

THE  
GENERAL STATUTES

OF THE  
STATE OF MINNESOTA

As Amended by Subsequent Legislation, with which are Incorporated  
All General Laws of the State in Force December 31, 1894

COMPILED AND EDITED BY  
HENRY B. WENZELL, Assisted by EUGENE F. LANE

WITH ANNOTATIONS BY  
FRANCIS B. TIFFANY and Others

AND A GENERAL INDEX BY THE EDITORIAL STAFF OF THE NATIONAL  
REPORTER SYSTEM

---

COMPLETE IN TWO VOLUMES

---

VOL. 2

CONTAINING

Sections 4822 to 8054 of the General Statutes, and the General Index

---

ST. PAUL, MINN.  
WEST PUBLISHING CO.

1894

# MINNESOTA STATUTES 1894

§§ 6976-6978 OFFENSES AGAINST THE PUBLIC HEALTH.

[Ch. 101

## CHAPTER 101.

### OFFENSES AGAINST THE PUBLIC HEALTH.

#### [INFECTIOUS AND EPIDEMIC DISEASES — PRESERVATION OF PUBLIC HEALTH.]

1. Enacted Before the Penal Code, §§ 6976-6984.
2. Enacted Since the Penal Code, §§ 6985-7044.
3. Infectious and Epidemic Diseases—Preservation of Public Health, §§ 7045-7079.

By Penal Code, § 541 (ante, § 6851), cc. 93 to 101 (both inclusive), G. S. 1878, "and all acts and parts of acts which are inconsistent with the provisions of this act, are repealed, so far as they define any crime, or impose any punishment for crime, except as herein provided." But, by § 540 (ante, § 6850), "all statutes defining and providing for the punishment of offenses not defined and made punishable by this Code \* \* \* are recognized as continuing in force notwithstanding the provisions of this Code, except so far as they have been repealed or affected by subsequent laws." By § 542 (ante, § 6852), the Penal Code, when construed in connection with other statutes, "must be deemed to have been enacted on the sixth day of January, 1885, so that any statute enacted after that day is to have the same effect as if it had been enacted after this Code."

#### [TITLE 1.]

#### [ENACTED BEFORE THE PENAL CODE.]

#### § 6976. Importation or running at large of diseased sheep.

That any person, being the owner of sheep, or having the same in charge, who shall import or drive into this state, or shall turn out or suffer to run at large upon any common, highway or uninclosed lands, or joining or against any inclosed lands occupied by any person for pasturing sheep, any sheep having any contagious disease, or who shall sell, let or dispose of such sheep, knowing the same to be diseased, without first apprising the purchaser thereof, or person taking them, of such disease, shall be deemed guilty of a misdemeanor, and shall be punished by fine in a sum not less than fifty dollars, nor more than two hundred dollars, to be collected before any court having proper jurisdiction in this state. One-half of the fine so collected shall be paid to the person making the complaint, and the other half to the county in which the complaint was made.

(1866, c. 42, § 1; G. S. 1878, c. 101, § 11.)

#### § 6977. Same—Offender liable for damages.

Nothing in this act shall be so construed as to prevent the recovery of damages in civil actions against any person or persons who shall import or drive such diseased sheep into this state, or who shall sell or let such diseased sheep, or suffer the same to run at large.

(1866, c. 42, § 2; G. S. 1878, c. 101, § 12.)

#### § 6978. Permitting glandered animal to run at large—Penalty.

Any person being the owner of any horse or other animal, or having the same in his care or under his control, having the disease known as the glanders, who shall knowingly permit such animal to run at large, or be driven upon any of the highways of this state, or who shall sell or in any manner dispose of the same to any other person, or any hotel-keeper or keeper of any public barn, who shall knowingly permit any horse or other animal having such disease to be stabled in such public barn, shall be guilty of a misdemeanor, and, upon conviction before any justice of the peace of any such of-

(1844)

# MINNESOTA STATUTES 1894

Tit. 1]

ENACTED BEFORE THE PENAL CODE.

§§ 6978-6984

fense, shall be punished by a fine of not more than one hundred dollars or less than twenty-five dollars, or be imprisoned in the county jail not more than ninety days or less than ten days.

(1868, c. 59, § 1; G. S. 1878, c. 101, § 13; as amended 1879, c. 46, § 1.)

## § 6979. Importation of Texas or Indian cattle prohibited.

That it shall not be lawful for any one to bring into the state or have in possession, any Texas, Cherokee, Indian, or any diseased cattle, except as hereinafter provided.

(1869, c. 42, § 1; G. S. 1878, c. 101, § 14.)

## § 6980. Exception as to cattle on hand—Such cattle not to run at large.

This act shall not apply to any Texas, Cherokee or Indian cattle, or other diseased cattle, now on hand within this state; but persons having such shall be compelled to keep them within the bounds of their own premises, or separate from other cattle; and any damage that may accrue from allowing such cattle to run at large, and thereby spreading disease among other cattle, shall be recovered from the owner or owners thereof, who shall be liable to all the pains and penalties, as provided in section four of this act.

(1869, c. 42, § 2; G. S. 1878, c. 101, § 15.)

## § 6981. Such cattle may be driven through state, when.

Nothing contained in this act shall be so construed as to prevent the transportation of such cattle through this state on railroads; or to prohibit the driving through any portion of this state such Texas or southern cattle as have been wintered at least one winter north of the northern boundary of the state of Missouri.

(1869, c. 42, § 3; G. S. 1878, c. 101, § 16.)

## § 6982. Penalty—Disposition thereof—Liability for damages.

Any person who shall violate the provisions of this act shall, for every such violation, forfeit and pay into the school fund of the county where the offence is committed, a sum not exceeding one thousand dollars, or to be fined and imprisoned in the county jail, at the discretion of the court, though such time of imprisonment shall not exceed six months; and such person or persons shall pay all damages that may accrue to any person by reason of such violation of this act.

(1869, c. 42, § 4; G. S. 1878, c. 101, § 17.)

## § 6983. Oleomargarine—Branding—Failure—Penalty.

Any person who shall knowingly sell or offer for sale, or procure the sale or offer for sale of, any article or substance in semblance of butter not the legitimate product of the dairy, made exclusively of milk and cream, but into the composition of which the oil or fat of animals or melted butter, or any oil thereof, enters as a substitute for cream, in tubs, firkins, or other original packages, not distinctly, legibly, and durably branded, stamped, or marked in a conspicuous place with the word "Oleomargarine" in letters not less than three-fourths of an inch in length and one-half of an inch in width, or in retail packages not plainly and conspicuously labeled with said word "Oleomargarine," shall be guilty of a misdemeanor, and punished by a fine not less than twenty dollars, nor more than one hundred dollars, or shall be confined in the county jail not less than ten nor more than ninety days, or by both such fine and imprisonment, in the discretion of the court.

(1881, c. 133, § 1;<sup>2</sup> G. S. 1878, v. 2, c. 101, § 21.)

## § 6984. Same—Evidence of knowledge.

The sale or offer for sale of the substance mentioned in the foregoing section in packages not branded, stamped, marked, or labeled as therein required,

<sup>2</sup>An act to regulate the traffic in oleomargarine. Approved March 2, 1881.

§§ 6984-6987 OFFENSES AGAINST THE PUBLIC HEALTH. [Ch. 101

shall be *prima facie* evidence of knowledge of the character of such substance on the part of the person so selling or offering for sale, and his employer.

(1881, c. 133, § 2; G. S. 1878, v. 2, c. 101, § 2<sup>a</sup>.)

## [TITLE 2.]

[ENACTED SINCE THE PENAL CODE.]

## § 6985. "Patent butter" to be stamped—Violation—Penalty.

Any person or firm who shall make or manufacture imitation butter, or butter made of part cream and part caseine and other ingredients under what is known as the "Quinness patent" or process, or any other similar process, whereby the caseine 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 lampblack and oil the words "Patent Butter," in letters at least one-fourth of an inch wide and one-half 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 dollars, nor more than one hundred dollars.

(1887, c. 141, § 1; <sup>2</sup> G. S. 1878, v. 2, c. 101, § 2<sup>31</sup>.)

## § 6986. Same—Sale—Printed statement to be given.

Whoever sells or offers for sale any imitation or patent butter, as described in section one 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 dollars, nor more than one hundred dollars.

(1887, c. 141, § 2; G. S. 1878, v. 2, c. 101, § 2<sup>32</sup>.)

## § 6987. Use of oleomargarine—Posting notice.

The keeper, landlord, or steward of any hotel, restaurant, dining-car, eating-house, or boarding-house, either public or private, who shall supply the guests or boarders of such hotel, restaurant, dining-car, eating-house, or boarding-house with 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, shall cause to be plainly printed upon every bill of fare used in said hotel, restaurant, eating-house, or boarding-house where such adulterated compound is used, immediately under the title thereof and before the naming of any article of food thereon, in capital letters no smaller than those known as "Nonpareil Celtic," the words, "Oleomargarine [or butterine] used as a substitute for butter," in the English language. In case no bill of fare is used in said hotel, restaurant, dining-car, eating-house, or boarding-house, then the proprietor or keeper thereof shall cause to be posted upon each and every side of the dining-room or eating-room, in a position where the same can be seen from any part of said room, and in letters large enough to be distinctly read from any part of said room, the words, "Oleomargarine used as a substitute for butter," said notice to be printed in the English language; and shall keep the same continually posted as aforesaid, so long as said compounds are kept and used; and whoever violates the provisions of this section is guilty of a misdemeanor, and shall be punished by a fine of not less than twenty-five dollars, nor more than fifty dollars, or by imprisonment of not less than fifteen, nor more than thirty, days for the first offense, and fifty

<sup>a</sup> An act to prevent fraud in dairy products, and to preserve health. Approved March 7, 1887.

# MINNESOTA STATUTES 1894

Tit. 2]

ENACTED SINCE THE PENAL CODE.

§§ 6987-6992

dollars' fine or thirty days' imprisonment, or by both such fine and imprisonment, for each subsequent offense.

(1887, c. 172;<sup>3</sup> G. S. 1878, v. 2, c. 101, § 25a.)

## § 6988. Imitation butter—Must be colored pink—Penalty.

Whoever, by himself or his agent, shall sell, expose for sale or have in his possession with intent to sell, any article or compound made in imitation of butter or as a substitute for butter, and not wholly made from milk or cream, and that is of any other color than bright pink, shall be subject to the payment of a penalty of fifty dollars, and for a second and each subsequent offense, a penalty of one hundred dollars, to be recovered with costs in any court in this state of competent jurisdiction.

(1891, c. 11, § 1.4)

The provisions of Laws 1891, c. 11, are valid as a legitimate exercise of the police powers. *Weideman v. State*, (Minn.) 56 N. W. Rep. 688.

See, also, *Butler v. Chambers*, 36 Minn. 69, 30 N. W. Rep. 308.

The offense prohibited in this section is a misdemeanor, and the penalty specified is to be recovered in accordance with G. S. 1878, c. 78, § 10 (ante, § 5960), by a criminal prosecution in a court of competent jurisdiction. *Weideman v. State*, supra.

## § 6989. Same—Certificate of analysis evidence.

Samples or specimens of any articles in imitation of butter, suspected of being of a spurious character, shall be analyzed or otherwise satisfactorily tested as to color and compounds; and a certificate of the analysis, sworn to by the analyzer, shall be admissible as evidence in all prosecutions under this act.

(1891, c. 11, § 2.)

## § 6990. Same—Evidence of intent.

The having in possession by any person or firm of any articles or substance 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 state dairy and food commissioner shall be authorized to seize upon and take possession of such article or substance, 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 derived from fines and the sale of imitation butter shall be paid into the state treasury, to be placed to the credit of the state dairy and food commissioner's fund.

(Id. § 3.)

## § 6991. Same—"Butter" defined.

For the purpose of this act the term "butter" shall be understood to mean the product usually known by that name, and which is manufactured exclusively from milk or cream, or both.

(Id. § 4.)

## § 6992. Sale of impure or unhealthy dairy products.

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 dollars nor more than one hundred dollars, or by imprisonment of not less than one month or more than three months, or both such fine and imprisonment, for the first offense, and by three months imprisonment for each subsequent offense.

(1887, c. 140, § 1; G. S. 1878, v. 2, c. 101, § 215; as amended 1889, c. 247, § 1.5)

<sup>3</sup>An act to prevent fraud upon the guests and boarders of hotels, dining-cars, restaurants, and boarding-houses. Approved March 7, 1887.

<sup>4</sup>An act relating to the sale of imitation butter. Approved April 21, 1891.

<sup>5</sup>§ 19 repeals all acts and parts of acts inconsistent with this act. This act appears to re-enact substantially the provisions of Laws 1885, c. 149.

(1847)

**§ 6993. Care and food of cows—Products 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 dollars nor more than one hundred dollars, or by imprisonment of not less than one month or more than three months, or by both such fine or imprisonment for the first offense, and by three months' imprisonment for each subsequent offense.

(1887, c. 140, § 2; G. S. 1878, v. 2, c. 101, § 21<sup>6</sup>; as amended 1889, c. 247, § 2.)

The legislature may prohibit the sale of milk containing less than a certain proportion of milk solids to water, although such milk is drawn from healthy cows, and is not adulterated. *People v. Cipperly*, (N. Y.) 4 N. E. Rep. 107. And it may make the fact of sale thereof, irrespective of any criminal intent, a penal offense. *People v. Kibler*, (N. Y.) 12 N. E. Rep. 795.

**§ 6994. Sale of impure milk to factories—Account of milk received.**

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 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 dollars or more than one hundred dollars, or not less than one month or more than three months' imprisonment or by both such fine and imprisonment.

(1887, c. 140, § 3; G. S. 1878, v. 2, c. 101, § 21<sup>7</sup>; as amended 1889, c. 247, § 3.)

**§ 6995. Imitation butter and cheese—Penalty for making or selling.**

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 dollars or more than five hundred dollars or not less than six months' or more than one year's imprisonment, or by both such fine and imprisonment for the first offense, and by imprisonment for one year for each subsequent offense.

(1887, c. 140, § 4; G. S. 1878, v. 2, c. 101, § 21<sup>8</sup>; as amended 1889, c. 247, § 4.)

**§ 6996. Same—Adulteration, manufacture, or sale.**

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

(1848);

# MINNESOTA STATUTES 1894

Tit. 23]

ENACTED SINCE THE PENAL CODE. §§ 6996-6998.

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 design or 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 dollars nor more than five hundred dollars, nor less than six months or more than one year's imprisonment for the first offense, and by imprisonment for one year for each subsequent offense. Nothing in this section shall impair the provisions of section four of this act.

(1887, c. 140, § 5; G. S. 1878, v. 2, c. 101, § 2<sup>19</sup>; as amended 1889, c. 247, § 5.)

## § 6997. Same.

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, or 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 misdemeanor, and be punished by a fine of not less than one hundred dollars nor more than one thousand dollars. This section shall not be construed to impair or affect the prohibition of sections four and five of this act.

(1887, c. 140, § 6; G. S. 1878, v. 2, c. 101, § 2<sup>20</sup>; as amended 1889, c. 247, § 6.)

## § 6998. Uniform brand—False brand—Penalty.

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 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

(1849)

§§ 6998-7001 OFFENSES AGAINST THE PUBLIC HEALTH. [Ch. 101

be punished by a fine of not less than twenty-five dollars or more than fifty dollars or imprisonment of not less than fifteen days or more than thirty days. (1887, c. 140, § 7; G. S. 1878, v. 2, c. 101, § 2<sup>21</sup>; as amended 1889, c. 247, § 7.)

**§ 6999. Dairy commissioner—Secretary—Report—Appropriation.**

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 years, or until his successor is appointed, and shall receive a salary of eighteen hundred 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. The said commissioner is hereby authorized and empowered to appoint a secretary whose salary shall be twelve hundred 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. The sum of fifteen thousand 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 purposes of this act. The said commissioner shall make biennial reports to the legislature, not later than the fifteenth 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. The said commissioner shall have a room in the capitol, to be set apart for his use by the governor. This section shall not affect the tenure of office of the present commissioner, nor be construed to impair or affect any of the provisions in section seven of chapter one hundred and forty-nine of the law of one thousand eight hundred and eighty-five, except in the sum of money appropriated. (1887, c. 140, § 8; G. S. 1878, v. 2, c. 101, § 2<sup>22</sup>; as amended 1889, c. 247, § 8.)

**§ 7000. Same—Powers—Duty to render assistance—Penalty.**

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 dollars nor more than one hundred dollars for each and every offense. (1887, c. 140, § 9; G. S. 1878, v. 2, c. 101, § 2<sup>23</sup>; as amended 1889, c. 247, § 9.)

**§ 7001. Reports to commissioner—Blanks.**

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 or managers of such creameries and cheese (1850)

# MINNESOTA STATUTES 1894

Tit. 2]

ENACTED SINCE THE PENAL CODE.

§§ 7001-7004

factories shall, on the first 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 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 dollars nor more than one hundred dollars.

(1887, c. 140, § 10; G. S. 1878, v. 2, c. 101, § 2<sup>24</sup>; as amended 1889, c. 247, § 10.)

## § 7002. Sale of impure cream—Penalty.

No person shall sell or offer for sale any cream taken from impure or diseased milk, or cream that contains less than twenty 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 dollars nor more than one hundred dollars.

(1887, c. 140, § 11; G. S. 1878, v. 2, c. 101, § 2<sup>25</sup>; as amended 1889, c. 247, § 11.)

## § 7003. Impure milk defined—Skimmed milk to be labeled.

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 per centum of water fluids or less than thirteen per centum milk solids, of which less than three and one-half per centum shall be fat, shall be declared adulterated, and milk drawn from cows within fifteen days before and four 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 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 inch high and one-half 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 nor more than one hundred dollars for each and every offense.

(1887, c. 140, § 12; G. S. 1878, v. 2, c. 101, § 2<sup>26</sup>; as amended 1889, c. 247, § 12.)

## § 7004. Milk peddler—License.

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 inhabitants or more in the state of Minnesota, shall annually, on the first day of May, or within thirty 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 commissioners the sum of one 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 commis-

(1851)

## §§ 7004-7010 OFFENSES AGAINST THE PUBLIC HEALTH. [Ch. 10]

tioner 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 dollars, nor more than fifty dollars; for a second offense by a fine of not less than fifty dollars, nor more than one hundred dollars, and for a subsequent offense by a fine of fifty dollars and imprisonment in the county jail for not less than thirty nor more than sixty days.

(1889, c. 247, § 13.)

**§ 7005. Milk sellers in store, etc.—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 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 dollars.

(Id. § 14.)

**§ 7006. Disposition of fees, etc.**

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.

(Id. § 15.)

**§ 7007. Evidence—Seizure of property.**

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.

(1887, c. 140, § 13; G. S. 1878, v. 2, c. 101, § 227; as amended 1889, c. 247, § 16.)

**§ 7008. Jurisdiction of courts.**

The district and municipal courts and all 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, c. 140, § 14; G. S. 1878, v. 2, c. 101, § 228; as amended 1889, c. 247, § 17.)

**§ 7009. Costs of prosecution.**

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.

(1889, c. 247, § 18.)

**§ 7010. Baking powder containing alum must be so labelled.**

Every person who manufactures for sale within this state, or offers or exposes for sale, or sells any baking powder, or any mixture 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 or more than one hundred

(1852)

# MINNESOTA STATUTES 1894

Tit. 2] ENACTED SINCE THE PENAL CODE. (§§ 7010-7015)

dollars and costs, or by imprisonment in the county jail not exceeding thirty days.

(1889, c. 7, § 1<sup>o</sup>)

Laws 1889, c. 7, embraces but one subject, within the meaning of the constitutional prohibition. *Stolz v. Thompson*, 44 Minn. 271, 46 N. W. Rep. 410.

The requirements of §§ 1 and 2 of the act (ante, § 7010; post, § 7011) that baking powder containing alum be marked so as to show that fact held valid, whether other sections of the act are valid or not. *Id.*

In the absence of proof that alum in baking powder is deleterious to health, this act, as amended by Laws 1891, c. 119, violates Const. U. S. art. 1, § 8, granting to congress the power to regulate interstate commerce, in so far as it relates to original packages imported from another state. *In re Ware*, 53 Fed. Rep. 783.

## § 7011. Same—Penalty.

Every person making or manufacturing baking powder, or any mixture or compound intended for use as a baking powder, which contains alum, as the case may be, 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 out side and face of which is distinctly printed in legible type not smaller than "brevier heavy Gothic caps," the name and residence of the manufacturer, and the following words: "This baking powder contains alum," as the case may be. 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 nor more than one hundred dollars and costs, or by imprisonment in the county jail not to exceed thirty days.

(1889, c. 7, § 2, as amended 1891, c. 119, § 1.)

## § 7012. Evidence—Seizure of property

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 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 and food 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, as the case may be, and the proceeds of such sale shall be placed to the credit of the state dairy and food commissioner's fund.

(1889, c. 7, § 3, as amended 1891, c. 119, § 1.)

## § 7013. 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.

(1889, c. 7, § 4.)

## § 7014. Costs of prosecution.

In all prosecutions under this act, the costs thereof shall be paid in the manner now provided by law, and such fine shall be placed to the state dairy and food commissioner's fund.

(*Id.* § 5, as amended 1891, c. 119, § 1.)

## § 7015. Cider vinegar—Adulteration—Penalty.

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,

<sup>o</sup>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. Approved April 24, 1889.

(1853)

§§ 7015-7020 OFFENSES AGAINST THE PUBLIC HEALTH. [Ch. 101

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 or more than one hundred dollars and costs.

(1889, c. 7, § 6.)

§ 7016. **Adulteration of vinegar—Penalty.**

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 dollars and costs.]

(Id. § 7, as amended 1891, c. 119, § 1.)

Laws 1891, c. 119, § 1, provides that § 17 of c. 7, Laws 1889, is amended to read as follows: By striking out the words and figures, at the end of said section 7, "a fine not less than fifty dollars or more than one hundred dollars for each and every offense," and insert in lieu thereof the words and figures as follows: "A fine not less than twenty-five dollars nor more than fifty dollars for each and every offense."

By § 2 of Laws 1891, c. 119, all acts or parts of acts inconsistent with this act are repealed.

§ 7017. **Same—Sale, etc., 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 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, c. 7, § 8.)

§ 7018. **Manufacture and sale of adulterated vinegar a misdemeanor.**

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 such offense shall be punished by a fine of not less than ten dollars nor more than one hundred dollars and costs.

(Id. § 9, as amended 1891, c. 119, § 1.)

§ 7019. **Violation of act—Penalty.**

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 dollars and costs.

(1889, c. 7, § 10.)

§ 7020. **Vinegar—What constitutes adulteration—Stencils—Penalty.**

All vinegar shall have an acidity equivalent to the presence of not less than four and one-half per cent, by weight, of absolute acetic acid, and in case of cider vinegar shall contain in addition not less than two per cent, by weight, of cider vinegar solids upon full evaporation over boiling water; and if any vinegar contains any artificial coloring matter, or less than the above 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 rebarrel vinegar in this state, and all persons who handle vinegar in lots of one barrel or more, are hereby required to stencil or mark in black figures and letters at least one inch in length, on the head of each barrel of vinegar bought or sold by them, the kind of vinegar contained in each package or barrel, together with the name of the manufacturer and location of the factory where the same is made, and the standard strength of the vinegar contained in the package or barrel, which latter shall be denoted by the number of grains of pure bi-carbonate of potash

(1854)

# MINNESOTA STATUTES 1894

Tit. 2]

ENACTED SINCE THE PENAL CODE.

§§ 7020-7025.

required to neutralize one 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 dollars nor more than one hundred dollars and costs.

(Id. § 11, as amended 1891, c. 119, § 1.)

## § 7021. Violation of act.

Whoever violates any of the provisions of this act shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than ten dollars nor more than fifty dollars and costs.

(1889, c. 7, § 12, as amended 1891, c. 119, § 1.)

## § 7022. Spirituous or malt liquors—Adulteration—Penalty.

No person shall within this state manufacture, brew, distil, 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 or more than one hundred dollars and costs for the first offense, and by a fine of not less than fifty or more than one hundred dollars and costs, or imprisonment of not less than thirty or more than ninety days, or by both such fine and imprisonment for each subsequent offense.

(1889, c. 7, § 13.)

## § 7023. Duty of dairy and food commissioner—Expenses.

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

(Id. § 14, as amended 1891, c. 119, § 1.)

## § 7024. Powers of commissioner.

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 tender such friendly aid, shall be deemed a misdemeanor and be punished by a fine of not less than fifty dollars or more than one hundred dollars for each and every offense.

(1889, c. 7, § 15.)

## § 7025. Salary of chemist.

The salary of the chemists shall not exceed two thousand dollars annually.

(Id. § 16.)

(1855)

# MINNESOTA STATUTES 1894

§§ 7026-7030 OFFENSES AGAINST THE PUBLIC HEALTH.

[Ch. 101

## § 7026. Sale of lard compounds as lard prohibited.

No person shall within this state manufacture for sale, have in his possession with intent to sell, offer or expose for sale or sell, as lard, any substance not the legitimate and exclusive product of the fat of the hog.

(1891, c. 12, § 1.7)

The provisions of Laws 1891, c. 12, are valid as a legitimate exercise of the police power. State v. Aslesen, 50 Minn. 5, 52 N. W. Rep. 220.

## § 7027. Same—Substitute must be branded.

Every person who manufactures for sale within this state, has in his possession with intent to sell, offers or exposes for sale, or sells as lard, or as a substitute for lard, or an imitation of lard, any mixture or compound which is designed to take the place of lard and which is made from animal or vegetable oils or fats, or any mixture or compound consisting in part of lard in mixture or combination with animal or vegetable oils or fats, unless the same shall be branded or labeled as hereinafter required and directed, shall be guilty of a misdemeanor and shall upon conviction be subject to the penalties hereinafter provided in this act.

(1891, c. 12, § 2.)

## § 7028. Same—"Lard substitute," how branded.

Every person who manufactures for sale, has in his possession with intent to sell, offers or exposes for sale or sells, any substance made in the semblance of lard, or as an imitation of lard, or a substitute for lard, and which is designed to take the place of lard, and which consists of any mixture or compound of animal or vegetable oils or fats other than hog fat in the form of lard, shall cause the tierce, barrel, tub, pail or package containing the same to be distinctly and legibly branded or labeled, in letters not less than one inch in length, with the name of the person or firm making the same, together with the location of the manufactory, and the words "Lard Substitute," and immediately following the same, in letters not less than one-half inch in length, with the names and approximate proportions of the several constituents which are contained in the mixture or compound.

(Id. § 3.)

## § 7029. Same—"Adulterated lard," how branded.

Every person who manufactures for sale, has in his possession with intent to sell, offers or exposes for sale or sells, any substance made in the semblance of lard, or as an imitation of lard, or as a substitute for lard, and which is designed to take the place of lard, and which consists of any mixture or compound of lard with animal or vegetable oils or fats, shall cause the tierce, barrel, tub, pail or package containing the same to be distinctly and legibly branded or labeled, in letters not less than one inch in length, with the name of the person or firm making the same, together with the location of the manufactory, and the words "Adulterated Lard," and immediately following the same, in letters not less than one-half inch in length with the names and approximate proportions of the several constituents which are contained in the mixture or compound.

(Id. § 4.)

## § 7030. Duty of dealer—Use of labels and cards.

Every dealer or trader who, by himself or his agent, or as the servant or agent of another person, offers or exposes for sale or sells any form of lard substitute or adulterated lard as hereinbefore defined, shall securely affix or cause to be affixed to the package wherein the same is contained, offered for sale or sold, a label, upon the outside and face of which is distinctly and legibly printed, in letters not less than one-half inch in length, the words "Lard Substitute" or "Adulterated Lard," and immediately following the same,

<sup>1</sup>An act in relation to the manufacture and sale of lard and of lard compounds and substitutes, and of foods prepared therefrom; to prevent fraud and to preserve the public health. Approved April 20, 1891. § 13 repeals all acts and parts of acts inconsistent with this act.

(1856)

in letters not smaller than long primer, the name and approximate proportions of the several constituents which are contained in the mixture or compound, and shall furnish to the purchaser, at the time of sale, a card upon which is distinctly and legibly printed the name of the article as hereinbefore defined, and a list of the several components of the mixture.

(Id. § 5.)

#### § 7031. Notice of use of compound, how posted.

Every person who manufactures for sale, or who offers or exposes for sale or sells, or who serves to guests as keeper of hotel, restaurant, dining room, or in any other capacity, articles of food which have been prepared, either wholly or in part, with lard substitutes or adulterated lard as hereinbefore defined, shall at the time of sale furnish to the purchaser a card upon which is distinctly and legibly printed the words, "This food is prepared with lard substitute (or adulterated lard)," or in case no bill of fare is provided, there shall be kept constantly posted upon each of the sides of the dining room, in a conspicuous position, cards, upon the face of which is distinctly and legibly printed, in the English language, and in letters of sufficient size to be visible from all parts of the room, the words, "Lard substitute (or adulterated lard) is used in the preparation of the food served here."

(Id. § 6.)

#### § 7032. Evidence of intent.

The having in possession of any lard substitute or adulterated lard as hereinbefore defined which is not branded or labeled as hereinbefore required and directed, upon the part of any dealer or trader, keeper of hotel, restaurant, bakery, or any person engaged in the public sale of such articles or of food prepared therefrom, shall for the purpose of this act be deemed prima facie evidence of intent to sell the same or to use the same in an illegal manner.

(Id. § 7.)

#### § 7033. 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 this act.

(Id. § 8.)

#### § 7034. Duty of dairy and food commissioner—Expenses.

It shall be the duty of the state dairy and food commissioner and his assistants, experts, chemists and agents by him appointed, to enforce the provisions of this act. 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 the 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.

(Id. § 9.)

#### § 7035. Same—Powers—Refusal of aid—Penalty.

The said commissioner and assistant commissioners, experts, chemists and others by him appointed, shall have access, ingress and egress to all places of business, factories and buildings where the same is manufactured or kept for sale. They shall also 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 take samples therefrom for analysis. All clerks, book-keepers, 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 clerk, book-keeper, express agent, railroad officials, employes or common carriers to render such friendly aid, shall be deemed a misdemeanor and be punished by a fine of not less than twenty-five dollars or more than fifty dollars for each and every offense.

(Id. § 10.)

§§ 7036-7041 OFFENSES AGAINST THE PUBLIC HEALTH. [Ch. 101

**§ 7036. Costs of prosecutions.**

In all prosecutions under this act, the costs thereof shall be paid in the manner now provided by law, and such fine shall be paid into the state treasury and placed to the credit of the state dairy and food commissioner's fund. (Id. § 11.)

**§ 7037. Penalty for violation—Act not to apply to cottoline.**

Any person violating any of the provisions of this act shall be deemed to be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than twenty-five dollars or more than one hundred dollars and costs for each offense, or by imprisonment in the county jail for not less than thirty days or more than ninety days: Provided, however, that the provisions of this act shall not apply to cottoline, a compound consisting of a mixture of beef stearine and refined cotton seed oil, where the tierce, barrel, tub, pail, or package containing the same shall be distinctly and legibly branded or labeled in letters not less than one-half inch in length, with the word "cottoline" and the name and location of the person or firm manufacturing the same, and provided further that said cottoline shall not be manufactured in imitation of lard and shall not contain any substance deleterious to health. (Id. § 12, as amended 1893, c. 126, § 1.)

**§ 7038. Adulterated honey must be labeled.**

It shall be unlawful for any person or persons within the state of Minnesota, to offer for sale or have in their possession with intent to sell, sell or cause to be sold honey compounded, manufactured from, or mixed with, glucose, sugar syrup of any kind, or any substance whatever, not the legitimate and exclusive product of the honey-bee, unless the package containing same is so marked and represented as such and bearing the label upon the package printed thereon in heavy gothic capitals eighteen point, the name of the person or persons having compounded, manufactured or mixed the same, and the name of the substance or material from which it is compounded, manufactured or mixed with. (1893, c. 21, § 1.8)

**§ 7039. Honey from bees fed on glucose, etc., must be labeled.**

It shall be unlawful for any person or persons within the state of Minnesota to offer, or have in their possession for sale, sell or cause to be sold honey which has not been made by the bees from the natural secretions of flowers and plants, but which has been stored or made by the bees from glucose, sugar syrup or any other material or substance fed to them; unless the same is marked, represented and designated as such, and bearing a label upon each package printed in heavy gothic capitals eighteen point thereon, the name of the person or persons who fed, or caused to be fed, the substance or material from which the same is stored or made, and the name of the substance or material from which the said honey is stored or made. (Id. § 2.)

**§ 7040. Same—Penalty for violation.**

Any person or persons violating sections one and two of this act shall be deemed guilty of a misdemeanor, and, upon conviction thereof, be punished for each offense by a fine of not less than fifteen dollars or more than one hundred dollars, or by imprisonment in the county jail not exceeding thirty days, or both such fine and imprisonment. (Id. § 3.)

**§ 7041. Evidence of intent.**

The having in possession by any person or persons or firm any honey compounded, manufactured or mixed as hereinbefore described, or any honey stored or made by the bees as hereinbefore described, and not labeled as pro-

<sup>8</sup>An act in relation to the sale of honey compounded or adulterated, and to prevent fraud and to preserve the public health. Approved April 17, 1893. § 3 repeals all acts and parts of acts inconsistent with this act.

# MINNESOTA STATUTES 1894

Tit. 3]                    INFECTIOUS AND EPIDEMIC DISEASES.        §§ 7041-7045

vided in this act, shall be considered as prima facie evidence that the same is kept in violation of the provisions of this act.

(Id. § 4.)

## § 7042. Duty of dairy and food commissioner.

It shall be the duty of the state dairy and food commissioner and his assistants, experts, chemists and agents by him appointed, to enforce the provisions of this act.

(Id. § 5.)

## § 7043. Same—Powers—Refusal of aid.

The said commissioner and his assistants, experts, chemists and others by him appointed, shall have access, ingress and egress to all places of business and buildings where the same is kept for sale; they shall also 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 take samples therefrom for analysis. All clerks, bookkeepers, express agents, railroad agents, or officials, employes or common carriers, or other persons shall render 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 clerk, bookkeeper, express agent, railroad agents, employes or common carriers to render such friendly aid, shall be deemed a misdemeanor and be punished by a fine of not less than twenty-five dollars or more than fifty dollars for each and every offense.

(Id. § 6.)

## § 7044. Cost of prosecution.

In all prosecutions under this act the costs thereof shall be paid in the manner now provided by law, and such fine shall be paid into the state treasury.

(Id. § 7.)

### [TITLE 3.]

#### [INFECTIOUS AND EPIDEMIC DISEASES—PRESERVATION OF PUBLIC HEALTH.]

## § 7045. Threatened epidemic—Powers of state board of health.

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

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

(1883, c. 132, § 1; G. S. 1878, v. 2, c. 124, § 168.)

<sup>a</sup>An act relating to infectious and epidemic diseases, and the preservation of the public health. Approved March 3, 1883. § 31 repeals all inconsistent acts and parts of acts.

See "An act to prevent the pollution of rivers and sources of water supply." Laws 1885, c. 225 (ante, §§ 430-435). See Laws 1885, c. 279, for appropriation of \$15,000 to meet expenses arising from cholera.

(1859)

# MINNESOTA STATUTES 1894

§§ 7046-7048 OFFENSES AGAINST THE PUBLIC HEALTH. [Ch. 101

## § 7046. Orders of state board—Publication.

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, c. 132, § 2; G. S. 1878, v. 2, c. 124, § 169.)

## § 7047. Orders—Enforcement by local boards.

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, c. 132, § 3; G. S. 1878, v. 2, c. 124, § 170.)

## § 7048. Local boards — Constitution — Duties — Health-officer.

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 members, one 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 Monday of April, A. D. one thousand eight hundred and eighty-five. One member of such board shall be elected for and hold such office for the term of three years, one for two years, and one for one 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

(1860)

# MINNESOTA STATUTES 1894

Tit. 3]

INFECTIOUS AND EPIDEMIC DISEASES.

§§ 7048-7054

misdemeanor, and punished by a fine not exceeding one hundred dollars, or by imprisonment in the county jail not exceeding three months.  
(1883, c. 132, § 4, as amended 1885, c. 4, § 1; G. S. 1878, v. 2, c. 124, § 171.)

## § 7049. Same—Publication of orders, etc.

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

(1883, c. 132, § 5; G. S. 1878, v. 2, c. 124, § 172.)

## § 7050. Nuisances—Abatement.

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

(1883, c. 132, § 6; G. S. 1878, v. 2, c. 124, § 173.)

## § 7051. Same.

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, c. 132, § 7; G. S. 1878, v. 2, c. 124, § 174.)

## § 7052. Health-officer—Proceedings to obtain entrance to building, etc.

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, c. 132, § 8; G. S. 1878, v. 2, c. 124, § 175.)

## § 7053. Same—Warrant.

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

(1883, c. 132, § 9; G. S. 1878, v. 2, c. 124, § 176.)

## § 7054. Violation of duty—Penalty.

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 board of health, or health-officers of this state, or who shall neglect or refuse to obey any reasonable directions as to infectious diseases as shall be directed by the state board of health, shall be liable, upon conviction in any court having competent jurisdiction, to be fined in a sum not less than twenty-five dol-

(1861)

## §§ 7054-7057 OFFENSES AGAINST THE PUBLIC HEALTH. [Ch. 101]

lars, or more than one hundred dollars, and shall become disqualified from holding the office of a member of the board of health.

(1883, c. 132, § 10; G. S. 1878, v. 2, c. 124, § 177.)

## § 7055. Local boards—Proceedings for disinfection, etc.

When any local board of health are of the opinion that the cleansing and disinfection of any house, building, car, vessel, or vehicle, or any part thereof, and of any articles therein likely to retain infection, would tend to prevent or check infectious disease, it shall be the duty of such authority to give notice in writing to the owner or occupier of such house, vessel, or vehicle, or part thereof, requiring him to cleanse and disinfect such house, vessel, or vehicle, and the said articles, within a time specified in said notice. If the person to whom notice is so given fails to comply therewith, he shall be liable to a fine of not less than twenty-five dollars nor more than one hundred dollars for every day during which he continues to make default, and said board shall cause such house, vessel, or vehicle and articles to be cleansed and disinfected, and may recover the expenses incurred, and said fine and costs of prosecution, in a civil action before any justice of the peace or court having jurisdiction in like cases, which sum when recovered shall be placed to the credit of a special fund, for the 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, c. 132, § 11; G. S. 1878, v. 2, c. 124, § 178.)

## § 7056. Same—Destruction of property—Conveyances.

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, c. 132, § 12; G. S. 1878, v. 2, c. 124, § 179.)

## § 7057. Infected persons—Removal to hospital, etc.

Where any suitable hospital or place for the reception of the sick is provided within the district of any local board, or within a convenient distance of such district, any person who is suffering from any dangerous infectious disorder, and is without proper lodging or accommodation, or lodged in a room occupied by more than one family, or is on board any vessel, cars, or other vehicle, may, on a certificate signed by a qualified medical practitioner, or the executive officer of said board, and with the consent of the superintending body of such hospital or place, be removed by order of any justice to such hospital or place at the cost of the local district; and any person so suffering, who is lodged in any common lodging or boarding house, may, with the like consent, and on a like certificate, be so removed by order of the local board. An order under this section may be addressed to such constable or officer as the justice or local authority making the same may think expedient; and any person who willfully disobeys or obstructs the execution of said order shall be liable to a fine not exceeding fifty dollars, to be recovered on criminal complaint, and the sum so recovered shall be paid over to said board for general expenses thereof.

(1883, c. 132, § 13; G. S. 1878, v. 2, c. 124, § 180.)

(1862)

**§ 7058. Local boards—Joint action.**

The state board of health may, by order, require any two or more local boards to act together for the purposes of the provisions of this act, for the prevention of epidemic diseases.

(1883, c. 132, § 14; G. S. 1878, v. 2, c. 124, § 181.)

**§ 7059. Infected strangers and others—Removal, etc.**

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 or health thereof, and shall have followed the instructions and regulations of said state board given with respect to the care and expense in the case or cases in reference to which said bills were incurred; and, further, shall file satisfactory evidence to said state board that such person or persons were non-residents of the state, and have no property within the same. The town, village, borough, or city, as the case may be, may recover in a civil action against the person or persons, or the county, chargeable under this section.

(1883, c. 132, § 15; G. S. 1878, v. 2, c. 124, § 182.)

For appropriation for purposes of § 15, see Laws 1887, c. 216.

**§ 7060. 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 measures as they] may deem necessary for the safety of the inhabitants.

(1883, c. 132, § 16; G. S. 1878, v. 2, c. 124, § 183.)

**§ 7061. Providing hospital.**

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, c. 132, § 17; G. S. 1878, v. 2, c. 124, § 184.)

**§ 7062. Quarantine—Notice to state board.**

[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

(1863)

# MINNESOTA STATUTES 1894

§§ 7062-7066 OFFENSES AGAINST THE PUBLIC HEALTH. [Ch. 101

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, c. 132, § 18; G. S. 1878, v. 2, c. 124, § 185.)

## § 7063. Same—Posting notice—Violation—Penalty.

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

(1883, c. 132, § 19; G. S. 1878, v. 2, c. 124, § 186.)

## § 7064. Fines — Disposition — Physicians to report contagious diseases.

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

(1883, c. 132, § 20; G. S. 1878, v. 2, c. 124, § 187.)

## § 7065. Physician's report of deaths.

That it shall be the duty of each and every practicing physician in this state, to report in writing to the local board of health the death of any of his patients who shall have died of contagious or infectious disease, within twenty-four hours thereafter, and to state in such report the specified [specific] name and type of such disease.

(1883, c. 132, § 21; G. S. 1878, v. 2, c. 124, § 188.)

## § 7066. Report by inn-keepers, etc.

That every keeper of any private house, boarding-house, or lodging-house, and every inn-keeper and hotel-keeper, shall, within twenty-four hours, report in writing to the local board of health the same particulars required of any physician in the preceding section, concerning any person being at any of the aforesaid houses and hotels, and attacked with any contagious disease dangerous to the public health.

(1883, c. 132, § 22; G. S. 1878, v. 2, c. 124, § 189.)

(1864)

# MINNESOTA STATUTES 1894

Tit. 3]

INFECTIOUS AND EPIDEMIC DISEASES.

§§ 7067-7071

## § 7067. Duty of reporting contagious diseases.

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, c. 132, § 23; G. S. 1878, v. 2, c. 124, § 190.)

## § 7068. Removal of infected persons prohibited.

That no person shall, within the limits of any town, city, or village within this state, without a permit from the local or state board of health, carry or remove from one building to another, or from a vessel to the shore, or on any railway cars, any person sick of any contagious disease, or the body of any person having died of contagious disease; nor shall any person, by any exposure of any individual sick of any contagious disease, or of the body of such person, or by any negligent act connected therewith, or in respect to the care and custody thereof, or by a needless exposure of himself, cause, or contribute to, or promote, the spread of disease from any such person or from any dead body.

(1883, c. 132, § 24; G. S. 1878, v. 2, c. 124, § 191.)

## § 7069. Vaccination.

That every person, being the parent or guardian, or having the care, custody, or control, of any minor or other person, shall, to the extent of any means, power, or authority of said parent, guardian, or other person, that could properly be used or exerted for such purpose, cause and procure such minor or person under control to be so promptly, frequently, and effectively vaccinated that such minor or individual should not take, or be liable to take, the small-pox.

(1883, c. 132, § 25; G. S. 1878, v. 2, c. 124, § 192.)

## § 7070. Precautions in schools.

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

(1883, c. 132, § 26; G. S. 1878, v. 2, c. 124, § 193.)

## § 7071. Time for burials.

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

(1883, c. 132, § 27; G. S. 1878, v. 2, c. 124, § 194.)

(1865)

# MINNESOTA STATUTES 1894

§§ 7072-7074 OFFENSES AGAINST THE PUBLIC HEALTH. [Ch. 101

## § 7072. Employment of assistants and physicians—Providing necessaries.

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, c. 132, § 28; G. S. 1878, v. 2, c. 124, § 195.)

## § 7073. Same—Statement of expenses—Auditing—Appeal—Payment.

It shall hereafter be the duty of the chairman of any town or village board of health which has incurred expenses for the control of infectious or contagious diseases in any such town or village to present a statement thereof, duly verified, to the county auditor of the county in which such town or village is situated, and thereupon it shall be the duty of such county auditor to place the same before the board of county commissioners at their first meeting thereafter; and it shall thereupon be the duty of the said board of county commissioners to audit the said statement, or so much thereof as the said board shall determine to be just and proper. Whenever any board of county commissioners shall disallow any such statement, or any part thereof, it shall be the duty of the county auditor of such county, within ten days thereafter, to notify, in writing, the chairman of the town or village board of health, as the case may be, of such disallowance, and such chairman may thereupon, within thirty days after the receipt of such notice, file with the clerk of court a notice of appeal from the action of the said board to the district court. When such notice of appeal shall have been filed with the clerk of court, as aforesaid, the said clerk shall place the same upon the calendar of actions for the ensuing term of the district court. The court at such term shall fix a day for the hearing of such appeal, and cause notice thereof to be served upon the chairman of the town or village board of health, as the case may be. The said chairman may appear in person or by counsel at the trial thereof. The court shall render judgment as justice shall require, regardless of the action of said board of county commissioners. It shall be the duty of the clerk of court to issue subpoenas for the attendance of witnesses when requested so to do, in writing, by the said chairman. No bond shall be required of the board of health taking the appeal herein provided. All expenses incident to such appeal shall be allowed by the court, and paid out of the county treasury. When the board of county commissioners shall audit such statement, or any part thereof, the said statement shall be 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 such expense 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 expend on the tax list of the county a tax sufficient to pay the same so certified, which tax shall be collected as other taxes, and paid over to the treasurer of such city.

(1883, c. 132, § 29, as amended 1885, c. 4, § 2; G. S. 1878, v. 2, c. 124, § 196; 1889, c. 178, § 1; 1893, c. 176, § 1.)

## § 7074. Violation of act, etc.—Penalty—Fines.

Any person who shall willfully violate any of the provisions of this act, or of any regulations duly made and published by any of the boards of health herein mentioned,—the penalty for which is not herein specifically provided for,—shall be guilty of a misdemeanor, and, upon conviction thereof, shall be subject to a fine not to exceed one hundred dollars or imprisonment not to exceed thirty days, or both such fine and imprisonment. All amounts so col-

(1866)

*Amended  
Chap 29-1902*

# MINNESOTA STATUTES 1894

Tit. 3]

INFECTIOUS AND EPIDEMIC DISEASES.

§§ 7074-7079

lected 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, c. 132, § 30; G. S. 1878, v. 2, c. 124, § 197.)

## § 7075. Quarantine may be established, when.

For the better protection of the people of this state against Asiatic cholera and other dangerous contagious diseases, the state board of health may establish a system of quarantine against the introduction of pestilential diseases by the various railway and navigation companies doing business in the transportation of passengers across the borders of this state, the members of the state board of health or their properly constituted representatives are authorized to board any railway conveyance used in the transportation of passengers across the borders of this state, or any vessel entering the waters of this state, for the purpose of sanitary inspection to ascertain the existence of cholera or other dangerous contagious diseases. In case it is found that any such conveyance named is infected with such disease, said officer may, in his discretion, isolate and quarantine all passengers so infected or endangered by or from exposure, together with their baggage and effects, and detain the said conveyance or vessel until it is rendered safe by proper disinfection and fumigation.

(1893, c. 19, § 1.10)

## § 7076. Same—Duty of transportation companies.

Any and all transportation companies shall afford the officers of the said board reasonable facilities for the sanitary inspection of cars and vessels by furnishing necessary transportation to inspectors by detention of cars and navigable vessels during isolation of passengers together with their effects, and shall immediately submit to the fumigation and disinfection of such conveyances and cars as may be deemed necessary by the said board for protection of the public health.

(Id. § 2.)

## § 7077. Fumigation and disinfection of cars, etc.

The necessary expense of fumigation and disinfection of cars and vessels shall be at the expense of the owners of cars or vessels so inspected.

(Id. § 3.)

## § 7078. Expense of quarantine a charge on company, when.

When it is made apparent to the governor of this state that any railroad company or other transportation company is not exercising due or reasonable vigilance against the introduction of Asiatic cholera or other dangerous contagious diseases, he shall announce such conclusion by proclamation and thereupon and thereafter the entire expense of quarantining immigrants or emigrants or passengers shall be a direct charge against said company.

(Id. § 4.)

## § 7079. Infection on car or vessel—Notice—Penalty for violation.

Whenever the said board shall discover the existence of cholera or any infectious disease on any railway car or vessel without the boundaries of this state, they shall cause notice of such fact to be served upon the agent or officer of the company operating such car or vessel, and thereupon and thereafter it shall be unlawful for such company or any of its officers or agents to bring or cause to be brought within this state such car or vessel, except it be done in accordance with such reasonable rules and regulations as the said board shall adopt applicable to such case. Any person or corporation who shall violate any of the provisions of this act shall be punished therefor by a fine not to exceed one thousand dollars, or by imprisonment in the state prison not more than one year, or by both such fine and imprisonment.

(Id. § 5.)

<sup>10</sup> An act to protect the people of the state of Minnesota against the importation of acute contagious diseases by the regulation of interstate immigration. Approved April 3, 1893