting to hydrostatic tests boilers usually designated as low pressure, the inspectors shall allow as a working power for each new boiler, a pressure of only three-fourths ($\frac{3}{4}$) the number of pounds to which it has been subjected by the hydrostatic test. Should the inspector be of the opinion that any boiler by reason of its construction or material will not safely allow so high a working pressure as herein provided, they may for reasons to be specially stated in their certificate, fix the pressure of such boilers at less than three-fourths ($\frac{3}{4}$) of the test pressure. No boiler or steam pipe nor any of the connections therewith shall be approved which are made in whole or in part of bad material or cast iron, or are unsafe from any cause. Nothing herein shall be construed to prevent the use of any boiler or steam generator which may not be constructed of riveted iron or steel plates, when the board of inspectors have satisfactory evidence and are satisfied that such boilers or steam generator is equal in strength and as safe from explosion as boilers of the best quality constructed of riveted steel or iron plates.

1889, ch. 253, § 6. Acts 1881, ch. 111, § 6, provided for inspection whenever boiler found unsafe, and penalty for owner to use before inspected. Acts 1885, ch. 148, § 7, substantially as above.

MINNESOTA STATUTES 1891

STATE OFFICERS — INSPECTORS OF STEAM VESSELS, ETC. [SECS. 630-632.]

SEC. 630. Fusible plug.— Every steam boiler shall be provided with a fusible plug, made of good *bianca* tin inserted in the flues, crown sheet or other parts of the boiler most exposed to the heat of the furnace when the water falls below the prescribed limits.

1889, ch. 253, § 9. Same as 1881, ch. 111, § 7; and 1885, ch. 148, § 10.

SEC. 631. Defective boilers prohibited.— Every person who constructs a boiler or steam pipe of iron or steel plates known to be faulty or imperfect, or drifts any rivet hole to make it come fair, or who delivers any such boiler for use knowing it to be imperfect in its flues, flanging, riveting, bracing, or in any other of its parts, shall be fined two hundred (200) dollars, one-half of which shall be paid to the informer.

1889, ch. 253, § 7. Same as 1885, ch. 148, § 8. Not in acts 1881, ch. 111.

LICENSE ENGINEERS.

SEC. 632. How granted — Access to boilers.— It shall be the duty of owners or managers of steam boilers mentioned in this act to allow said inspectors free access to the same, and it is hereby made the duty of engineers operating the same to assist the inspectors in their examinations and to point out any defect they may know in the boiler or machinery in their charge. Any person not complying with the foregoing provisions of this section shall be punished by a fine of ten (10) dollars and costs.

License required.— No person shall be entrusted with the operating of any steam boiler or steam machinery who has not been examined by an inspector and found competent and fit to perform the duties of an engineer and receive from such inspector a written or printed license so to act, which shall be renewed biennially. Any person who shall operate any steam boiler or steam machinery of any kind without first obtaining a license from an inspector shall be deemed guilty of a misdemeanor and fined not less than twenty-five (25) dollars nor more than fifty (50) dollars.

Four classes.— *Provided, further:* Engineers shall be divided into four classes, namely:

Chief engineers.

First-class engineers.

Second-class engineers.

Special engineers.

No license shall be granted to any person under twenty-one (21) years of age except to special engineers.

Chief engineer.— No license shall be granted to any person to perform the duties of chief engineer who has not taken and subscribed an oath that he has had at least five (5) years actual experience in operating steam boilers and steam machinery, or whose knowledge and experience and habits of life are not such as to justify the belief that he is competent to take charge of all classes of steam boilers and steam machinery.

First class engineer.— No license shall be granted to any person to act as first class engineer who has not taken and subscribed an oath that he has had at least three (3) years actual experience in operating steam boilers and steam machinery, and whose experience and habits of life are not such as to warrant the belief that he is competent to take charge of all classes of steam boilers and steam machinery not exceeding three hundred (300) horse power.

Second class engineer.— No license shall be granted to any person to act as second class engineer who has not taken and subscribed an oath that he has had at least one (1) year of actual experience in operating steam boilers and steam machinery, or whose experience and habits of life are not such as to warrant the belief that he is competent to take charge of all classes of steam boilers and steam machinery not to exceed one hundred (100) horse power.

MINNESOTA STATUTES 1891

SECS. 633-635.] STATE OFFICERS — BOARD OF CORRECTIONS AND CHARITIES.

Special engineer.— No license shall be granted to any person to act as special engineer unless found upon examination to be sufficiently acquainted with the duties of an engineer to warrant the belief that he can be safely entrusted with steam boilers and steam machinery not to exceed thirty (30) horse power.

Complaints.— Whenever complaint is made by any person against any engineer holding a license, that he has through negligence, want of skill, inattention to duty, or violation of any part of this act, permitted his boiler to burn or otherwise become in bad condition, it shall be the duty of the inspector who granted the license, upon satisfactory proof of such negligence or otherwise, to revoke the license of such engineer. Said engineer may, however, in case of a grievance against said inspector and person making such complaint, appeal to the entire board and governor of the state, who shall decide the case, which decision shall be final and conclusive.

1890, ch. 253, § 10. Same provisions in 1891, ch. 111, § 8; 1895, ch. 148, §§ 11, 12.

TITLE 21.

BOARD OF CORRECTIONS AND CHARITIES.

SEC. 633. Appointment — Term — Vacancies — Expenses.— The Governor, with the advice and consent of the senate, shall appoint six (6) persons, not more than three (3) of whom shall be from the same political party, who shall constitute a State Board of Corrections and Charities, to serve without compensation, their traveling expenses only being defrayed by the state; two (2) of whom, as indicated by the Governor upon their appointment, shall serve for one (1) year, two (2) for two (2) years, and two (2) for three (3) years; and upon the expiration of the term of each, his place, and that of his successor, shall, in like manner, be filled for the term of three (3) years. The Governor shall be ex-officio a member of said board and the president thereof. Appointments to fill vacancies caused by death, resignation or removal before the expiration of such terms, may be made for the residue of terms in the same manner as original appointments.

1893, ch. 127, § 1: "An act to establish a state board of corrections and charities for the state of Minnesota." Approved March 2, 1893.

SEC. 634. Secretary — Clerk — Salaries — Accounts.— The said board may appoint a secretary and a clerk, whose salaries they may establish and determine, and there is hereby appropriated from any fund in the state treasury not otherwise appropriated, for the expenses of the said board, the sum of five thousand dollars (\$5,000) or so much thereof as may be necessary, for each year ending July thirty-first (31st), one thousand eight hundred and eighty-eight (1888), and July thirty-first (31st), one thousand eight hundred and eighty-nine (1889). All accounts and expenditures shall be certified as may be provided by the board, and shall be paid by the state treasurer upon an order drawn by the auditor of state.

1893, ch. 127, § 3, as amended 1895, ch. 35; 1897, ch. 93. Acts 1893 provided for a secretary at a salary of \$1,200 in addition to traveling expenses. Acts 1895 provided for a secretary and a clerk and appropriates \$2,500 for unpaid expenses of board for fiscal year ending July 31, 1895, and \$5,000 for year ending July 31, 1896, and \$5,000 for year ending July 31, 1897.

SEC. 635. Not to be interested in contracts.— No member of said board, or their secretary, shall be either directly or indirectly interested in any contract for building, repairing, or furnishing any institution, poor house or jail which by this act they are authorized to visit and inspect; nor shall

MINNESOTA STATUTES 1891

STATE OFFICERS — BOARD OF CORRECTIONS AND CHARITIES. [SECS. 636-638.]

any officer of such institution, jail, or poor house be eligible to appointment on the board hereby created.

1883, ch. 127, § 6.

SEC. 636. Office — Meetings — Rules — Duties.— The State Board of Corrections and Charities shall be provided with a suitable room in the state house. Regular meetings of the board shall be held quarterly, or oftener if required. They may make such rules and orders for the regulation of their own proceedings as they may deem necessary.

Duties.— They shall investigate the whole system of public charities and correctional institutions of the state, examine into the condition and management thereof, especially of prisons, jails, infirmaries, public hospitals, and asylums; and the officers in charge of all such institutions shall furnish to the board, on their request, such information and statistics as they may require; and to secure accuracy, uniformity and completeness in such statistics, the board may prescribe such forms of report and registration as they may deem essential; and all plans for new jails, lock-ups and infirmaries shall, before the adoption of the same by the county or municipal authorities, be submitted to said board for suggestion and criticism. The Governor, in his discretion, may, at any time, order an investigation by the board, or by a committee of its members, of the management of any penal, reformatory or charitable institution of the state; and said board, or committee, in making any such investigation, shall have power to send for persons and papers, and to administer oaths and affirmations; and the report of such investigation, with the testimony, shall be made to the Governor, and shall be submitted by him, with his suggestions, to the legislature.

1883, ch. 127, § 2, as amended 1887, ch. 93, § 1. Amendment inserted words "lock-ups" and "or municipal."

SEC. 637. Governor may order investigation.— Whenever the Governor shall deem it advisable and expedient to obtain information in respect to the condition and practicable workings of charitable, penal, pauper and reformatory institutions in other states, he may authorize and designate any member or members of said board, or the secretary thereof, to visit such institutions in operation in other states; and by personal inspection to carefully observe and report to said board on all such matters relating to the conduct and management thereof as may be deemed to be interesting, useful, and of value to be understood in the government and discipline of similar institutions in this state.

1883, ch. 127, § 5, as amended 1887, ch. 93. Amendment inserted "or members."

SEC. 638. Report of board — Number printed.— The State Board of Corrections and Charities shall, every two (2) years, make a full report of all their doings during that period, stating in detail all expenses incurred, and showing the actual condition of all the state and county institutions, and making such suggestions as they may deem advisable; of which report two thousand (2,000) copies shall be printed for the use of the legislature, and one thousand (1,000) copies for the use of the board.

1883, ch. 127, § 4, as amended 1885, ch. 35. Amendment struck out one thousand and inserted two thousand, and struck out five hundred and inserted one thousand.

MINNESOTA STATUTES 1891

SECS. 639-641.] STATE OFFICERS—BOARD OF DENTAL EXAMINERS.

TITLE 22.

BOARD OF DENTAL EXAMINERS.

Acts 1889, ch. 19, § 15, expressly repeals acts 1885, ch. 199.

SEC. 639. Unlawful to practice dentistry without license.—From and after September first (1st), eighteen hundred and eighty-nine (1889), it shall be unlawful for any person to practice dentistry in this state, unless he shall first (1st) have obtained a certificate of registration thereto, and filed the same, or a certified copy thereof with the clerk of the district court of the county of his residence, all as hereinafter provided.

1889, ch. 19, § 1: "An act to regulate the practice of dentistry in the state of Minnesota." Approved April 24, 1889. Substantially § 1, ch. 199, acts 1885.

SEC. 640. Dentists defined.—All persons shall be said to be practicing dentistry within the meaning of this act who shall for a fee or salary, or other reward paid either to himself or to another person for operations or parts [of] operations of any kind, treat diseases or lesions of the human teeth or jaws, or correct mal-positions thereof. But nothing in this act contained shall be taken to apply to acts of bona fide students of dentistry done in the pursuit of clinical advantages under the direct supervision of a preceptor or a licensed dentist in this state during the period of their enrollment in a dental college and attendance upon a regular uninterrupted course in such college.

1889, ch. 19, § 7. New.

SEC. 641. Appointment of board—Terms of office.—A board of examiners to consist of five (5) resident practicing dentists is hereby created whose duty it shall be to carry out the purposes and enforce the provisions of this act. The members of the first (1st) board under the provisions of this act shall consist of the members of the present board of dental examiners, existing under chapter one hundred and ninety-nine (199) of the general laws of eighteen hundred and eighty-five (1885), who shall hold their offices as members of such new board for the term for which they were appointed under said former act, and until their successors are duly appointed. All vacancies in said board shall be filled by appointment by the governor as hereinafter provided. The term for which members of said board shall be appointed shall be three (3) years, and until their successors shall be duly appointed. It is also hereby provided that no person shall serve to exceed two (2) terms in succession. In case of any vacancy occurring in said board in the term of any member of said board, such vacancy shall be filled for such unexpired term by the governor from names to be presented to him within two (2) months of the occurrence of such vacancy, by the Minnesota State Dental association in the same manner as hereinafter provided. It shall be the duty of said Minnesota State Dental association after September first (1st), eighteen hundred and eighty-nine (1889), annually prior to August tenth (10th), to present to the governor the names of twice as many practicing dentists resident in this state as there are regular members to be appointed of said board prior to September first (1st), in the following year. All appointments by the governor shall be made within twenty (20) days of the submission of such names to him, and if such names shall not be submitted to him within the allotted time, he shall make his appointments within twenty (20) days from the expiration of the time allotted for such presentation of names from among the resident practicing dentists. Provided that [nothing] in this act shall prevent the appointment of two (2) members of said board from among the resident practicing dentists not members of said Minnesota State Dental association, if the governor shall so elect.

1889, ch. 19, § 2. Acts 1885, ch. 199, § 2, repealed by this law, provided for term of five years, and did not contain the limitation of twenty days, nor the proviso.

MINNESOTA STATUTES 1891

STATE OFFICERS—BOARD OF DENTAL EXAMINERS. [SECS. 642-645.]

SEC. 642. Officers and meetings of board.—Said board shall choose, at its first regular meeting annually, one of its members president and one secretary thereof, who severally shall have the power, during their term of office, to administer oaths and take affidavits, certifying thereto under their hand and the seal of the said board. And after September first (1st), one thousand eight hundred and eighty-nine (1889), said board shall meet regularly at least twice in each year, to-wit: On the first (1st) Tuesday in April and October, and at such other times as may be deemed necessary by the board; such meeting shall be held at the medical department of the university of the state of Minnesota. A majority of said board shall at all times constitute a quorum, and the proceedings thereof shall at all reasonable times be open to public inspection. And it is furthermore provided that, in the event of any member of said board absenting himself from two (2) of its regular meetings consecutively, the board shall declare a vacancy to exist, which vacancy shall be filled by the means hereinbefore provided.

1889, ch. 19, § 3. The provisions to meet twice a year at the university, and to declare a vacancy if a member is absent from two regular meetings, are not in laws 1885, ch. 199, § 3.

SEC. 643. Board may sue and be sued.—The board of examiners created by this act, may sue or be sued, and in all actions brought by, or against it, it shall be made a party under the name of the board of dental examiners of the state of Minnesota. And no suit shall abate by reason of any change in the membership of said board.

1889, ch. 19, § 14. New.

SEC. 644. Duties at first meeting.—It shall be the duty of the first (1st) board hereinafter provided for to meet at the city of Duluth, in said state, on the second (2d) Tuesday in July, one thousand eight hundred and eighty-nine (1889), and elect officers, and within ten (10) days thereafter to transfer to a register to be provided by them for that purpose, the name, residence and place of business of each and every person who, on the second (2d) Wednesday in July, one thousand eight hundred and eighty-nine (1889), and pursuant to an act of the legislature of the state of Minnesota, approved March third (3d), one thousand eight hundred and eighty-five (1885), shall be qualified to practice dentistry in the state of Minnesota, and who shall then be duly registered on the books of the board created by said act of March third (3d), one thousand eight hundred and eighty-five (1885). No certificates of license to practice dentistry shall be issued after the second (2d) Wednesday in July, one thousand eight hundred and eighty-nine (1889), under said act of March third (3d), one thousand eight hundred and eighty-five (1885). It shall be the duty of the said secretary of the first (1st) board hereby created to send to each person as registered prior to August fifth (5th), one thousand eight hundred and eighty-nine (1889), a certificate of his enregistration, signed by the president and secretary of such board of examiners.

1889, ch. 19, § 4. Not in laws 1885, ch. 199, though § 4 of that act provided for registration.

SEC. 645. Application for license.—Any person or persons who shall desire to begin the practice of dentistry in the state of Minnesota on and after September first (1st), one thousand eight hundred and eighty-nine (1889), shall file his name together with an application for examination, with the secretary of the state board of dental examiners, and at the time of making such application shall pay to the secretary of said board a fee of ten (10) dollars, and shall present himself at the first regular meeting thereafter of said board, to undergo examination before that body. In order to be eligible for such examination such person shall present to said board his diploma from some dental college in good standing, and shall give satisfactory evidence of his rightful possession of the same. *Provided, also,* that the board may in its discretion admit to examination such other persons as shall give satisfactory evidence of having been engaged in the practice of dentistry ten years prior to the date of passage of this act.

MINNESOTA STATUTES 1891

SECS. 646-648.] STATE OFFICERS — BOARD OF DENTAL EXAMINERS.

Said board shall have the power to determine the good standing of any college or colleges from which such diplomas may have been granted. The examinations shall be elementary and practical in character, but sufficiently thorough to test the fitness of the candidate to practice dentistry. It shall include, written in the English language, questions on the following subjects: anatomy, physiology, chemistry, materia medica, therapeutics, metallurgy, histology, pathology, operative and surgical dentistry, mechanical dentistry, and also demonstrations of their skill in operative and mechanical dentistry. All persons successfully passing such examinations shall be registered as licensed dentists in the board register provided for in section four (4) and shall also receive a certificate of such enregistration, said certificate to be signed by the president and secretary of the board. The examination fee shall in no case be refunded.

1889, ch. 19, § 5. Different from § 5, and contains part of § 7, ch. 199, acts 1885.

SEC. 646. Certificate to be recorded.—Recipients of said certificate of enregistration shall present the same for record to the clerk of the district court of the county in which they reside, and shall pay a fee of fifty (50) cents to said clerk for the registration of the same. Said clerk shall record said certificate in a book to be provided by him for that purpose. Any person so licensed removing his residence from one (1) county to another in this state before engaging in the practice of dentistry in such other county, shall obtain from the clerk of the district court of the county in which said certificate of registration is recorded a certified copy of such record, or else obtain a new certificate of registration from the board of examiners, and shall, before commencing practice in such county, file the same for record with the clerk of the court of the county to which he removes, and pay the clerk for recording the same the fee of fifty (50) cents. Any failure, neglect or refusal on the part of any person holding such certificate or copy of record to file the same for record, as hereinbefore provided, for six (6) months from the issuance thereof, shall forfeit the same. Such board shall be entitled to a fee of one (1) dollar for the reissue of any certificate, and the clerk of the district court for any county shall be entitled to a fee of one (1) dollar for making and certifying a copy of the record of any such certificate.

1889, ch. 19, § 6. Different from § 8, ch. 199, acts 1885.

SEC. 647. Revocation of license.—Any person who shall be licensed under the provisions of this act, and who shall practice dentistry under a false name with intent to deceive the public, shall be liable to have said license revoked upon twenty (20) days' notice of such proposed revocation, and of the time and place of considering such revocation by order of the state board of dental examiners. And any person who, after revocation of his license shall continue to practice dentistry in the state of Minnesota, shall be deemed guilty of a violation of the provisions of this act and shall be subject to the penalties provided therein. Nor shall a certificate to a person under one name be any defence to an action brought against him for practicing without a certificate under another, unless it be shown that such practice under such other name was done without intent to defraud or deceive.

1889, ch. 19, § 12. New.

SEC. 648. License fee.—Every registered dentist shall, in each and every year after one thousand eight hundred and eighty-nine (1889) pay to said board of examiners the sum of one (1) dollar as a license fee for such year. Such payment shall be made prior to May first (1st), in each and every year, and in case of default in such payment by any person, his certificate may be revoked by the board of examiners upon twenty (20) days' notice of the time and place of considering such revocation. But no license shall be revoked for such non-payment if the person so notified shall pay before or at such consideration his fee and such penalty as may be imposed by said board, *provided*, that said board may impose a penalty of five (5) dollars and no more on any

MINNESOTA STATUTES 1891

STATE OFFICERS — BOARD OF DENTAL EXAMINERS. [SECS. 649-653.]

one so notified as a condition of allowing his license to stand. *Provided*, further, that said board of examiners may collect any such dues by suit.

1889, ch. 19, § 13. New.

SEC. 649. Compensation of board.— Out of the funds coming into the possession of the board, the members of said board may receive, as compensation, the sum of five (5) dollars for each day actually engaged in the duties of their office, and mileage at three (3) cents per mile for all distance necessarily traveled in going to and coming from meetings of the board. Said expenses shall be paid from the fees and assessments received by the board under the provisions of this act, and no part, of the salary or other expenses of the board shall ever be paid out of the state treasury. All moneys received in excess of said per diem allowance and mileage as above provided for shall be held by the secretary of said board as special fund for meeting expenses of said board and carrying out the provisions of this act, he giving such bond as the board shall from time to time direct. And said board shall make an annual report of the proceedings to the governor by the 15th of December of each year, which report shall contain an account of all moneys received and disbursed by them pursuant to this act.

1889, ch. 19, § 8. Same as § 7, ch. 199, acts 1885, except latter contains fee found in § 5 of this law.

SEC. 650. Penalties for violation.— Any person who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction may be fined not less than twenty (20) dollars, nor more than one hundred (100) dollars, or to be confined not less than one (1) month, nor more than three (3) months in the county jail, or both. And all fines thus received shall be paid into the common school fund of the county in which such conviction takes place.

1889, ch. 19, § 9. Same as § 6, ch. 199, acts 1885, except penalty reduced from \$200 and six months.

SEC. 651. Fraud.— Any person who shall knowingly or falsely claim or pretend to have or hold a certificate of enregistration, diploma or degree granted by a society or by said board, or who shall falsely and with the intent to deceive the public, claim or pretend to be a graduate from any incorporated dental college, not being such graduate, shall be deemed guilty of a misdemeanor, and shall be liable to the penalties provided in section nine (9) of this act.

1889, ch. 19, § 10. Same as § 9, ch. 199, acts 1835.

SEC. 652. Jurisdiction of courts.— Justice of the peace and the respective municipal courts shall have jurisdiction over violations of this act. It shall be the duty of the respective county attorneys to prosecute all violations of this act.

1889, ch. 19, § 11. New.

SEC. 653. Successor of former board.— All effects and property whatsoever of the board of dental examiners created by said act of March third (3d), one thousand eight hundred and eighty-five (1885), shall, on said first (1st) day of September, one thousand eight hundred and eighty-nine (1889), be and become the property of the board of examiners created by this act, and said board hereby created is hereby declared to be the legal successor of the board created by said act of March third (3d), one thousand eight hundred and eighty-five (1885).

1889, ch. 19, § 16.

MINNESOTA STATUTES 1891

SECS. 654-656.]

STATE OFFICERS—BOARD OF PHARMACY.

TITLE 23.

BOARD OF PHARMACY.

SEC. 654. Appointment — Term — Vacancy.— Immediately upon the passage of this act, the Minnesota State Pharmaceutical Association shall elect fifteen (15) reputable and practicing pharmacists doing business in the state, from which number the governor shall appoint five (5). The said five (5) pharmacists, duly elected and appointed, shall constitute the board of pharmacy of the state of Minnesota, and shall hold office as respectively designated in their appointments, for the term of one (1), two (2), three (3), four (4) and five (5) years respectively, as hereinafter provided, and until their successors have been duly elected and appointed. The Minnesota State Pharmaceutical Association shall annually thereafter elect five pharmacists, from which number the governor of the state shall appoint one (1) to fill the vacancy annually occurring in said board. The term of office shall be five (5) years. In case of resignation or removal from the state of any member of said board, or of a vacancy occurring from any cause, the governor shall fill the vacancy by appointing a pharmacist from the names last submitted to serve as a member of the board for the remainder of the term.

1885, ch. 147, § 5: "An act to regulate the practice of pharmacy, the licensing of persons to carry on such practice, and the sale of poisons in the state of Minnesota." Approved March 5, 1885.

SEC. 655. Meetings — Officers — Duties — Rules — Quorum.— The said board shall, within sixty (60) days after its appointment, meet and organize by the selection of a president and secretary from the number of its own members, who shall be elected for the term of one (1) year, and shall perform the duties prescribed by the board.

Duties.— It shall be the duty of the board to examine all applications for registration submitted in proper form; to grant certificates of registration to such persons as may be entitled to the same under the provisions of this act; to cause the prosecution of all persons violating its provisions; to report annually to the governor and to the Minnesota State Pharmaceutical Association, upon the condition of pharmacy in the state, which said report shall also furnish a record of the proceedings of the said board for the year, as well as the names of all pharmacists duly registered under this act.

Meetings.— The board shall hold meetings for the examination of applicants for registration, and transaction of such other business as shall pertain to its duties, at least once in three (3) months. And the said board shall give thirty (30) days' public notice of the time and place of such meeting.

By-laws — Register — Quorum.— The said board shall also have power to make by-laws for the proper execution of its duties under this act, and shall keep a book of registration, in which shall be entered the names and places of business of all persons registered under this act, which registration book shall also contain such facts as such persons claim to justify their registration. Three (3) members of said board shall constitute a quorum.

1885, ch. 147, § 6.

SEC. 656. Compensation — Expenses.— The secretary of the board of pharmacy shall receive a salary which shall be determined by said board; he shall also receive his traveling and other expenses incurred in the performance of his official duties. The other members of said board shall receive the sum of five (5) dollars for each day actually engaged in such service, and all the legitimate and necessary expenses incurred in attending the meetings of said board. Said expenses shall be paid from the fees and penalties received by said board under the provisions of this act; and no part of the sal-

MINNESOTA STATUTES 1891

STATE OFFICERS — BOARD OF PHARMACY.

[SECS. 657-662.]

ary or other expenses of said board shall be paid out of the public treasury. All moneys received by said board in excess of said allowances and other expenses hereinbefore provided for, shall be held by the secretary of said board as a special fund for meeting the expenses of said board, said secretary giving such bonds as the said board shall from time to time direct. The said board shall, in its annual report to the governor and to the Minnesota state pharmaceutical association, render an account of all moneys received and disbursed by them pursuant to this act.

1885, ch. 147, § 11.

SEC. 657. Registered pharmacist.— That it shall hereafter be unlawful for any person other than a registered pharmacist, to retail, compound or dispense drugs, medicines or poisons, or to institute or conduct any pharmacy, store or shop for retailing, compounding or dispensing drugs, medicines or poisons, unless such person shall be a registered pharmacist, or shall employ and place in charge of said pharmacy, store or shop, a registered pharmacist, within the full meaning of this act, except as hereinafter provided.

1885, ch. 147, § 1.

SEC. 658. Who may be registered.— In order to be registered within the full meaning of this act, all persons must be either graduates in pharmacy, graduates in medicine or shall, at the time this act takes effect, be engaged in the business of a dispensing pharmacist on their own account, in the state of Minnesota, in the preparation of physicians' prescriptions, and in the vending and compounding of drugs, medicines and poisons, or shall be licentiates in pharmacy.

Provided, however, that graduates in medicine shall be entitled to registration under this act upon the same terms as graduates in pharmacy.

1885, ch. 147, § 2, as amended 1887, ch. 29, by adding the proviso.

SEC. 659. Graduates in pharmacy.— Graduates in pharmacy shall be considered to consist of such persons as have had four (4) years' practical experience in drug stores where prescriptions of medicinal practitioners are compounded, and have obtained a diploma from such college or schools of pharmacy as shall be approved by the board of pharmacy as sufficient guarantee of their attainments and proficiency.

1885, ch. 147, § 3.

SEC. 660. Licentiates in pharmacy.— Licentiates in pharmacy shall be such persons as have had three (3) years' practical experience in drug stores wherein the prescriptions of medical practitioners are compounded, and have sustained a satisfactory examination before the state board of pharmacy, hereinafter mentioned. The state board may grant certificates of registration to licentiates of such other state boards as it may deem proper, without further examination.

1885, ch. 147, § 4.

SEC. 661. Certificate of registration.— Every person claiming the right of registration under this act, who shall, within three (3) months after the passage of this act, forward to the board of pharmacy satisfactory proof, supported by his affidavit, that he was engaged in the business of dispensing pharmacist on his own account in the state of Minnesota at the time of the passage of this act, as provided in section two (2), shall, upon the payment of the fee hereinafter mentioned, be granted a certificate of registration. *Provided*, that in case of failure or neglect to register as herein specified, then such person shall, in order to be registered, comply with the requirements provided for registration as graduates in pharmacy or licentiates in pharmacy within the meaning of this act.

1885, ch. 147, § 7.

SEC. 662. Registered assistant — Registered pharmacist.— Any person engaged in the position of assistant in a pharmacy at the time this act

MINNESOTA STATUTES 1891.

SECS. 663-667.]

STATE OFFICERS — BOARD OF PHARMACY.

takes effect, not less than eighteen (18) years of age, who shall have had at least three (3) years' practical experience in drug stores where the prescriptions of medical practitioners are compounded, and who shall furnish satisfactory evidence to that effect to the state board of pharmacy, shall, upon making application for registration and upon payment to the secretary of said board of a fee of one (1) dollar, within ninety (90) days after this act takes effect, be entitled to a certificate as "registered assistant," which certificate shall entitle him to continue in such duties as clerk or assistant; but shall not entitle him to engage in business on his own account. Thereafter he shall pay annually to the said secretary the sum of fifty (50) cents, during the time he shall continue in such duties, in return for which sum he shall receive a renewal of said certificate. *Provided*, any applicant who has had seven (7) years' experience in compounding and dispensing medicines, immediately prior to the passage of this act, may receive a certificate of "registered pharmacist."

1885, ch. 147, § 6.

SEC. 663. Renewal of registration.— Every registered pharmacist who desires to continue the practice of his profession shall annually, during the time he shall continue such practice, on such date as the board of pharmacy may determine, pay to the secretary of said board a registration fee, the amount of which shall be fixed by the board and which in no case shall exceed two (2) dollars, in return for which payment he shall receive a renewal of said registration. Every certificate of registration and every renewal of such certificate shall be conspicuously exposed in the pharmacy to which it applies.

1885, ch. 147, § 10.

SEC. 664. Same — Repeal.— All acts or portions of acts regulating the practice of pharmacy and the sale of poisons, or the adulteration of drugs, within this state, enacted prior to the passage of this act, are hereby repealed: *Provided*, that nothing in this act shall be so construed as to prevent any person who has once been a registered member, and may have forfeited his membership by non-payment of dues or fees, from renewing his membership within two (2) years by paying the required dues or fees without examination.

1885, ch. 147, § 16.

SEC. 665. Fees.— Every person claiming registration as a registered pharmacist under section seven (7) of this act shall, before a certificate is granted, pay to the secretary of the state board of pharmacy the sum of two (2) dollars, and a like sum shall be paid to said secretary by graduates in pharmacy and by such licentiates of other boards who shall apply for registration under this act. And every applicant for registration by examination shall pay to the said secretary the sum of five (5) dollars before such examination be attempted. *Provided*, that in case the applicant fails to sustain a satisfactory examination by the said board, the said five (5) dollars shall be refunded to him.

1885, ch. 147, § 9.

SEC. 666. Exempt from jury duty.— All persons registered under this act shall be exempt from jury duty in the state of Minnesota.

1885, ch. 147, § 17.

SEC. 667. Poisons.— No person shall sell at retail any poisons commonly recognized as such, and especially aconite, arsenic, belladonna, biniodide of mercury, carbolic acid, chloral hydrate, chloroform, conium, corrosive sublimate, creasote, croton oil, cyanide of potassium, digitalis, hydrocyanic acid, laudanum, morphine, nux vomica, oil of bitter almonds, oil tansy, opium, oxalic acid, strychnine, sugar of lead, sulphate of zinc, white precipitate, red precipitate, without affixing to the box, bottle, vessel or package containing the same, and to the wrapper or cover thereof, a label bearing the name "poison" distinctly shown, together with the name and place of business of the seller. Nor shall he deliver any of the said poison to any person without satisfying himself that such poison is to be used for legitimate purposes:

MINNESOTA STATUTES 1891

STATE OFFICERS — BOARD OF PHARMACY.

[SECS. 668-670.]

Provided, that nothing herein contained shall apply to the dispensing of physicians' prescriptions specifying any of the poisons aforesaid. Any person failing to comply with the requirements of this section shall be deemed guilty of a misdemeanor, and shall be liable to a fine of not less than five (5) dollars for each and every such omission.

1885, ch. 147, § 14.

SEC. 668. **Adulteration.**— Every proprietor or conductor of a drug store shall be held responsible for the quality of all drugs, chemicals and medicines sold or dispensed by him, except those sold in the original package of the manufacturer, and except those articles or preparations known as patent or proprietary medicines. Any person who shall knowingly, wilfully, or fraudulently falsify or adulterate, or cause to be falsified or adulterated, any drug or medicinal substance, or any preparation authorized or recognized by the pharmacopœia of the United States, or used or intended to be used in medical practice; or shall mix or cause to be mixed, with any such drug or medicinal substance, any foreign or inert substance whatsoever, for the purpose of destroying or weakening its medicinal power and effect, or of lessening its cost, and shall wilfully, knowingly, or fraudulently, sell or cause the same to be sold for medicinal purposes, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall pay a penalty not exceeding five hundred (500) dollars, and shall forfeit to the state of Minnesota all articles so adulterated.

1885, ch. 147, § 13.

SEC. 669. **Violation of this act — Penalty.**— Any person not being or not having in his employ a registered pharmacist, within the full meaning of this act, who shall, after the expiration of ninety (90) days from the passage of this act, retail, compound or dispense medicines, or who shall take, use or exhibit the title of a registered pharmacist, shall for each and every such offense be liable to a penalty of fifty (50) dollars. Any registered pharmacist or other person who shall permit the compounding and dispensing of prescriptions or the vending of drugs, medicines or poisons in his store or place of business, except under the supervision of a registered pharmacist or except by a "registered assistant," or any pharmacist or "registered assistant," who, while continuing in business, shall fail or neglect to procure his annual registration, or any person who shall wilfully make any false representation to procure registration for himself or any other person, or who shall violate any other provision of this act, shall for each and every such offense be liable to a penalty of fifty (50) dollars. *Provided*, that nothing in this act shall in any manner interfere with the business of any physician in regular practice, or prevent him from supplying to his patients such articles as may seem to him proper, nor with the making of proprietary medicine or medicines placed in sealed packages with the name of the contents and of the pharmacist or physician by whom prepared or compounded, nor prevent shopkeepers whose place of business is more than one mile from a drug or apothecary shop from dealing in and selling the commonly used medicines and poisons, if such medicines and poisons are put up by a registered pharmacist, or from dealing in and selling of patent or proprietary medicines, nor with the exclusively wholesale business of any dealers except as heretofore provided.

1885, ch. 147, § 12.

SEC. 670. **Prosecutions.**— All suits for the recovery of the several penalties prescribed in this act shall be prosecuted in the name of "The State of Minnesota," in any court having jurisdiction; and it shall be the duty of the county attorney of the county wherein such offense is committed, to prosecute all persons violating the provisions of this act upon proper complaint being made. All penalties collected under the provisions of this act shall inure one-half ($\frac{1}{2}$) to the board of pharmacy and the remainder to the school fund of the county in which the suit was prosecuted and judgment obtained.

1885, ch. 147, § 15.

MINNESOTA STATUTES 1891

SECS. 671-673.] STATE OFFICERS — BOARD OF MEDICAL EXAMINERS.

TITLE 24.

BOARD OF MEDICAL EXAMINERS.

Act 1869, ch. 41, required license to practice. This was repealed by 1870, ch. 47. Act 1883, ch. 125, re-enacted this requirement and regulated it, and is superseded by 1887, ch. 9.

SEC. 671. Appointment — Term of office.— The governor of this state shall appoint a board of examiners, to be known as the state board of medical examiners, consisting of nine (9) members; who shall hold their office for three (3) years after such appointment and until their successors are appointed.

Provided, that the members thereof first appointed under this act shall be divided into three (3) classes, each class to consist of three (3). The first class shall hold office under said appointment for the period of one (1) year, the second class for two (2) years and the third class for three (3) years from the date of their appointment.

It is further provided that no member thereof shall be appointed to serve for more than two (2) terms in succession, and no member of any college or university having a medical department shall be appointed to serve as member of said board, two of which shall be homeopathic physicians.

1887, ch. 9, § 1: "An act to regulate the practice of medicine in the state of Minnesota, and to license physicians and surgeons, and to punish persons violating the provisions of this act." Approved February 28. In force from July 1, 1887. Under acts 1883, ch. 125, § 2, the faculty of university medical department constituted the board of medical examiners.

SEC. 672. Officers — Seal — Meetings — Record.— Said board of medical examiners shall elect a president, secretary and treasurer; shall have a common seal. The president and secretary shall have the power to administer oaths. Said board of medical examiners shall hold meetings for examination at the capitol of this state on the first (1) Tuesday of January, April, July and October of each year, and such other meetings as said board may from time to time appoint. Said board shall keep a record of all the proceedings thereof, and also a record or register of all applicants for a license, together with his or her age, time spent in the study of medicine, and the name and locations of all institutions granting to such applicants degrees or certificates of lectures in medicine or surgery. Said register shall also show whether such applicant was rejected or licensed under this act. Said books and register shall be prima facie evidence of all of the matters therein recorded.

1887, ch. 9, § 2.

SEC. 673. Examinations — Fees.— All persons hereafter commencing the practice of medicine and surgery, in any of its branches in this state, shall apply to said board for a license so to do, and such applicant, at the time and place designated by said board, or at the regular meeting of said board, shall submit to an examination in the following branches, to wit: Anatomy, Physiology, Chemistry, Histology, Materia Medica, Therapeutics, Preventive Medicines, Practice of Medicine, Surgery, Obstetrics, Diseases of Women and Children, Diseases of the Nervous System, Diseases of the Eye and Ear, Medical Jurisprudence, and such other branches as the board shall deem advisable, and present evidence of having attended three (3) courses of lectures of at least six (6) months each; said board shall cause such examination to be both scientific and practical, but of sufficient severity to test the candidate's fitness to practice medicine and surgery. When desired, said examination may be conducted in the presence of the dean of any medical school or the president of any medical society of this state. After examination, said board shall grant a license to such applicant to practice medicine and surgery in the state of Minnesota; which said license can only be granted by the consent of not less than seven (7) members of said board, and which said license shall be

MINNESOTA STATUTES 1891

STATE OFFICERS — BOARD OF MEDICAL EXAMINERS. [SECS. 674-677.]

signed by the president and secretary of said board, and attested by the seal thereof. The fee of such examination shall be the sum of ten (10) dollars, and shall be paid by the applicant to the treasurer of said board, to be applied by said board towards defraying the expenses thereof; and such board may refuse or revoke a license for unprofessional, dishonorable or immoral conduct. In all cases of refusal or revocation the applicant may appeal to appointing power of said board.

1887, ch. 9, § 3. This contains §§ 1, 9, ch. 125, laws 1883.

SEC. 674. License to be recorded.— The person so receiving said license shall file the same, or a certified copy thereof, with the clerk of the district court in and for the county where he or she resides, and said clerk of the court shall file said certificate or copy thereof, and enter a memorandum thereof, giving the date of said license and name of the person to whom the same is issued, and the date of such filing, in a book to be provided and kept for that purpose; and said clerk of the court shall each year furnish to the secretary of said board a list of all certificates on file in his office, and upon notice to him of the change of location or death of a person so licensed, or of the revocation of the license granted to such person, said clerk shall enter at the appropriate places in the record so kept by him, a memorandum of said fact; so that the records so kept by said clerk of the court shall correspond with the records of said board as kept by the secretary thereof. In case a person so licensed shall move into another county of this state, he or she shall procure from the clerk of the court a certified copy of said license, and file the same with the clerk of the district court in the county to which he or she shall so remove. Said clerk shall file and enter the same with like effect as if the same was the original license.

1887, ch. 9, § 4. This contains §§ 5, 6, ch. 125, acts 1883.

SEC. 675. Penalty to practice without license.— Any person practicing medicine or surgery within this state without first having obtained the license herein provided for, or contrary to the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than fifty (50) nor more than one hundred (100) dollars, or by imprisonment in the county jail not less than ten (10) days, nor more than ninety (90) days, or both fines and imprisonment. Any person shall be regarded as practicing within the meaning of this act who shall append the letters "M. D." or "M. B." to his or her name, for a fee prescribe, direct or recommend for the use of any person any drug or medicine, or other agency for the treatment, care or relief of any wound, fracture or bodily injury, infirmity or disease; provided, however, this act shall not apply to dentists. Justices of the peace and the respective municipal courts shall have jurisdiction over violations of the provisions of this act. It shall be the duty of the respective county attorneys to prosecute violations of this act.

1887, ch. 9, § 6. This contains § 12, ch. 125, acts 1883.

SEC. 676. This act not to apply.— This act shall not apply to commissioned surgeons of the United States army or navy, to physicians or surgeons in actual consultation from other states or territories, or to actual medical students practicing medicine under the direct supervision of a preceptor.

1887, ch. 9, § 5.

SEC. 677. Repeal — Rights saved.— Chapter one hundred and twenty-five (125) of the General Laws of eighteen hundred and eighty-three (1883) is hereby repealed. It is however provided that all persons licensed under said act shall be taken and considered as licensed under this act. And the secretary of the board herein provided for shall enter the names of such persons upon the register so kept by him as licensed physicians and surgeons, without application or fee upon the part of the persons so licensed.

1887, ch. 9, § 7. Acts 1883, ch. 125, provided in § 11 that itinerant vendor of any drug, nostrum, ointment or appliance shall pay license of \$100 per month.

MINNESOTA STATUTES 1891

SECS. 678-681.] STATE OFFICERS — BOARD OF MEDICAL EXAMINERS.

SUBJECTS FOR DISSECTION.

SEC. 678. Delivered to committee.— It shall be the duty of, and it is hereby required of the wardens of penitentiaries, superintendents of poor houses, coroners, undertakers, and all other persons under whose control or custody the remains or body of any deceased person may come, to deliver such remains or body to a committee of three (3) who shall be appointed by the deans of the several medical colleges and schools in this state, and for the physicians, professors and teachers in such medical colleges and schools to receive the same for the purposes of medical and surgical study, *provided*, all expenses for the removal and burial of such remains or body shall be paid by the college or medical school which shall receive the same, and *provided* such committee so selected shall distribute such remains or bodies pro rata among such medical colleges and schools in proportion to the number of students enrolled therein, and *provided* that such remains shall not have been regularly interred and shall not have been desired for interment by any relative of said deceased within thirty-six (36) hours after death, and *provided*, also, that the remains of no person who may be known to have relatives shall be so delivered, or received, without the consent of such relatives, and *provided*, that the remains of no person detained as a witness or under suspicion of having committed a crime, or any person who shall have expressed a desire in his or her last sickness, that his or her body may be interred, shall be delivered or received as aforesaid, and, *provided also*, that in case the remains of any person so delivered or received shall be subsequently claimed by any relative, they shall be given up to such relative for interment, and *provided also*, that if any such warden, superintendent, undertaker or other person in whose custody or control any such remains or body shall be, shall fail to notify and deliver over to such committee so selected, such remains or body within thirty-six (36) hours after the same shall have come into their possession, they shall be deemed guilty of a misdemeanor, and shall on conviction thereof, be imprisoned in the county jail for a period not exceeding ninety (90) days or pay a fine of not less than twenty-five (25) dollars nor more than one hundred (100) dollars, or both in the discretion of the court.

1872, ch. 22, § 1: "An act to promote the science of medicine and surgery in the state of Minnesota." Approved February 27, 1872, as amended 1887, ch. 40. The amendment inserted the provision for a committee and the penalty at end of the section.

SEC. 679. To be used for no other purpose.— The remains and bodies of said persons as may be so received by the physicians, professors and teachers, as aforesaid, shall be used for the purposes of medical and surgical study alone, and in this state only; and whoever shall use such remains for any other purpose or shall remove such remains beyond the limits of this state, or in any manner traffic in the same, shall be deemed guilty of a misdemeanor, and shall on conviction, be imprisoned for a term not exceeding one year in the county jail, or pay a penalty not less than \$300.00 or more than \$1,000.00.

1872, ch. 22, § 3.

SEC. 680. Burial after dissection.— And it shall be the bounden duty of said physicians, professors or teachers, decently to bury in some public cemetery, the remains of all bodies after they shall have answered the purposes of study aforesaid, and for any neglect or violation of the provision of this act, the party so neglecting shall forfeit and pay a penalty of not less than \$25.00 or more than \$50.00, to be sued by the health officers of said cities or other places for the benefit of their department.

1872, ch. 22, § 2.

SEC. 681. Unlawful exhuming.— 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,

MINNESOTA STATUTES 1891

STATE OFFICERS — BOARD OF AUDITORS. [SECS. 682-687.]

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 be imprisoned in the state prison for a term not exceeding four (4) years.

1872, ch. 22, § 4, as amended 1879, ch. 42. Amendment struck out the fine.

TITLE 25.

BOARD OF FUEL COMMISSIONERS.

SEC. 682. Constituted.— The governor, state auditor and state treasurer are hereby constituted a board of fuel commissioners, whose duty it shall be to purchase such an amount of coal as may be necessary for the use of the various state institutions.

1883, ch. 118, § 1: "An act creating a board of fuel commissioners." Approved March 8, 1883.

SEC. 683. Notice for proposals.— The said board of fuel commissioners shall annually, on or before the first (1st) day of July in each and every year, give notice in such newspaper as [they] may deem necessary, for thirty (30) days, that sealed proposals will be received at the office of the state auditor, until a day specified in said notice, for the delivery of coal for the use of the various state institutions, at such times, and at such places, and in such amounts as the said board may designate.

1883, ch. 118, § 2.

SEC. 684. Report of estimates.— It shall be the duty of the trustees of each of the state institutions using coal as fuel, to report to the said board of fuel commissioners on or before the nineteenth (19th) day of June in each year, an estimated amount of coal necessary for such institutions for the fiscal year next ensuing.

1883, ch. 118, § 3.

TITLE 26.

BOARD OF AUDITORS.

SEC. 685. Constituted — To approve bonds.— 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 approved 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, ch. 131, § 1: "An act providing for the approval and custody of the official bonds of state officers and of the treasurers of the several public institutions of the state." Approved March 1, 1883.

SEC. 686. Custodian of official bonds.— 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.

1883, ch. 131, § 2.

SEC. 687. Attorney general to approve.— Previous to such filing, the secretary of state shall obtain in writing, upon all such bonds the approval

MINNESOTA STATUTES 1891

SECS. 688-690.] STATE OFFICERS — SINKING FUND COMMISSIONERS.

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 endorse thereon the reasons for such non-approval, and the secretary of state shall require the officer or treasurer executing 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.

1883, ch. 131, § 3.

SEC. 688. **New bond.**—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 no wise be affected or impaired.

1883, ch. 131, § 4.

SEC. 689. **Bond of treasurers of state institutions.**—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 (1) 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 re-appointment or re-election to such office.

1883, ch. 131, § 5.

TITLE 27.

BOARD OF SINKING FUND COMMISSIONERS FOR STATE RAILROAD ADJUSTMENT BONDS.

Acts 1867, ch. 53, provided for "state railroad bond sinking fund" to be created by proceeds of lands inuring under act of congress, September 4, 1841, and the moneys paid by railroads in lieu of taxes for the purpose of redeeming state railroad bonds. Submitted to vote of people. Acts 1870, ch. 13, provided that land so granted, five hundred thousand acres, be sold and proceeds set apart as "state internal improvement fund" for purpose of redeeming state railroad bonds. Submitted to vote of people. Acts 1871, ch. 21, created a commission to determine and adjudge whether state railroad bonds deposited under acts 1870, ch. 13, were an obligation against the state; to ascertain the amount and issue new bonds. Submitted to vote of people. Acts 1877, ch. 92 (March 1), empowered the governor, auditor and attorney-general to prepare form of bond, "Minnesota six per cent. bonds," to be exchanged for state railroad bonds, payable by sale of internal improvement lands. Submitted to vote of people. Acts 1878, ch. 85 (March 9), empowered the appropriation of the five hundred thousand acre internal improvement lands to be exchanged for state railroad bonds "at a rate and proportion that shall make the whole of said lands equal to the whole amount of said bonds and claims." Submitted to vote. Acts 1881, ch. 104, provided for the application of proceeds of sale of internal improvement lands to redemption of state railroad bonds in pursuance to amendment to constitution. § 32b, art. 4. Submitted to vote at election November 8, 1881. Yes, 31,011; no, 13,589. This act was amended 1881, Ex. S. ch. 2, and entirely superseded by 1881, Ex. S. ch. 71, which was also submitted and approved by electors, November 7, 1882. Acts 1881, ch. 104, and 1881, Ex. S. ch. 71, are the same.

SEC. 690. **Constituted.**—The governor, auditor and treasurer of state are hereby constituted a board of sinking fund commissioners, and are hereby

MINNESOTA STATUTES 1891

STATE OFFICERS — SINKING FUND COMMISSIONERS. [SECS. 691-694.]

charged with the duty of causing the provisions of this act to be carried out, and it shall be their duty to superintend the application of the interest accruing on the securities which are or may hereafter come into the hands of the state treasurer under the provisions of said section thirty-two (32), B. of article four (4), of the constitution, to the payment of interest as it accrues on said Minnesota state railroad adjustment bonds, and to attend to and take care that said fund is preserved inviolate for the purpose of this act.

1881, Ex. S. ch. 71, § 2: "An act to provide for the application of the moneys of the internal improvement land fund of the state of Minnesota to the payment of the principal and interest of the Minnesota state railroad adjustment bonds." Approved November 19, 1881. Same as § 2, ch. 104, acts 1881 (March 2).

SEC. 691. Duty.—Whenever said Minnesota state railroad adjustment bonds can by their terms be paid by the state, it shall be the duty of said sinking fund commissioners to apply the principal of said internal improvement land fund, as fast as it accumulates, to the payment of the principal of said bonds and to take up and retire the same.

1881, Ex. S. ch. 71, § 6. Same as § 6, ch. 104, acts 1881. Acts 1883, ch. 77 and ch. 95, empowered payment of certain lost state railroad bonds.

SEC. 692. Creation of sinking fund.—As fast as any of the internal improvement lands of the state are sold, the proceeds of the same shall be invested and kept invested as provided by section thirty-two (32), B of article four (4), of the constitution of the state of Minnesota, and the same shall be and constitute a sinking fund for the payment at their maturity of the principal of the Minnesota state railroad adjustment bonds to be issued under the provisions of an act passed at the present extra session of the legislature of the state, entitled, "An act providing for the adjustment of certain alleged claims against the state." And the interest on any bonds or securities in which said fund shall be invested shall be applied to the payment of the interest as it accrues on the said Minnesota state railroad adjustment bonds, and all the proceeds of said lands, whether heretofore or hereafter sold, and whether heretofore invested or hereafter to be invested and held by the state treasurer, pursuant to said section of the constitution, and all interest which has accrued or may accrue thereon, or on any of the bonds or securities in which the same or any part thereof has been or may be invested, shall be and remain an inviolable fund to be preserved in the hands of the state treasurer, the interest to be applied to the payment of interest on the Minnesota state railroad adjustment bonds as it accrues, and the principal to be preserved inviolate as a sinking fund for the purpose of being applied to the payment of the principal of said bonds at their maturity, until the maturity of said Minnesota state railroad adjustment bonds, when it shall be applied to the payment of the principal of said bonds.

1881, Ex. S. ch. 71, § 1. Same as § 1, ch. 104, acts 1881, as amended 1881, Ex. S. ch. 2.

SEC. 693. To pay railroad adjustment bonds.—It shall be lawful to invest any of the moneys belonging to the said internal improvement land fund in the bonds to be issued under the provisions of said act, entitled "An act providing for the adjustment of certain alleged claims against the state."

1881, Ex. S. ch. 71, § 3. Same as § 3, ch. 104, acts 1881, as amended 1881, Ex. S. ch. 2.

SEC. 694. When.—Whenever the principal of the said Minnesota state railroad adjustment bonds becomes due and payable at the election of the state, by the terms thereof, it shall be lawful for said board of sinking fund commissioners hereby constituted, to sell and dispose of and convert into cash the bonds and securities constituting the said internal improvement land fund, and apply their proceeds to the payment of the principal of the said Minnesota state railroad adjustment bonds, and to that end the auditor shall draw his warrant on the treasurer in favor of the holder of any such bond, which warrant shall be countersigned by the governor and paid out of said fund by the treasurer, and upon the payment of any such bond by said commissioners they

MINNESOTA STATUTES 1891

SECS. 695-698.] STATE OFFICERS — SINKING FUND COMMISSIONERS.

shall cause to be written across the face of each bond so paid the words "Paid and canceled," together with the true date of such payment, and each member of said board shall attach his signature thereto, and the same shall be filed in the office of the state treasurer as a voucher for such payments.

1881, Ex. S. ch. 71, § 4. Same as § 4, ch. 104, acts 1881. Acts 1885, ch. 217, March 7th, empowered the treasurer to destroy the three hundred and twenty-two Minnesota state railroad bonds held by the internal improvement land fund. Acts 1885, ch. 227, March 7th, empowered the governor, auditor and treasurer to destroy nineteen hundred and eighty Minnesota state railroad bonds belonging to permanent school fund, and the two hundred and seventy-seven Minnesota state railroad adjustment bonds belonging to permanent university fund, and issue new state bonds.

SEC. 695. **How.**—When any coupons on said Minnesota state railroad adjustment bonds are due and payable the auditor of state shall draw his warrants in favor of the holders of coupons, on the treasurer, payable at some bank to be designated by said board of sinking fund commissioners, in the city of New York, payable out of the interest fund of the said internal improvement land fund, and the treasurer shall, in sufficient season to meet said warrant, remit to said bank a sufficient sum from said interest and to pay said warrants. *Provided*, that if the amount on hand of the interest arising from said internal improvement land fund, at any time when any coupons on said Minnesota state railroad adjustment bonds are due and payable, is insufficient to pay the same in full, then the auditor shall ascertain by computation the pro rata share of said interest fund on hand which each coupon would be entitled to, and draw his warrants for such amount in favor of the respective holders of said coupons.

1881, Ex. S. ch. 71, § 5. Same as § 5, ch. 104, acts 1881.

SEC. 696. **Submission to vote.**—This act shall be submitted to the electors of the state of Minnesota at the next general election to be held therein, and shall take effect and be in force from and after its approval by a majority of the electors of the state voting at said election.

1881, Ex. S. ch. 71, § 7. Same as § 7, ch. 104, acts 1881.

SEC. 697. **How.**—The voters voting in favor of this act shall have written or printed, or partly written and partly printed, on their ballots used at said election, the following words: "For the act applying the internal improvement land fund to the payment of the Minnesota state railroad adjustment bonds — Yes," and the ballots used at said election by those voting against said act shall have written or printed, or partly written and partly printed thereon, the following words: "The act applying the internal improvement land fund to the payment of the principal of the Minnesota state railroad adjustment bonds — No."

1881, Ex. S. ch. 71, § 8. Same as § 8, ch. 104, acts 1881. This act submitted to vote of people November 7, 1882. Yes, 82,435. No, 24,526.

STATE RAILROAD ADJUSTMENT BONDS.

Acts 1866, ch. 5, appointed commissioner to ascertain who were holders and amount of state railroad seven per cent. bonds issued in pursuance of amendment to § 10, art. 9, Const., adopted April 15, 1858.

SEC. 698. **Issuance and negotiation.**—It shall be the duty of the governor and state auditor to cause to be prepared new bonds of the state, which new bonds shall be styled Minnesota state railroad adjustment bonds, and bear date July first (1st), A. D. one thousand eight hundred and eighty-one (1881), and shall be of the denomination of one thousand dollars (\$1,000) each, and shall be, and on their face shall be made payable after ten (10) years and not more than thirty (30) years from their date, at the option of the state of Minnesota, in the city of New York, with interest after January first (1st), A. D. one thousand eight hundred and eighty-four (1884), payable semi-annually in the city of New York, at a rate not exceeding five (5) per cent. per annum,

MINNESOTA STATUTES 1891

STATE OFFICERS — SINKING FUND COMMISSIONERS.

[SEC. 698.]

and shall have coupons attached for such interest, and shall pledge the faith and credit of the state to the payment thereof. Said new bonds shall be signed by the governor and attested by the secretary of state under the great seal of the state, and the coupons shall have the names of the governor and secretary of state thereto, and the bonds shall be countersigned and registered by the state auditor.

Exchange for old railroad bonds.—And upon being so executed, countersigned and registered, and as soon as practicable after the passage of this act, the governor shall deliver to the several owners of the Minnesota state railroad bonds, their heirs or legal representatives, who shall have deposited their bonds with the state auditor aforesaid, such an amount of the new bonds as shall be equal to fifty (50) per cent. of the par value of principal and interest of said Minnesota state railroad bonds and the coupons thereto attached, on the first (1) day of January, one thousand eight hundred and eighty-four (1884), less any deduction resulting from other provisions of this act, said interest to be computed at five (5) per cent. per annum after the passage of this act, and take from said several owners and holders of said Minnesota state railroad bonds so deposited as aforesaid, a release under seal, reciting the number and denomination of the state railroad bonds which said new bonds are taken in payment and settlement for, and acknowledging full satisfaction from the state of all liability on said Minnesota state railroad bonds so owned and deposited by such person, which release shall be filed in the state auditor's office.

First coupons.—The first coupons shall be made payable on the first (1st) day of July, A. D. one thousand eight hundred and eighty-four (1884), and thereafter on the first (1st) days of January and July in each year, until the maturity of said bonds.

Cash.—*Provided*, that at its election the state may, and in case said bonds shall draw a less rate of interest than five (5) per cent. shall, in lieu of said bonds, pay cash (less any deduction aforesaid) to the several holders of said Minnesota state railroad bonds so deposited as aforesaid, or any of them, a sum equal to fifty (50) per cent. of the par value of principal and interest of said Minnesota state railroad bonds and coupons on the day when said payment is made, taking the release under seal from the holder, as in the case of delivery of bonds hereinbefore provided.

Negotiation.—And to that end the governor, auditor and treasurer of the state are hereby empowered in their discretion to negotiate, at not less than par, the bonds to be issued under the provisions of this act and apply the proceeds to the payment of said holders of Minnesota state railroad bonds, as hereinbefore provided. And for the purpose of carrying out the provisions of this proviso, said bonds may be made to bear interest from January first (1st), one thousand eight hundred and eighty-two (1882), payable semi-annually thereafter; and in case of the delivery of said new bonds, any fractional sum not less than one thousand (1,000) dollars, may be paid in cash.

Cancelled.—And whenever any of said Minnesota state railroad bonds or the coupons thereof, or any bond of the state is paid under the provisions of this act or otherwise, the treasurer or officer paying the same, shall stamp or cause to be stamped thereon, in large letters, the words, "cancelled and paid;" and on the first (1st) Monday in each month the state treasurer shall, in the presence of the governor and state auditor, burn up all bonds and coupons that shall have been cancelled and paid by him during the preceding month or any previous time, and said treasurer shall keep the number and description of the bonds so destroyed which shall be certified to be correct by said officers present at their destruction, and be included in the annual report of the state treasurer.

1881, Ex. S. ch. 1, § 2: "An act providing for the adjustment of certain alleged claims against the state." Approved November 4, 1881. This section substantially § 4, ch. 102, acts 1891. Acts 1885, ch. 217, authorized the treasurer to destroy the three hundred and twenty-

MINNESOTA STATUTES 1891

SECS. 699-703.] STATE OFFICERS — SINKING FUND COMMISSIONERS.

two Minnesota state railroad bonds held by internal improvement land fund. Acts 1885, ch. 227, authorized the governor, auditor and treasurer to destroy one thousand nine hundred and eighty Minnesota state railroad bonds belonging to permanent school fund and two hundred and seventy-seven Minnesota railroad adjustment bonds belonging to permanent university fund, and issue new state bonds.

SEC. 699. Board of commissioners.—The governor, auditor of state and attorney general shall be and they are hereby constituted a board of commissioners under this act, whose duty it shall be to set apart annually from the sum received by the state from the various railroad companies in this state, in payment of taxes upon their gross earnings, a sufficient sum to meet the semi-annual payments of interest on said bonds to be issued under the provisions of this act.

1881, Ex. S. ch. 1, § 5. Same as § 9, ch. 102, acts 1881 (March 2).

SEC. 700. Semi-annual interest.—It shall be the duty of the treasurer of state to pay the semi-annual maturing interest coupons attached to said bonds as they mature, at the place in the city of New York which shall be designated in said bonds, upon the warrant of the auditor of state, out of the funds so set apart for said purpose aforesaid.

1881, Ex. S. ch. 1, § 6. Same as § 10, ch. 102, acts 1881 (March 2).

SEC. 701. Redemption of railroad bonds.—Any holder of said Minnesota state railroad bonds who desires to avail himself of the provisions of this act, must deposit his bonds and coupons with the state auditor, accompanied by an agreement in writing obligating himself to accept in lieu of said bonds and coupons, and in full payment and satisfaction thereof, fifty (50) per cent of the amount nominally due upon said bonds and coupons less any deductions hereinafter provided for, in cash, or in new bonds of the state, as provided for in this act.

Provided, however, that where there has been a compliance with the requirements of section one (1) of the act entitled "An act providing for the adjustment of the Minnesota state railroad bonds," approved March second (2d), A. D. one thousand eight hundred and eighty-one (1881), the same shall stand and be considered as a compliance with the provisions of this section.

1881, Ex. S. ch. 1, § 1. Substantially § 1, ch. 102, acts 1881.

SEC. 702. Of judgments.—The judgments mentioned and referred to in chapter one hundred and fifty-two (152), page three hundred and eighty-eight (388) of the special laws of one thousand eight hundred and sixty-seven (1867) with interest thereon computed in the same manner and at the same rate as upon said Minnesota state railroad bonds and coupons shall be adjusted and settled by the payment to the plaintiffs therein, their heirs, attorneys, executors or administrators, of fifty (50) per cent. of the amount so due thereon, either in new bonds of the state or in money, in manner as provided in the preceding section for the settlement of said Minnesota state railroad bonds, provided the plaintiffs in said judgments, their heirs or legal representatives shall accept the same in full settlement and satisfaction of all claim and demand against the state on account thereof.

1881, Ex. S. ch. 1, § 3. Same as § 6, ch. 102, acts 1881.

SEC. 703. Adjustment of claims.—Any person having a subsisting, legal and valid claim against either of the land grant railroad companies which received any of said Minnesota state railroad bonds from the state, or against any contractor, sub-contractor, or other person, which accrued for work, labor or services performed in the location or construction of either of the lines of railroads of said companies, or for boarding engineers, contractors, sub-contractors, workmen or others while engaged in the location or construction of said lines of road or any part thereof or for hire of teams, or for provisions for men or teams, goods, or other supplies, ties, piles, timber, lumber, stone, or other material furnished for actual use in the location or construction of either or any part of said lines of railroads, and which claim so accrued prior

MINNESOTA STATUTES 1891

STATE OFFICERS — SINKING FUND COMMISSIONERS.

[SEC. 703.]

to the time when the state acquired said lines of railroad and transferred the same to other companies, may have the same adjusted and settled, as herein provided.

Petition.— Such claimant shall file a petition with, and addressed to the state auditor within thirty (30) days after the passage of this act, verified by himself, agent or attorney, to be true, to the best of his knowledge, information and belief, setting forth the nature and character of his claim and against whom it accrued and subsists, and asking for an adjustment of the same under the provisions of this act.

Errors and mistakes.— Any error, mistake or defect in any such petition, may be remedied by an amendment, in the discretion of the commissioners hereinafter mentioned.

Under previous acts.— The petitions which have been filed with the state auditor under chapter one hundred and two (102), of the General Laws of A. D. one thousand eight hundred and eighty-one (1881), entitled “An act providing for the adjustment of the Minnesota state railroad bonds,” may stand and be considered and treated as filed under this act.

Commission on claims.— The governor, attorney general and state auditor are hereby constituted a commission to consider and pass upon said claims, any two of whom may act, and the determination of any two shall be considered as the act of the commission. They shall fix upon a time and place for hearing the same, and may appoint a clerk, and adjourn from time to time, in their discretion.

Evidence.— It shall be incumbent upon the claimant to establish his claim, and that it is of the character herein contemplated, by the same legal evidence as would be required to establish the same facts in an action against the party primarily liable therefor.

Report.— If said commission finds any of said claims, or any part thereof to be of the character and description hereinbefore mentioned, they shall report the amount thereof, with interest up to December first (1st), A. D. one thousand eight hundred and eighty-one (1881), and in connection with which road it accrued, and file their report in the office of the state auditor.

Limitations.— The statute of limitations shall not be allowed to defeat or operate against any such claims.

Report.— Said commission may embrace its determinations upon all the claims in one report, or may make and file two or more reports.

Aggregate to be paid.— There shall be paid by the governor to the owners of such claims as shall be found by said commission to be of the character and description hereinbefore in this section mentioned, their heirs or assigns, agent or attorney, either in cash or in new bonds of the state, of the tenor and effect mentioned in section two (2) of this act, an amount equal to fifty (50) per cent. of the amount of principal and interest as shall be found due thereon by said commission. *Provided*, that no bonds or coupons thereof, issued by either of said land grant railroad companies, nor the claim or demand for or on account of which the same were issued, nor any claim or demand for money loaned to, or advanced for either of said companies, shall be considered or taken to be claims provided for within the meaning of this section, and no such claim shall be allowed by said commission. *And provided further*, that the aggregate amount of money or new bonds to be paid on account of the claims provided for in this section, shall not exceed the sum of one hundred and fifty thousand dollars (\$150,000), which sum, if insufficient therefor in full, shall be divided pro rata on the same.

Apportioned pro rata.— *And provided further*, that the amount which shall be so allowed on said claims shall be respectively apportioned pro rata upon such of said bonds as were issued on account of the line of railroad in connection with which said allowed claims respectively accrued, and shall be

MINNESOTA STATUTES 1891

SECS. 704, 705.]

STATE OFFICERS — FURTHER DUTIES.

deducted from the percentage to be paid on such bonds under the provisions of section two (2) of this act; and provided further, that the amount so to be paid to each claimant as provided, shall be less the pro rata share of such of the Minnesota state railroad bonds issued to the road out of the construction of which such claims arose as have not at the time of such payment been filed for cancellation under the provisions of this act; and such pro rata share shall be deducted from the amount payable to the owners of such bonds under the provisions of this act, and paid to the respective claimants whenever, and not before, the holder of such bonds shall file them and receive new bonds therefor.

1881, Ex. S. ch. 1, § 4 Substantially § 7, ch. 102, acts 1881.

TITLE 28.

FURTHER DUTIES OF STATE OFFICERS.

REPORTS OF STATE OFFICERS.

SEC. 704. Fiscal year.— That all state officers and the several charitable, educational, penal, and other institutions of this state, from whom reports are required under existing laws, for a period ending the thirtieth day of November, shall hereafter make reports for periods ending July thirty-first, as hereinafter required, and the fiscal year of this state is by this act fixed to terminate in the year one thousand eight hundred and eighty-three, and annually thereafter, on the thirty-first day of July in each year.

1883, ch. 124, § 1: "An act concerning the making of official reports." Approved February 17, 1883. This section supersedes G. S. ch. 5, § 39 (40), as amended 1868, ch. 46, § 37; 1870, ch. 48; 1874, ch. 7, § 37, and G. S. ch. 5, § 40 (41), as amended 1868, ch. 46, § 38; 1874, ch. 7, § 38, which required reports by December 15th for year ending November 31st, and by November 5th for year ending October 31st.

SEC. 705. Annual and biennial.— The state treasurer, the secretary of state, and the state board of health shall make a report for the period ending July thirty-first, one thousand eight hundred and eighty-three, and annually thereafter for the fiscal years as fixed by this act. All other state officers, and trustees and managers of said institutions, shall make reports for the period ending July thirty-first, one thousand eight hundred and eighty-four, and biennially thereafter. The several state officers and the officers of the several state institutions, who, under existing laws, are required to make reports to the governor, shall hereafter make such reports on or before the fifteenth day of September of the year in which they are required to make reports, and all contracts for printing shall hereafter require such reports to be printed on or before the fifteenth day of November of the year in which such reports are made. It shall be the duty of the secretary of state to supply the members of the legislature next to convene with a copy of each of the reports so printed on or before the first day of December, in the year one thousand eight hundred and eighty-four, and biennially thereafter: *provided*, that the provisions of this act shall not apply to the commissioner of insurance, the railroad commissioner and the commissioner of statistics, whose reports shall be made for the periods and at the time fixed by existing laws.

1883, ch. 124, § 2, as amended 1885, ch. 39. Amendment struck out railroad commissioner in second line and inserted it in the proviso. This section supersedes last clause of § 40 (41), ch. 5, G. S. as amended 1874, ch. 7, § 38, which required the governor to deliver the reports to commissioners of public printing, and, when printed, to lay the same before the legislature "at same time with his annual message."

MINNESOTA STATUTES 1891

STATE OFFICERS — FURTHER DUTIES.

[SECS. 706-712.]

LETTING OF CONTRACTS.

SEC. 706. **Advertising for bids.**—That it is hereby made the duty of those who, under authority of the state, have respectively the care, control and management of the several state institutions, before letting any contract or contracts for the erection of any new buildings for the state, or the enlarging or improving of those already in existence, where the value of said building or improvements shall exceed the sum of five thousand dollars, to advertise for proposals for four consecutive weeks prior to said letting, in a paper published at the place where said institution is located, and also for the same length of time in some paper having a general circulation published at the capital, stating the time and place said proposals will be received and opened.

1873, ch. 32, § 1: "An act pertaining to the duties of those having charge of our state institutions." Approved March 10, 1873.

SEC. 707. **Let to lowest responsible bidder.**—That it is hereby made the duty of those so advertising for proposals as aforesaid to let any and all contracts made in behalf of the state to the lowest responsible bidder.

1873, ch. 32, § 2.

INVENTORY.

SEC. 708. **Annually.**—That it shall be the duty of the trustees, directors, inspectors or managers of each of the penal, reformatory, charitable and educational institutions maintained by the state of Minnesota, to cause to be taken, by such officers as they may designate, an annual inventory of all property of the state belonging to the several institutions under their charge, on the last day of each fiscal year.

1885, ch. 167, § 1: "An act providing for the taking of an annual inventory of state property in public institutions." Approved March 7, 1885.

SEC. 709. **Contents.**—In such inventories, lands and buildings shall be listed at their actual cost to the state, as nearly as known, deducting losses by fire. Movable property shall be listed at its actual estimated value when the inventory is taken.

1885, ch. 167, § 2.

SEC. 710. **Filed.**—Said inventories shall be kept on file with the records of such trustees, directors, inspectors or managers, and an abstract of the same shall be published in their biennial reports.

1885, ch. 167, § 3.

INSURANCE OF STATE INSTITUTIONS.

SEC. 711. **Institutions to be insured.**—The board of inspectors of the state prison, the trustees of the hospitals for the insane, the board of directors of the Minnesota deaf, dumb and blind institute, the board of managers of the state reform school, the state normal school board, and all other boards having the management of any state institutions or buildings, are each hereby authorized to insure the several state institutions or buildings under their respective management to an amount not exceeding two-thirds ($\frac{2}{3}$) of their value.

1885, ch. 168, § 1: "An act to authorize the insurance of state institutions and buildings and appropriating money to pay the premiums for such insurance." Approved March 5, 1885.

SEC. 712. **Appropriation.**—That seven thousand dollars (\$7,000) is hereby annually appropriated out of any moneys in the state treasury not otherwise appropriated, to pay the premiums for such insurance, and upon the presentation to the state auditor of vouchers approved by the governor for such premiums, the state auditor shall draw his warrants upon the state treasurer therefor, and the same shall be apportioned by the state auditor among the said respective institutions as in his judgment shall be for the best interests of the state.

1885, ch. 168, § 2.

MINNESOTA STATUTES 1891

SECS. 713-717.]

STATE OFFICERS—FURTHER DUTIES.

UNIFORM SYSTEM OF ACCOUNTING FOR PUBLIC FUNDS.

SEC. 713. Applied to what institutions.—There is hereby established a uniform system of accounting for public funds in the following named institutions of the state of Minnesota, namely: the state university, the state normal schools, the state hospitals for insane, the Minnesota soldiers' home, Minnesota institute for defectives (which shall render a separate account for each of the schools comprising the institute), the state public school, the state reform school, the state reformatory, the state prison and all other similar state institutions which may hereafter be established by law.

1889, ch. 269, § 1: "An act to establish a uniform system of accounting for public funds in the state educational, charitable and correctional institutions, and to appropriate miscellaneous receipts for the use of the said institutions." Approved April 24, 1889.

SEC. 714. Accounting officers and purchasing agents to be appointed.—It shall be the duty of the managing board of each of the state institutions mentioned in section one (1) to designate an accounting officer, whose duty it shall be to keep or supervise the financial accounts of the institutions and to perform such other duties as shall be prescribed by law or by the said managing board. They shall also designate either the said accounting officer or some other officer of the institution to act as purchasing agent, whose duty it shall be to purchase all goods and supplies needed for the institution under such rules and regulations as the said managing board shall prescribe.

1889, ch. 269, § 2.

SEC. 715. Institution treasurers to be appointed.—It shall be the duty of the managing board of each of the institutions named in section one (1) within three months after the passage of this act, to appoint an institution treasurer, which treasurer shall be either some trustworthy person residing in the city or village at which the institution is located, or some solvent national or state bank in said city or village; except that the treasurer of the state shall be ex-officio the treasurer of the Minnesota soldiers' home, as is now provided by law.

The said treasurer shall give bonds in such sum as the managing board shall require, to be approved by said managing board and to be subject to the approval of the public examiner. It shall be the duty of the said treasurer to hold and safely keep all public funds belonging to the said institution which may come into said treasury from any source, and to pay out the same only on written orders signed by the accounting officer of the institution, and countersigned by a member of the managing board, who shall have been authorized by vote of the board to sign such orders.

1889, ch. 269, § 3.

SEC. 716. Superintendents to have the custody of funds belonging to inmates.—It shall be the duty of each superintendent of the several institutions named in this act to have the care and custody of any funds belonging to inmates of the said institutions which may come into his hands, to keep accurate accounts of such funds on books provided for that purpose, and to pay out such funds under such rules and regulations as may be established by law or prescribed by the board of management, taking proper vouchers therefor in all cases; and every such superintendent shall give bonds in such sum as may be required by law or may be prescribed by the board of managers of such institution, to be subject to the approval of the public examiner, conditioned upon the faithful performance of his duties and the due accounting for the funds entrusted to his care.

1889, ch. 269, § 4.

SEC. 717. Miscellaneous receipts, how treated.—(a) It shall be the duty of every officer and employe of the several institutions named in this act

MINNESOTA STATUTES 1891

STATE OFFICERS — FURTHER DUTIES.

[SECS. 718, 719.]

to pay over to the superintendent of the institution without delay, any funds which may come into his hands belonging to any inmate of the institution, and to pay over to the accounting officer of the institution, without delay, any funds which may come into his hands belonging to the institution.

(b) It shall be the duty of the accounting officer of each institution at the close of each month, or oftener, to pay over to the institution treasurer all institution funds which may have come into his hands from sales of public property, board of inmates, labor of inmates or from other sources, and at the close of each fiscal quarter to draw an order on the institution treasurer in favor of the state treasurer for the amount of all such miscellaneous receipts, and at the same time to forward to the state auditor a statement of the amount of the same, and the sources from which they have arisen.

(c) It shall be the duty of the state auditor upon receiving such statement, to place in the hands of the state treasurer a draft for the amount upon the institution treasurer, specifying the fund to which the same is to be credited, and upon payment of such draft, to place the amount so received to the credit of said institution, adding it to any appropriations that may have been previously made by the legislature for the said institution, distributing it to the several appropriations from which it may have arisen or to the current expense appropriation according to his discretion.

Provided, that the miscellaneous receipts of the state prison and the state reformatory shall be paid over to the state treasurer monthly instead of quarterly, in the manner as herein provided.

1889, ch. 269, § 5.

SEC. 718. Pay-rolls and bills to be in duplicate.— It shall be the duty of the accounting officer of each institution, named in section one (1) to prepare a duplicate monthly pay-roll or pay-rolls, showing the services rendered by each officer and employe of the institution, which pay-roll shall contain the receipt of said officers and employes for the orders issued to them in payment for their services. Services rendered or labor performed by persons other than officers and employes, shall be accounted for on proper vouchers made.

The said accounting officer shall require all persons selling goods or supplies to the institution to furnish with such goods, when delivered, bills or invoices, in duplicate, and he may require persons who furnish goods at intervals during the month to furnish also a detailed statement in duplicate at the close of the month. The said bills and invoices shall, whenever practicable, be made upon the billheads or blanks used by such persons in their business. *Provided*, that in cases where it is not convenient for the seller to furnish such bills or invoices, the accounting officer may make out such bills or invoices on blanks to be provided by the institution.

1889, ch. 269, § 6.

SEC. 719. Vouchers, how receipted and disposed of.— Each of the original and duplicate bills mentioned in section six (6) shall be enclosed in an envelope or jacket, on one side of which shall be a classification of the items contained in the bill, and on the other side a receipt in the following form: "Received on the — day of —, 18—, from the — (Here insert the title of the accounting officer) of the — (Here insert the name of the institution) an order on the treasurer of the — for the sum of — dollars, in payment of the within account;" and pay rolls and vouchers for services rendered or labor performed shall be enclosed in similar envelopes or jackets. One of the said duplicate pay rolls or bills, with the accompanying receipts, shall be retained by the said accounting officer in the files of the institution; the other shall be sent to the auditor of state within thirty days after the issuance of an order on the institution treasurer for the payment of the same.

1889, ch. 269, § 7.

MINNESOTA STATUTES 1891

SECS. 720-725.]

STATE OFFICERS — FURTHER DUTIES.

SEC. 720. Goods to be checked by the invoices.— It shall be the duty of the store-keeper of each institution or some person to be designated by the superintendent, to check off all goods and supplies when received by the invoices; to certify thereon the quantity and condition of the same, and to notify the superintendent or the accounting officer forthwith in case the said goods or supplies do not appear to be of the kind or the quality purchased or bargained for. In case goods are received without an invoice it shall be the duty of such store-keeper or designated person to make a memorandum bill of such goods and certify thereon, as herein required.

1889, ch. 269, § 8.

SEC. 721. Monthly expense lists.— It shall be the duty of the accounting officers of the state institutions named in section one (1) at the close of each month to make, or cause to be made, an expense list for expenses incurred during the month under appropriations for current expenses and a separate expense list for expenses incurred under appropriations for other purposes, showing the name of each person rendering service or furnishing supplies, the nature of the service rendered and at what rate, the quantity, kind, price and cost of supplies furnished, and the amount to which each person is entitled by law. *Provided*, that the auditor of state may in his discretion allow items of the same class amounting to less than one (1) dollar each, except food items, to be consolidated on the expense lists as "sundries." Said expense lists shall be audited by the managing board or a committee of the same, and shall be certified by the accounting officer of each institution and a member of the managing board, to be designated by the said board, and shall be forwarded to the auditor of state by the accounting officer, not later than the eleventh (11th) day of the succeeding month.

1889, ch. 269, § 9. This contains substance of § 2, ch. 117, acts 1879.

SEC. 722. Auditor to examine expense lists.— On receipt of such certified expense lists, the auditor of state shall examine, adjust and approve, suspend, or reject the same, and on or before the sixteenth (16th) day of each month, draw his warrants on the state treasurer for the amounts found due thereon to each institution, and no money shall be paid out of the state treasury for the use of the said institutions except on expense lists duly certified.

Provided, that the auditor of state may in his discretion draw his warrants for an amount not exceeding twenty (20) per cent. in addition to the amount of said expense list, to be used for the immediate payment of such accounts as he may authorize to be so paid; said payments to be properly accounted for on the next monthly expense list.

1889, ch. 269, § 10. Contains substance of § 3, ch. 117, acts 1879.

SEC. 723. Unexpended appropriations to be cancelled.— It shall be the duty of the auditor of state, upon the passage of this act and at the close of each biennial period thereafter, to cancel all unexpended appropriations or balances of appropriations which shall have remained undrawn for the period of two (2) years after the expiration of the biennial period during which they became available under the law.

Provided, that the governor, secretary of state and attorney general may continue such appropriations or balances in force, temporarily, on recommendation of the auditor of state.

1889, ch. 269, § 11.

SEC. 724. Miscellaneous receipts appropriated for the use of the institutions.— There is hereby appropriated for the use of the several institutions named in section one (1) of this act, all of the funds paid into the state treasury from miscellaneous receipts under section five (5) of this act.

1889, ch. 269, § 12.

SEC. 725. Repealing clause.— Sections two (2), three (3) and four (4), of chapter one hundred and seventeen (117), of the general laws of one thousand

MINNESOTA STATUTES 1891

STATE OFFICERS — BOARD OF IMMIGRATION.

[Sec. 725.

eight hundred and seventy-nine (1879), and all acts and parts of acts inconsistent with this act are hereby repealed.

1889, ch. 269, § 13. Acts 1879, ch. 117, was an act to appropriate money for state institutions for 1879 and 1880, "and to prescribe the manner of disbursing all appropriations," the substance of which is contained in §§ 9, 10, of acts 1889, ch. 269, *supra*.

BOARD OF IMMIGRATION.

Repealed 1887, ch. 165.

Former laws: 1867, ch. 28; 1869, ch. 91; 1870, ch. 24; 1871, ch. 50; 1878, ch. 90; 1879, ch. 76; 1881, ch. 84; 1881, Ex. S. ch. 94; 1883, ch. 11; 1883, ch. 154; 1887, ch. 155.