

GENERAL STATUTES

OF

MINNESOTA

1913

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thereat shall be published by the printing commission in the general form heretofore adopted; with suitable headlines and marginal notes, and shall be indexed by the secretary of state with the assistance and advice of the attorney general, and each volume of such session laws shall have a full and complete index of the laws of said session, each index of each volume of session laws hereafter published to give briefly subject matter of law, reference to year, chapter and section of session laws and to sections of the Revised Laws of 1905 altered, amended or repealed, and a reference by chapter and year to the session laws of 1905 and subsequent years altered, amended or repealed. Unless otherwise prescribed by law, the number of copies, and the manner and terms of disposing of the same, shall be determined by the commission; provided, that one hundred copies shall be assigned to the state university for the use of its law library; and, if the legislature shall appropriate money for the publication of such session laws in the newspapers, the commission shall apportion the same equitably among such qualified newspapers as may make publication thereof within a time and in a manner by it directed or approved. (R. L. § 2276, amended '07 c. 115 § 2)

4943. **Treasurer's report, how published**—The annual report of the state treasurer as it may have been edited and condensed by the printing commission shall be printed in the volume of session laws mentioned in section 4942 and also in one issue of a daily newspaper published at the seat of government and designated by the printing commission. (R. L. § 2277, amended '13 c. 481 § 2)

4944. **Detailed report of treasurer**—No part of the general appropriation of the printing commission shall at any time be paid for the publication of a complete and detailed report of the state treasurer, either in the volumes of the acts of the legislature or in a newspaper printed at St. Paul, which detailed report contains and is composed of detailed statements of all moneys drawn from the treasury during the preceding year, for what purpose and to whom paid, and by what law authorized; and also of all moneys received, and by what authority and from whom. All payments for the publication of such detailed statement shall be made by a special appropriation therefor. ('13 c. 453 § 3)

Section 1 makes an appropriation for a condensed report. Section 2 legalizes certain payments.

CHAPTER 35

EMPLOYMENTS LICENSED BY STATE BOARDS OR OFFICIALS

ATTORNEYS AT LAW

4945. **Board of law examiners—Examinations**—The state board of law examiners shall consist of not less than five nor more than seven attorneys at law, as the justices of the supreme court may from time to time determine, who shall be appointed by said justices each for the term of three years and until his successor qualifies. The justices may fill any vacancy in said board for the unexpired term, and in their discretion may remove any member thereof. The board shall have a seal, and shall elect a president, a secretary, and a treasurer; but the offices of secretary and treasurer may be held by the same person. The secretary shall keep a record of the proceedings of the board, of all applications made to it for examination, and of the names of all persons admitted to the bar upon its recommendation. At least three times a year the board shall hold public examinations, both oral and written, and report the result thereof, with its recommendations, to the supreme court. Upon consideration of such report the court shall enter an order, in the case of each person examined, authorizing or directing the board to reject him or to issue to him a certificate of admission. The fee for examination shall be fifteen dollars, payable to the treasurer in advance. From money so received the treasurer shall pay the necessary expenses of the board, and of the several members, incurred in attending examinations, and ten dollars a day to each member for his actual services as such. (2278)

4946. Prohibition—Admission of law graduates—Except as hereinafter provided, no person shall be admitted to practice as an attorney, or permitted to commence, conduct, or defend any action or proceeding in a court of record to which he is not a party, either in his own name or in that of another, otherwise than under rules prescribed by the supreme court. A graduate from the college of law of the state university shall be so admitted, without fee or examination, upon production of his diploma within two years from the date thereof, and upon proof that he is an adult citizen and resident of the state, of good moral character. Upon the same terms and conditions a graduate from any college of law incorporated in this state or established by authority of its laws, and located therein, shall be admitted to such practice, provided such college receives as students only those having the equivalent of a high school education, affords a three years' course of tuition under a corps of ten competent instructors, and operates under the written approval of the supreme court. Such approval shall be by certificate, filed with the clerk, to the effect that such college meets the foregoing requirements. When, in the opinion of the court, any such college shall have ceased to merit such approval, the court may revoke the same, and thereafter the diploma shall no longer have the effect above provided. (2279)

108-362, 122+1, 23 L. R. A. (N. S.) 510, 17 Ann. Cas. 687.

4947. Unauthorized practice—Every person not duly admitted to practice, who shall appear as an attorney at law in any action or proceeding in a court of record, except in his own behalf when a party thereto, or who for any consideration shall give legal advice, or in any manner hold himself out as qualified to give it or as being an attorney at law, shall be guilty of a gross misdemeanor, of which the district court shall have sole original jurisdiction, and which the county attorney shall prosecute; but an attorney admitted to practice and residing in another state, who shall attend any term of court here for the purpose of trying or assisting in the trial or conduct of an action or proceeding therein pending, may be permitted to do so without being subject to such penalty. (2280)

Contract between layman and lawyer for division of fees received in cases brought to attorney by layman held void (108-362, 122+1, 23 L. R. A. [N. S.] 510, 17 Ann. Cas. 687).

4948. General duties—Every attorney at law shall:

1. Observe and carry out the terms of his oath.
2. Maintain the respect due to courts of justice and judicial officers.
3. Counsel or maintain such causes only as appear to him legal and just; but he shall not refuse to defend any person accused of a public offence.
4. Employ, for the maintenance of causes confided to him, such means only as are consistent with truth, and never seek to mislead the judges by any artifice or false statement of fact or law.
5. Keep inviolate the confidences of his client, abstain from offensive personalities, and advance no fact prejudicial to the honor or reputation of a party or witness, unless the justice of his cause requires it.
6. Encourage the commencement or continuation of no action or proceeding from motives of passion or interest; nor shall he, for any consideration personal to himself, reject the cause of the defenceless or oppressed. (2281)

Subd. 2 (104-88, 116+212, 17 L. R. A. [N. S.] 585, 15 Ann. Cas. 197).

Subd. 5 (75-366, 77+987).

4949. Penalties for deceit, etc.—An attorney who, with intent to deceive a court or a party to an action or judicial proceeding, is guilty of or consents to any deceit or collusion, shall be guilty of a misdemeanor; and, in addition to the punishment prescribed therefor, he shall be liable to the party injured in treble damages. If he permit any person not his general law partner to begin, prosecute, or defend an action or proceeding in his name, the attorney giving such permission, and every person so using his name, shall forfeit fifty dollars to the party against whom the action or proceeding is prosecuted or defended, recoverable in a civil action. (2282)

4950. Authority—An attorney may bind his client, at any stage of an action or proceeding, by agreement made in open court or in presence of the clerk, and entered in the minutes by such clerk, or made in writing and signed by such attorney. During any proceeding or action the attorney may receive money

claimed therein by his client, and within two years after judgment, upon payment thereof, may discharge the claim or acknowledge satisfaction of the judgment; but all such authority shall cease upon the substitution of another attorney. (2283)

Authority to stipulate that action shall abide event of another action (48-53, 50+933, 16 L. R. A. 507); to waive verification of pleading (2-319, 273); to waive defences (6-136, 82); to stipulate for judgment against client (70-66, 72+816); to waive right to second trial in ejectment (39-355, 40+262); to satisfy judgment within two years of entry (21-51; 94-418, 103+215); to issue execution and receive money paid thereon (39-373, 40+254); to make admissions in conduct of litigation (14-333, 256); to protect judgment (23-518; 29-367, 13+194). No implied authority to compromise claim (see 6-526, 365; 25-267; 49-528, 52+140; 66-131, 68+845; 111-183, 126+731, 31 L. R. A. [N. S.] 523, 137 Am. St. Rep. 549), or judgment (94-418, 103+215); to stipulate that client's property taken on execution be sold at private sale by person other than sheriff (21-56); to consent to an amendment of a complaint whereby a client sued in a representative capacity is rendered liable individually (60-485, 62+1130). Agreements out of court to be in writing (33-87, 22+4). Authority to bind infant client (48-53, 50+933, 16 L. R. A. 507). Effect of assignment of judgment (39-373, 40+254). Notices to be served on (23-518; 79-476, 82+990). Foreclosure of a mortgage not a "proceeding" within statute (53-346, 55+557). Authority ceases on entry of judgment against client (21-51; 23-518). Unauthorized acts of attorney acquiesced in by client binding on client (6-526, 365; 17-45, 27; 25-267; 63-272, 65+459). A stipulation improvidently, fraudulently or collusively made may be set aside in the discretion of the court (6-136, 82; 14-333, 256; 39-355, 40+262; 48-53, 50+933, 16 L. R. A. 507; 70-66, 72+816). An unauthorized stipulation may likewise be set aside (94-490, 103+501).

4951. Proof of authority—A court, upon motion and hearing, and when reasonable grounds are shown, may require any attorney to prove his authority to appear, and, until such proof is made, may stay all proceedings by him on behalf of the party he assumes to represent. At any stage of the proceedings the court may relieve a party from the consequences of the unauthorized acts of an attorney, and, upon motion, may summarily compel such attorney to repair any injury resulting therefrom. (2284)

1-241, 191; 19-174, 137.

Cited (109-110, 123+62).

4952. Consultation with persons restrained—All officers or persons having in their custody a person restrained of his liberty upon any charge or cause alleged, except in cases where imminent danger of escape exists, shall admit any resident attorney retained by or in behalf of the person restrained, or whom he may desire to consult, to a private interview at the place of custody. Such custodians, upon request of the person restrained, as soon as practicable, and before other proceeding shall be had, shall notify any attorney residing in the county of the request for a consultation with him. Every officer or person who shall violate any provision of this section shall be guilty of a misdemeanor, and, in addition to the punishment prescribed therefor, shall forfeit one hundred dollars to the person aggrieved, to be recovered in a civil action. (2285)

4953. Change of attorney—The attorney in an action or proceeding may be changed at any time upon his consent, or, by order of the court, upon the application of the client for cause; but no change can be made on application of the client unless the charges of the attorney be paid. When such change is made, written notice of the substitution of a new attorney shall be given to adverse parties; until such notice, they shall recognize the former attorney. (2286)

11-72, 42; 21-51; 24-479, 495.

4954. Same—Disability—Non-resident clients—When the sole attorney of a party to any action or proceeding in any court of record dies, becomes insane, or is removed or suspended, the party for whom he appears shall appoint another attorney within ten days after the disability arises, and give immediate written notice of the substitution to the adverse party. If he fail to make substitution within such time, the adverse party, at least twenty days before taking further proceedings against him, shall give him written notice to appoint another attorney. Whenever, for any reason, the attorney for a party ceases to act, and the party has no known residence within the state, such notice may be served upon the clerk of the court. In case such party fails either to comply with the notice or appear in person within thirty days, he shall not be entitled to notice of subsequent proceedings in the case. (2287)

21-51, 55; 64-243, 66+988.

4955. Lien—An attorney has a lien for his compensation, whether the agreement therefor be express or implied:

1. Upon the papers of his client coming into his possession in the course of his employment.

2. Upon money in his hands belonging to his client.

3. Upon the cause of action from the time of the service of the summons therein.

4. Upon money in the hands of the adverse party to the action or proceeding in which the attorney was employed, from the time such party is given notice of the lien.

5. Upon a judgment, to the extent of the costs included therein; and, if there be a special agreement as to compensation, the lien shall extend to the amount thereof from the time of giving notice of his claim to the judgment debtor. But this lien is subordinate to the rights existing between the parties to the action or proceeding. (2288)

Subd. 1 (96-456, 105+485, 489). Subd. 2 (83-512, 86+775). Subd. 3 (New. See 53-249, 54+1108; 86-480, 91+12; 97-51, 106+104, 3 L. R. A. [N. S.] 379, 114 Am. St. Rep. 691; 102-307, 113+701, 12 Ann. Cas. 341; 108-41, 121+418; 114-362, 131+463; 118-198, 136+747). Subd. 4 (8-303, 267; 21-412; 86-271, 90+402; 86-480, 91+12). Subd. 5 (1-270, 205, 66 Am. Dec. 541; 8-303, 267; 31-201, 17+337; 39-373, 40+254; 42-234, 44+11; 51-73, 52+970; 64-46, 65+931; 68-328, 332, 71+395, 72+71; 79-390, 82+653; 102-307, 113+701).

4956. Refusal to surrender property to clients—Whenever an attorney shall refuse to deliver money or papers to a person from or for whom he has received them in the course of his professional employment, he may be required to do so by an order of court. Such order may be granted by the court in which the action was prosecuted, or, if no action was prosecuted, by the district court of the county where he resides, or by the supreme court, and may require him to make delivery within a time specified, or show cause why he should not be punished for contempt. If the attorney claims a lien upon the property, the court may:

1. As a condition of making the order, require the client to give security, in form and amount as directed, to satisfy the lien when determined in an action; or

2. Summarily inquire into and determine the facts upon which the lien claim is founded; or

3. Direct a trial of the controversy by a jury, or refer it, and determine the same upon the verdict or report as in other cases. (2289)

86-271, 274, 90+402; 94-418, 103+215; 108-41, 121+418.

4957. Removal or suspension—An attorney at law may be removed or suspended by the supreme court for any one of the following causes arising after his admission to practice:

1. Upon his being convicted of felony, or of a misdemeanor involving moral turpitude; in either of which cases the record of conviction shall be conclusive evidence.

2. Upon a showing that he has knowingly signed a frivolous pleading, or been guilty of any deceit or wilful misconduct in his profession.

3. For wilful disobedience of an order of court requiring him to do or forbear an act connected with or in the course of his profession.

4. For a wilful violation of his oath, or of any duty imposed upon an attorney by law.

Proceedings in such cases may be taken by the court on its own motion, for matter within its knowledge, or upon accusation as hereinafter provided. (2290)

Subd. 1 (66-9, 68+1102). Subd. 2 (26-25, 1+43; 33-343, 23+463; 73-292, 76+38; 88-31, 92+466; 93-131, 100+645; 93-160, 100+684; 98-44, 107+144; 100-76, 110+341; 103-522, 114+1133; 104-88, 116+212, 17 L. R. A. [N. S.] 585, 15 Ann. Cas. 197). Subd. 4 (3-274, 188; 93-425, 101+613).

4958. Accusation—Any person having knowledge that an attorney has rendered himself liable to removal or suspension shall report the facts constituting such alleged liability, and give the names of witnesses thereto, to a member of the board of examiners. If such member be satisfied that the accusation, if true, constitutes sufficient ground for removal or suspension, and that the same is

probably true, he shall refer it to the secretary of the board. Such secretary, or some member of the board designated by him, shall investigate the facts upon which the charge is based, and if he find reasonable grounds for believing the attorney guilty of the act charged, or that any grounds for his removal or suspension exist, and that his guilt can be proved, he shall make or cause to be made to the court a verified accusation thereof. The member who investigated the case, or such other attorney as the court may designate, shall conduct the prosecution. (2291)

4959. Order to appear—Proceedings—The court shall make an order requiring the accused to appear and answer at a specified time, and shall cause a copy of the accusation and order to be served upon him within a prescribed time before the day therein appointed. The accused shall appear at the appointed time and answer the accusation, either by objecting to its sufficiency or denying its truth. The objection to sufficiency shall be in writing, and shall be sufficient if it present intelligibly the grounds of objection. The denial of truth may be oral and unsworn, and shall be entered in the minutes. If the objection to sufficiency be not sustained, he shall answer forthwith. If he plead guilty or refuse to answer, the court shall proceed to judgment of removal or suspension. If he deny the charge, the court shall hear the evidence, or appoint a referee to take and report the same. If he fail to appear, the court may determine the accusation in his absence. (2292)

4960. Suspension by lower courts—Between terms of the supreme court any court of record may suspend an attorney from practicing therein upon any of the grounds mentioned in this subdivision. The order of suspension shall state the grounds therefor and be filed with the clerk. A certified copy thereof shall be transmitted forthwith by the clerk to the secretary of the board of examiners, who shall present the matter to the supreme court at the opening of the term next ensuing, either by accusation as in other cases, or by recommendation that the suspension be annulled. Thereafter such court shall have jurisdiction, and, in case accusation is made, may relieve the accused from suspension, or permit the same to continue until final hearing. (2293)

4961. Compensation in proceedings against attorneys—Members of the board of examiners, referees, and attorneys required to investigate, prosecute, or report upon charges against an attorney, shall be paid their necessary expenses and ten dollars each per day for time necessarily employed. Officers and witnesses necessarily employed or called by the prosecution shall receive the fees and mileage allowed by law, and the supreme court shall fix a reasonable compensation for the reporter; all of which shall be paid by the state, out of any money in the general revenue fund not otherwise appropriated, upon itemized vouchers approved by one of the justices of the court. (2294)

CERTIFIED ACCOUNTANTS

4962. Board of accountancy—That a board of examiners, to be known as the state board of accountancy, is hereby created to carry out the purposes and enforce the provisions of this act. Said board shall consist of three citizens of this state to be appointed by the governor and who, with the exception of the members first to be appointed, shall be the holders of certificates issued under the provisions of this act and shall hold office for the term of three years and until their successors are appointed and qualified. The first members of said board shall be skilled in the practice of accounting, and shall for a period of three years next preceding their appointment, have been actively engaged therein, in this state, on their own account, and shall hold office, one for the term of three years from the date of his appointment, one for the term of two years, and one for the term of one year. The term of office of each is to be designated by the governor in his appointment, and upon expiration of each term of its members, the governor shall appoint one member of said board as herein provided for a term of three years. ('09 c. 439 § 1)

4963. Officers—Duties—Examinations—Report—The persons appointed as members of this board shall meet and organize within thirty (30) days after their

appointment. A majority of said board shall constitute a quorum. They shall appoint one of their number as a chairman, another as a secretary and another as treasurer, or may appoint one member to serve as both secretary and treasurer, and said officers shall hold their respective offices for a term of one year and until their successors are elected. In the absence of the chairman or secretary, the board may appoint a chairman pro tem, or a temporary secretary. The affirmative vote of two members of said board shall be considered as the action of said board. Said board shall enforce the standard of general education; the standard of special education in the science and art of accounting; the standard of moral character and general public experience as prescribed in this act in all examinations conducted hereunder. The board shall make rules and regulations for the conduct of applicants' examinations and the character of such examinations and scope, the method and time of filing applications for examinations and their form and contents, and all other rules and regulations proper to carry into effect the purposes of this act. All such examinations shall be conducted by said state board of accountancy. The time and place of holding examinations shall be advertised for not less than three consecutive days in one daily newspaper, published in each of the counties where the examinations are to be held, and not less than twenty days prior to the date of each examination. The examinations shall take place as often as may be convenient in the opinion of the board, but not less than once in each year. Said board shall keep records of their proceedings, an accurate list of all applications made, certificates issued, certificates registered and certificates revoked, and shall keep proper financial records in which there shall be entered a complete statement of the cash receipts and disbursements of said board. Said board shall adopt and provide itself with a seal with a band inscribed "Certified Public Accountant, State of Minnesota," with the coat of arms of Minnesota in the center, and said seal shall be affixed to each certificate issued or registered under this act. All records of said board shall be open to the inspection of the public at the office of the secretary of the board. Said board shall report annually to the governor in the month of December, as follows:

- (a) Its receipts and disbursements.
- (b) Names of persons to whom certificates have been issued.
- (c) Names of all persons whose certificates have been revoked.
- (d) Recommendations, if any, for new legislation, and such other matters as the board may deem proper. ('09 c. 439 § 2)

4964. Certificate granted, to whom—No certificate for a certified public accountant shall be granted to any person other than a citizen of the United States, or person who has in good faith duly declared his intention of becoming such citizen, and is over the age of twenty-one years and of good moral character and (except under the provisions of section 4 [4965] of this act) who shall have successfully passed an examination in "Accounting," "Auditing" and "Commercial Law," effecting accountancy, and on such other subjects as the board may deem advisable. No person shall be permitted to take such examination unless he shall for a period of at least three years have been employed in the office of a "public accountant" as an assistant, or shall have been practicing as a public accountant on his own account, and who shall not at least three years prior to the date of said examination have successfully passed an examination in such subjects as may be prescribed by the board, touching his general education, qualification and fitness for an accountant; provided, that said board may, in its discretion, waive the preliminary examination of an applicant who, in its opinion, has had a general education equivalent to that which may be prescribed by its rules and is otherwise qualified. ('09 c. 439 § 3)

4965. Certificate without examination, to whom—Said state board of accountancy may, in its discretion, waive the examination of and may issue a certificate for certified public accountant to any person possessing the qualifications mentioned in section 3 [4964] of this act, who

- (1) Is the holder of a C. P. A. certificate, issued under the laws of another state, which extends similar privileges to certified public accountants of this state, provided the requirements for said degree in the state which has granted

it to the applicants are, in the opinion of the state board of accountancy, equivalent to those herein provided; or who

(2) Shall be the holder of a degree of certified public accountant or chartered accountant, or the equivalent thereof, issued in any foreign government, provided that the requirements for such degree are equivalent to those herein provided for the degree of certified public accountant; or who

(3) For more than three consecutive years next preceding the passage of this act shall have been practicing in this state on his own account as a public accountant, and who shall apply in writing to the board for such certificate within six months after the passage of this act. ('09 c. 439 § 4)

4966. Holder of certificate, how styled—Any person who has received from said state board of accountancy a certificate of his qualifications to practice as a public accountant as herein provided shall be known and styled a "Certified Public Accountant"; and no other person, and no partnership, all of its members who have not received such certificate, and no corporation shall assume such title or the title of "Certified Accountant," or the abbreviations "C. P. A." or any other words, letters or abbreviations tending to indicate that the person, firm or corporation so using the same is a certified public accountant. ('09 c. 439 § 5)

4967. Fee for examination and certificate—Said state board of accountancy shall charge for each examination and certificate provided for in this act a fee of twenty-five dollars to meet the expenses of such examination. This fee shall be payable by the applicant at the time of making his initial application, and shall not be refunded, and no additional charge shall be made for the issuance of a certificate to any applicant. From the fees collected under this act, the board shall pay all expenses incident to the examinations, hearings and expense of issuing certificates, traveling expenses of the members of the board while performing their duties under this act shall be a charge against the funds of this state. The members of said board of accountancy shall be paid all necessary expenses incurred in the performance of the duties under this act. ('09 c. 439 § 6)

4968. Revocation of certificate—Said state board of accountancy may revoke any certificate issued under this act or may cancel the registration of any certificate issued under this act for bad moral character, dishonesty, conviction of crime, incompetency or unprofessional conduct; provided, a written notice shall have been mailed to the holder of such certificate at least twenty days before any hearing thereon, stating the cause for such contemplated action and appointing a time and place for a hearing thereon by the state board of accountancy, and further provided, that no certificate issued under this act shall be revoked until an opportunity for such hearing shall have been afforded. At all such hearings, the attorney general of this state, or one of his assistants designated by him, shall attend. Certificates issued or registered under this act shall be surrendered to the state board of accountancy on their revocation by said board. ('09 c. 439 § 7)

4969. Penalty for violation—Any violation shall be a "gross misdemeanor." ('09 c. 439 § 8)

PHYSICIANS AND SURGEONS

4970. Board of medical examiners—The state board of medical examiners shall consist of nine qualified resident physicians, appointed by the governor each for the term of three years and until his successor qualifies. No member thereof shall serve for more than two successive terms, nor shall any instructor or person financially interested in a medical school be appointed thereto; and it shall at all times include three homeopathic physicians. Vacancies shall be filled by like appointment for the unexpired term. The board shall elect from among their number a president, a secretary, and a treasurer, and shall adopt a seal. It shall hold examinations at the seat of government on the first Tuesday in January, April, June, and October of each year, and at such other times as it shall deem best. The secretary shall keep a record of all its proceedings, including a register of all applicants for license, giving their ages, a description of their education in medicine, and the result of their examination. Said books and register shall be prima facie evidence of all of the matters therein recorded. (2295)

Physician defined citing sections 2295-2300 [4970-4972, 4979-4981] (102-346, 113+690),

4971. **Examination and license**—A person not already authorized to practice medicine in the state, and desiring so to do, shall apply to the secretary of the board for examination, and pay a fee of ten dollars for the use of the board, which in no case shall be refunded. At a time appointed, or at the next regular examination, he shall prove that he has completed four entire sessions of twenty-six weeks each at a medical school recognized by the board, no two sessions having been held in one year; or, if such attendance was prior to the year 1899, three sessions shall suffice. He shall be examined in anatomy, chemistry, histology, obstetrics, pathology, physiology, preventative medicine, the diagnosis and treatment of medical and surgical diseases, and such other branches as the board shall deem advisable. After such examination the board, if seven members thereof consent, shall grant him a license to practice medicine. The examination shall be both scientific and practical, and shall thoroughly test the fitness of the candidate. All answers concerning the treatment peculiar to any school of medicine shall be examined, and their sufficiency passed upon by the members of the board belonging to that school and their recommendations thereon shall be final. The board may refuse to grant a license to, or may revoke the license of, any person guilty of immoral, dishonorable, or unprofessional conduct, but subject to the right of the applicant to appeal to the district court in the proper county on the question of law and fact. (R. L. § 2296, amended '09 c. 474 § 1)

41-69, 42+696; 55-20, 56+256.

Not unconstitutional, as depriving of property without due process (109-360, 123+1074). Must be construed with other sections of Revised Laws. Did not authorize appeal from refusal of license applied for by physician from another state (139+500).

4972. **Physicians from other states, how licensed**—The board, either with or without examination, upon receipt of a fee of ten dollars, may grant a license to any physician licensed to practice by the similar board of another state. (2297)

See following section.

Cited (139+500).

4973. **Same**—That the state medical examining board, either with or without examination, may grant a license to any physician licensed to practice by a similar board of another state, and who holds a certificate of registration showing that an examination has been made by the proper board of any state in which an average grade of not less than seventy-five (75) per cent was awarded the holder thereof, the said applicant and holder of such certificate having been at the time of said examination the legal possessor of a diploma from a medical college in good standing in this state, which said diploma may be accepted in lieu of an examination as evidence of qualification. In case the scope of said examination was less than that prescribed by this state the applicant may be required to submit to an examination in such subjects as have not been covered. The fee for such examination shall be fifty dollars (\$50.00).

A certificate of registration or license issued by the proper board of any state may be accepted as evidence of qualification for registration in this state; provided, the holder thereof was at the time of such registration the legal possessor of a diploma issued by a medical college in good standing in this state and that the date thereof was prior to the legal requirements of the examination test in this state. ('05 c. 236, amended '13 c. 139 § 1)

Section 5 repeals inconsistent acts, etc. See preceding section.

Action of examiners in refusing to grant license to physician from another state, applied for under 1905 c. 236 not appealable (139+500).

4974. **Retaliatory provisions**—If by the laws of any state or the rulings or decisions of the appropriate officers or boards thereof, any burden, obligation, requirement, disqualification or disability is put upon physicians registered in this state or holding diplomas from medical colleges in this state which are in good standing therein, affecting the right of said physicians to be registered or admitted to practice in said state, then the same or like burdens, obligations, requirements, disqualification, or disability shall be put upon the registration in this state of physicians registered in said state or holding di-

plomas from medical colleges situated therein. ('05 c. 236, amended '13 c. 139 § 2)

139+500.

4975. Refusing and revoking license—The board may refuse to grant a license to, or may revoke the license of, any person guilty of immoral, dishonorable, or unprofessional conduct, but subject to the right of the applicant to appeal to the district court in the proper county on the question of law and fact. ('05 c. 236, amended '13 c. 139 § 3)

4976. Duty of secretary—Moneys, how paid—Compensation and expenses, etc.—The secretary of the board shall provide the board with blanks, books, certificates and such stationery as is necessary for the transaction of the business pertaining to its duties, and all money received by the secretary shall be paid into the state treasury quarterly. The secretary of the board shall give a bond in the sum of ten thousand dollars (\$10,000) to the state of Minnesota for the faithful performance of his duties. The members of the board shall receive as compensation for their services the sum of ten dollars (\$10) per day, to be fixed by the board for each day he is in actual attendance at regular and special meetings of said board, and the secretary and other members of the board shall receive all expenses actually and necessarily incurred by them in attending such meetings. The secretary shall receive a salary of eighteen hundred dollars (\$1,800) per annum and the stenographer to the secretary a salary of six hundred dollars (\$600) per annum, payable monthly; and the sum of eight hundred dollars (\$800) per annum shall be allowed the secretary for blanks, stationery, printing and the maintenance of the office. The salary and expenses of the members of the board shall be paid quarterly and the compensation and expenses of the secretary semi-annually by the state treasurer on warrants signed by the president and secretary, drawn by the state auditor on the state treasurer. ('05 c. 236, amended '13 c. 139 § 4)

4977. Itinerant physicians, how licensed—That any physician practising medicine, surgery or obstetrics, or professing or attempting to treat, cure or heal diseases, ailments or injuries, by any medicine, appliance or method, who by himself, agent or employé, goes from place to place, or from house to house, or by circular letters or advertisement, solicits persons to meet him for professional treatment at places other than his regular offices or residence, shall be considered an itinerant physician; and any such itinerant physician shall, in addition to his regular license to practise medicine in this state, procure from the state board of medical examiners a license as an itinerant physician, for which he shall pay into the treasury of this state the sum of three hundred (\$300) dollars per annum. Upon payment of this sum, the secretary of such board shall issue to the applicant therefor a license to practice within this state, as an itinerant physician, for a period of one year from the date thereof.

The board may, for satisfactory reasons, refuse to issue such license, or it may cancel any license so issued, upon satisfactory evidence of incompetency or gross immorality. ('11 c. 260 § 1)

4978. Same—Violation a misdemeanor—Any person practising medicine as an itinerant physician as defined in section 1 [4977] hereof, without having first procured such license therefor, shall be guilty of a gross misdemeanor;

Provided, however, that nothing herein shall be considered to prevent any physician, otherwise legally qualified, from attending patients in any part of the state to whom he shall be called in the regular course of business, or in consultation with other physicians:

Provided that nothing in this act shall preclude licensed dentists from practise of their profession. ('11 c. 260 § 2)

4979. Record of licenses—Report to secretary—Before engaging in practice, the holder of a license shall file the same for record with the clerk of the district court in the county where he resides. Upon removal to another county, he shall there file his license in like manner before engaging in practice therein. Such clerk shall keep, in the record book of such licenses, an

index thereof, showing the date and page of record, and in January of each year shall furnish to the secretary of the board a list of licenses so filed. Upon notice to the clerk of the death or removal of a licensee, or of the revocation of a license, he shall note the same upon the record of such license. (2298)

4980. Exemptions—This subdivision shall not apply to commissioned surgeons of the United States army or navy, to physicians from other states in actual consultation here, or to students practicing under the direct supervision of a preceptor while they are enrolled in and regularly attending a recognized medical school. (2299)

G. S. 1894 § 7895 cited (96-509, 105+188).

4981. Practicing without license—Every person not heretofore authorized by law so to do who shall practice medicine in the state without having obtained the license herein provided for, and every person who shall so practice contrary to any provision of this subdivision, shall be guilty of a misdemeanor, the minimum punishment whereof shall be a fine of fifty dollars, or imprisonment for ten days. Any person shall be regarded as practicing within the meaning of this subdivision, who shall append the letters "M. D." or "M. B." to his name, or for a fee prescribe, direct or recommend for the use of any person any drug or medicine or other agency for the treatment or relief of any wound, fracture or bodily injury, infirmity or disease: Provided that this section shall not apply to dentists. (2300)

Gist of offense (96-509, 105+188).

MIDWIVES

4982. Midwifery defined—Within the meaning of this subdivision, a person who shall publicly profess to be a midwife, or who for a fee shall attend to women in childbirth, shall be regarded as practicing midwifery. But nothing herein shall apply to gratuitous emergency services, or to authorized medical practitioners. (2301)

4983. Midwifery licenses—A person desiring to practice midwifery in the state, if not already authorized so to do, shall apply to the state board of medical examiners for a license. Such license shall be granted upon the production of a diploma from a school of midwifery recognized by the board, or, after examination of the applicant, upon the consent of seven members thereof. Examinations shall be held concurrently with those provided for applicants for physicians' licenses. The fee for a license granted on diploma shall be one dollar, and on examination two dollars. (2302)

4984. Renewal, revocation, and refusal—All licenses to practice midwifery, heretofore or hereafter issued by the board must be annually renewed, and a fee of one dollar be paid for each renewal. Licenses may be revoked or renewals thereof refused by the board for unprofessional or dishonorable conduct, or neglect to make proper returns to health officers of births, deaths, puerperal fever, and other contagious diseases. (2303)

4985. Lying-in houses, permits, reports—No person shall receive into her premises more than one woman in six months to be cared for during childbirth, for pay, without first obtaining a permit so to do from the local health officer, or, if there be none, from the county physician, and filing the same with the clerk of the town or municipality. No such permit shall be issued unless the premises are in fit sanitary condition. The permit shall state that the holder is a licensed midwife, and known to the officer issuing the same to be of good moral character, and shall describe the premises, and limit the number of women who may be cared for therein at any one time. Within ten days after its issuance, he shall file a duplicate thereof with the secretary of the state board of health. Such officer shall be entitled to a fee of two dollars for issuing the permit and duplicate. The permit shall be good for one year, and but one permit shall issue for the same premises. The officer may at any time inspect the premises, and if he becomes satisfied that they are unfit, or that the permit holder is an improper person for the business, he may revoke the permit by filing an order to that effect with said clerk. The holder, within three days of the birth of a child

on such premises, shall report to the officer who issued the permit the date of the birth, and the name, sex, and nationality of the child. (2304)

See §§ 4988-4992.

4986. Offers to dispose of children—No person, as an inducement to women to come to her place during confinement, shall in any way offer to dispose of any child, or hold herself out as being able to dispose of children in any manner. (2305)

4987. Penalty—Any person who shall practice midwifery without first complying with the provisions of this subdivision, or who shall violate any of such provisions, shall be guilty of a misdemeanor, the minimum punishment whereof shall be a fine of ten dollars, or ten days' imprisonment in the county jail. (2306)

4988. Lying-in places—Additional reports—That from and after the passage and publication of this act all persons holding a permit and operating a lying-in place, under the provisions of section 2304, Revised Laws of Minnesota, 1905 [4985], shall within three days after the birth thereof, in addition to the reports now required by law, make a written report of the birth of every child born upon the premises, to the probate judge of the county within which such place is located, and shall within thirty-three days after the birth of such child, file a second and further report and state therein the physical condition, location and in whose custody such child was on the thirtieth day after its birth to the best of her knowledge. ('11 c. 199 § 1)

4989. Same—Application for custody of child—Powers of probate judge—Permit—Fees—If any person not a relative of either parent of such child, desires to take the child into their custody for adoption or permanent care, such person shall apply to the judge of probate of the county in which such applicant resides, for a permit to take such child into their custody. The application shall describe the child—give its name, age, sex and parentage, religious denomination, if any, place of birth and present location, so far as known to the applicant, and shall contain a true statement of the applicant's ability to provide for such child. If the judge of probate shall find, upon investigation that such person is worthy and competent to have the custody of such child he may at any time after a period of three days from the time said application is presented to him, issue a permit to such applicant to take the child into their custody for adoption or permanent care. Such permit shall be presented to the judge of probate of the county wherein the child is, and if he indorses upon it his approval, the applicant may take the said child into his custody, and shall file a certificate of the fact with said judge of probate, and also with the judge of probate in the county wherein he resides. The applicant for such permit shall pay the judge of probate a fee of two dollars (\$2.00) upon making application for permit. It is required that a child shall be placed in a family of the same religious faith as that of its parent, when it is so stipulated by the parent. ('11 c. 199 § 2)

4990. Same—Placing child in charge of others—No person shall place a child born in such lying-in place, in charge of another who is not a relative of either parent thereof, without first receiving a certified copy of the permit provided in the foregoing section. ('11 c. 199 § 3)

4991. Same—Improper custody—Powers of judge—Upon complaint made to the judge of any probate court in the state that any person has in his custody a child that has been born in a lying-in place, coming under the provisions of this act, without having first obtained a permit, and that such person is not a proper person to have the custody of such child, such judge shall issue a citation requiring such person to produce such child before him at a time and place therein mentioned and if upon hearing the judge finds that such person is not a proper person to have the custody of such child he shall commit the child to the custody of some competent person or corporation whose purpose it is to place children in family homes for adoption or permanent care. ('11 c. 199 § 4)

4992. Same—Noncompliance a misdemeanor—Failure to comply with the provisions of this act shall be a misdemeanor. ('11 c. 199 § 5)

OSTEOPATHISTS

4993. **State board of osteopathy**—The state board of osteopathy shall consist of five osteopathic physicians, graduates of reputable incorporated schools of osteopathy, appointed by the governor each for the term of five years and until his successor qualifies. Vacancies shall be filled by like appointment for the unexpired term. No member thereof shall be a member of the faculty of, or financially interested in, any such school. The board shall elect from among their number a president and a secretary, prescribe rules for the management of its affairs, and adopt a seal. It shall meet, to examine applicants for licenses to engage in the practice of osteopathy, on the second Tuesday in March and September in each year, and hold such other meetings as may be necessary. Each member shall receive five dollars a day for actual services, and three cents a mile for necessary travel, to be paid out of the funds of the board. The secretary shall keep a record of all proceedings, including therein the name of every applicant for examination, the extent of his study and practice, and the name of his college or school of osteopathy, if any. Such record shall be prima facie evidence of the matters therein contained. (2307)

4994. **General provisions**—The practice of osteopathy is hereby declared distinct from that of medicine or surgery within the meaning of the law, and nothing in this subdivision shall apply to practitioners of any other system of healing; but with respect to the control of communicable diseases, osteopathic physicians shall be subject to all local and state laws and regulations that govern other physicians, and they shall be entitled to all the privileges of such other physicians in matters pertaining to the public health. No person who is not a holder of a license from the state board of osteopathy shall engage in the practice of osteopathy in treating diseases of the human body, or by the use of titles or initials indicating degrees, or in any other way, hold himself out as so engaged. Every person who shall violate any of the provisions of this subdivision shall be guilty of a misdemeanor, the minimum punishment whereof shall be a fine of fifty dollars, or thirty days' imprisonment. All fines collected under the provisions hereof shall be paid, one half into the school fund of the county in which conviction is had, and one half to the state board of osteopathy. The board shall investigate suspected violations of this subdivision, and institute prosecutions thereunder. (2308)

4995. **License**—Every person desiring to engage in the practice of osteopathy shall apply in writing to the secretary of the board for a license, and appear for examination at its first meeting thereafter. He shall pay an examination fee of twenty dollars, which shall entitle him to a second examination within a year if he fails in the first. He shall produce his diploma, and prove to the board that he has attended a school of osteopathy for at least three entire sessions of eight months each, no two sessions having been held in one year. The school must be one recognized by the board, and include in its curriculum instruction in anatomy, chemistry, dietetics, diagnosis, gynecology, histology, obstetrics, pathology, physiology, minor surgery, symptomatology, toxicology, urinalysis and the theory and practice of osteopathy. Upon the applicant's passing the board's examination in the foregoing subjects it shall grant him a license. The board may waive the examination in case the applicant holds a diploma from an osteopathic school without regard to the period of study on which the diploma was issued and has been licensed by an examining board of another state, whose requirements are equal to those of the state of Minnesota. The license shall not authorize the holder to give or prescribe drugs for internal use or perform major surgery. ('09 c. 430 § 1)

4996. **Record of licenses**—Before engaging in practice, the holder of every license shall file the same for record with the clerk of the district court in the county where he resides. Upon removal to another county, he shall there in like manner file his license before engaging in practice therein. Such clerk shall keep, in a book provided for the purpose, a complete list of such

licenses, giving the date of record. His fee for recording shall be one dollar, and the same for a certified copy. (2310)

4997. **Licenses, refusal of—Revocation**—The board may refuse to grant a license to, or may revoke the license of, any person who:

1. Has been convicted of a felony, or any offence involving moral turpitude;
2. Is so addicted to the use of liquor or any drug as to unfit him for the practice;
3. Procures, or aids or abets the procuring of, a criminal abortion;
4. Obtains any fee by claiming ability to permanently cure a disease manifestly incurable; or
5. Wilfully betrays professional confidence or secrets.

No license shall be revoked except upon notice and hearing. (2311)

4998. **Disposition of fees and fines**—All fees and money received from fines imposed under this subdivision shall be received and held by the secretary and devoted to the uses of the board, which shall incur no expense beyond the amount so received. The secretary shall give such bond as the board may from time to time require. (2312)

NURSES

4999. **Registration**—It shall be unlawful for any person to practice professional nursing as a registered nurse in this state unless such person shall have first obtained a certificate of registration as provided in this act. ('07 c. 153 § 1)

5000. **Board of examiners**—A board of examiners to consist of five persons, one of whom shall be a regular licensed physician, is hereby created to carry out the purposes and enforce the provisions of this act. Said board shall be appointed by the governor, and the other appointments shall be made from nurses engaged in active work who have been graduated for at least a period of five years from reputable training schools, and whose course of training is not less than three years' duration in actual hospital service, provided, that there shall always be two of said members on said board selected from nurses who have had at least two years' experience in educational work among nurses, or who have had two or more years' experience in the instruction of nurses in training schools; and provided, further that after the appointment of the first board the nurses appointed on each succeeding board shall be appointed from the nurses registered under this act. ('07 c. 153 § 2)

5001. **Term—Bond—Oath**—Each member of said board shall serve for a term of five years and until his or her successors are appointed and qualified, except in the case of the first board, whose members shall hold office as follows: One member shall be appointed to hold office for one year, one for two years, one for three years, one for four years, and one for five years. Each member of said board shall give a bond in the sum of one thousand dollars, with securities to be approved by the secretary of state, conditioned for the faithful performance of his or her duties, and shall take the oath provided by law for public officers. Vacancies upon said board caused by death, resignation or expiration of the term of any member thereof shall be filled by appointment by the governor. ('07 c. 153 § 3)

5002. **Officers, etc.**—Said board shall elect from its members a president, a secretary and a treasurer, and shall have its headquarters at St. Paul, Minn.; shall have a common seal, and the secretary and president shall have power to administer oaths. ('07 c. 153 § 4)

5003. **Compensation**—Each member of said board shall receive a compensation of five dollars per day for each day of actual service, and ten cents per mile for each mile actually traveled in attending the meetings of the board, which compensation shall be paid out of any moneys in the hands of the treasurer of said board, provided that said compensation and mileage shall in no event be paid out of the state treasury. ('07 c. 153 § 5)

5004. **Excess funds**—Any money in the hands of the treasurer at the end of any year in excess of two hundred and fifty dollars shall be paid

over by said board to the state treasurer, to be kept by him for the future maintenance of the board, and to be disbursed by him upon warrants signed by the president and treasurer of said board. ('07 c. 153 § 6)

5005. Examinations—Notice—Fee—Qualifications—Said board shall hold public examinations at least once in each year at St. Paul, Minnesota, and at such times as it may determine, and notice of the time and place of such examination shall be given by a publication thereof at least ten days before such examination, in a daily newspaper published at the capitol of the state, and said board may give such other notice as it deems advisable. Any person desiring to obtain a certificate of registration under this act shall make application to said board therefor, and shall pay to the treasurer of said board an examination fee of five dollars, and shall present himself or herself at the next regular meeting of said board for examination of applicants, and upon said board being satisfied that the applicant is (1) of the age of twenty-one years or over, (2) of good moral character, (3) has received an education equivalent to that required for admission into high schools of this state, and (4) has graduated from a training school connected with a general hospital where three years of training, with a systematic course of instruction is given in the hospital, or has graduated from a training school in connection with a hospital of good standing supplying a systematic three years' training corresponding to the above standards, which training may be obtained in two or more hospitals, said board shall proceed to examine said applicant in both theoretical and practical nursing, and upon such applicant passing said examination to the satisfaction of said board, said board shall enter said applicant's name in the register, hereinafter provided for, and shall issue to said person a certificate of registration authorizing said person to practice the profession of nursing as a "registered nurse." ('07 c. 153 § 7)

5006. Registration without examination—All nurses graduating prior to Jan. 1, 1910, possessing the above qualifications, shall be permitted to register without examination upon payment of the registration fee. Nurses who shall show to the satisfaction of the board of examiners that they are graduates of training schools connected with a general hospital or sanitarium giving two years' training, or prior to the year 1897, having given one year's training, and who maintain in other respects proper standards, and are engaged in professional nursing at the date of the passage of this act, or have been engaged in nursing five years after graduation, prior to the passage of this act, also those who are in training at the time of the passage of this act, and shall graduate hereafter, and possess the above qualifications, shall be entitled to registration without examination, provided such application be made before Jan. 1, 1910. ('07 c. 153 § 8)

5007. Same—Special examination—Graduates of training schools in connection with special hospitals, giving a two years' course, who shall obtain one year's additional training in an approved general hospital, shall be eligible for registration without examination before Jan. 1st, 1910, or said graduates shall be eligible for registration prior to said date upon passing a special examination before the board of examiners in subjects not adequately taught in the training schools from which they have been graduated. ('07 c. 153 § 9)

5008. Practical examination for registration within two years—Any applicant who has pursued as a business the vocation of nursing for a period of not less than five years prior to the passage of this act, and who presents to the board a certificate testifying that he or she is competent to give efficient care to the sick, said certificate to be signed by one licensed physician and two registered nurses, shall be entitled to take a practical examination for state registration only during the two years immediately following the passage of this act. ('07 c. 153 § 10)

5009. Applicants registered in other states—The board of examiners may issue license without examination, upon the payment of five dollars registration fee, to applicants who have been registered in other states having equal requirements. ('07 c. 153 § 11)

5010. **Act not to apply, to whom**—This act shall not be construed to apply to the gratuitous nursing of the sick by friends or members of the family, and also it shall not apply to any person nursing the sick for hire but who does not in any way assume to be a registered nurse. ('07 c. 153 § 12)

5011. **Register**—Said board shall keep a register in which shall be entered names of all persons to whom certificates are issued under this act, and said register shall at all times be open to public inspection. ('07 c. 153 § 13)

5012. **Registered nurse**—A person who has received his or her certificate according to the provisions of this act shall be styled and known as a "Registered Nurse." No other person shall assume such title or use the abbreviation "R. N." or any other letters or figures to indicate that he or she is a registered nurse. ('07 c. 153 § 14)

5013. **Revocation of certificate**—Said board of examiners may revoke any certificate for sufficient cause, but before this is done the holder of said certificate shall have thirty days' notice, and after a full and fair hearing of the charges made, by a majority vote of the whole board, the certificate may be revoked. ('07 c. 153 § 15)

5014. **Penalty for violation**—Any person violating any of the provisions of this act, or who shall willfully make any false representation to the board of examiners in applying for a certificate shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not more than one hundred dollars and not less than ten dollars. ('07 c. 153 § 16)

DENTISTS

5015. **Board of dental examiners—Appointment**—The board of dental examiners shall consist of six practicing dentists of the state appointed by the governor, each for the term of three years and until his successor qualifies and no member shall serve more than two successive terms. The board shall at all times include four members who shall have been appointed on the recommendation of the Minnesota state dental association, if such recommendation be made at least ninety days before the term of the member of that class expires; otherwise the governor may appoint without such recommendation. Every vacancy caused otherwise than by the expiration of a term shall be filled in the same manner and from the class to which the retiring member belongs. If the association is entitled to and fails to recommend a candidate for such unexpired term within thirty days after the vacancy occurs the governor may appoint without such recommendation. If a member shall be absent from two consecutive regular meetings, the board shall declare a vacancy to exist. The association shall recommend not less than two candidates for each appointment, provided the governor shall immediately after the passage and approval of this act appoint one member of said board of dental examiners for the term of three years. (R. L. § 2313, amended '11 c. 221 § 1)

5016. **Officers—Meetings—Compensation—Report**—The board shall elect from its members a president and secretary, and shall have a common seal. It shall hold regular meetings on the second Tuesday after the first Monday in March and November in each year, and special meetings at its pleasure. All meetings shall be held at the college of dentistry of the state university. Out of the funds coming into the possession of said board, the members thereof shall receive as compensation the sum of ten (\$10.00) dollars per day and necessary traveling expenses for each day actually engaged in the duties of their offices as examiners; the secretary shall in addition be paid a salary to be fixed by resolution by the board not to exceed five hundred (\$500.00) dollars per year. All moneys received by said board in excess of the expenditures for per diem allowance, traveling expenses, and salary of the secretary as above provided for, shall be held by the secretary of said board as a special fund for printing, postage, and other necessary expenses of the board for carrying out the provisions of this act. The secretary of the board shall give a bond in an amount to be fixed by resolution of the board and in form to be approved by the attorney general conditioned for the faithful discharge of his official duties.

Before December 15th in each year the board shall report its proceedings and the items of its receipts and disbursements to the governor of the state of Minnesota. (R. L. § 2314, amended '07 c. 117; '11 c. 221 § 2)

5017. Dentistry defined—Inhibition—Exception—All persons, firms, corporations, or associations shall be said to be practicing dentistry, within the meaning of this section, who shall use the word or letters "Dentist," or "D. D. S." or any other letters in connection with his or their names which in any manner represents him or them as engaged in the practice of dentistry, or who shall advertise or permit it to be done by sign, circular, handbill, newspaper or otherwise, that he or they will attempt to perform dental operations of any kind, treat diseases or lesions of the human jaws or replace teeth by artificial ones or attempt to correct mal-positions thereof, or who shall for a fee, salary, or other reward, paid or to be paid either to himself or to another person, perform dental operations of any kind, treat diseases or lesions of the human jaws or teeth, or replace lost teeth by artificial ones, or attempt to correct mal-positions thereof.

Provided however that the foregoing provisions of this section shall not apply to students enrolled in and regularly attending any dental college and to their acts done under the direct supervision of a licensed dentist. (R. L. § 2315, amended '07 c. 117; '11 c. 221 § 3)

1889 c. 19 constitutional (42-129, 43+789, 6 L. R. A. 119).

As amended by 1907 c. 117 did not violate state or federal constitution, as depriving of life, liberty, or property without due process (107-171, 119+660).

A person licensed to "practice medicine and surgery" cannot "practice dentistry" without license as dentist (106-218, 118+1012, 19 L. R. A. [N. S.] 877, 16 Ann. Cas. 487).

5018. Examinations—License—Revocation—Assumed name—A person not already a registered dentist of the state desiring to practice dentistry therein, shall apply to the secretary of the board for examination and pay a fee of twenty (\$20.00) dollars for the first examination and twenty (\$20.00) dollars for each subsequent examination which in no case shall be refunded. At the next regular meeting he shall present himself for examination and produce his diploma from some dental college of good standing, of which standing the board shall be the judges, also satisfactory evidence showing that the applicant is of good moral character. The board shall give the applicant such an elementary, practical examination as to thoroughly test his fitness for the practice and include therein the subjects of anatomy, physiology, chemistry, materia-medica, therapeutics, metallurgy, histology, pathology and operative, surgical and mechanical dentistry; and the applicant shall be required to demonstrate his skill in operative and mechanical dentistry. If the applicant successfully passes the examination, he shall be registered by the board as a licensed dentist, and supplied with the certificate of registration signed by all members of the board of dental examiners.

Provided that any dentist who has been in legal practice in another state having and maintaining an equal standard of laws regulating the practice of dentistry with this state, for five years or more and is a reputable dentist of good moral character, and is desirous of removing to this state and deposits in person with the board of dental examiners a certificate from the examining board of the state in which he is registered, certifying to the fact of his registration and that he is of good moral character and professional attainments, and upon payment of a fee of fifty (\$50.00) dollars may, at the discretion of the board, be granted a license to practice in this state without further theoretical examination.

The board upon hearing, after twenty days notice thereof may revoke the license of any one who with intent to deceive the public, shall practice dentistry under an assumed name or where it shall be shown that the holder of such license is not of good moral and upright character. It shall be no defense for a person prosecuted for practicing dentistry under one name, without a license, that he shall have been licensed under a different name, unless it shall be shown that such practice was without intent to defraud or deceive. (R. L. § 2316, amended '07 c. 117; '11 c. 221 § 4)

As amended by 1907 c. 117, did not delegate legislative or judicial powers to board, and it was constitutional (107-166, 119+658).

5019. Record of certificate—Fees—Within six months after its issuance, the certificate of registration shall be filed for record with the clerk of the district court in the county where the holder resides. If he changes his residence to another county, he shall file his certificate, or a certified copy of the record thereof in such county before practicing therein. Such clerk's fee for recording a certificate or copy shall be fifty (\$0.50) cents and for a certified copy one (\$1.00) dollar. The fee of the board for a duplicate certificate shall be one (\$1.00) dollar. (R. L. § 2317, amended '11 c. 221 § 5)

5020. Annual fee—Before the first of May in each year every registered dentist shall pay to the board a license fee of one (\$1.00) dollar, and in default of such payment the board may, upon hearing and upon twenty (20) days' notice, revoke the license of the dentist in default; but the payment of such fee on or before the time of hearing, with such additional sum not exceeding five (\$5.00) dollars, as may be fixed by the board, shall excuse the default. The board may collect such fee by suit. (R. L. § 2318, amended '11 c. 221 § 6)

5021. Prohibition—Penalties—Disposition of fines—No person shall practice dentistry in the state without having complied with the provisions of this subdivision. Any person who shall practice, or who shall attempt to practice dentistry, either as a proprietor, employé or assistant, shall keep his annual renewal license in open view in his operating room, failing to do so he shall be deemed guilty of a misdemeanor. Any licensed dentist, proprietor, partnership, association, or corporation owning, running, operating or controlling any room or rooms, office or dental parlors where dental work of any kind is done, or provided for, or contracted for, who shall employ, keep, or retain, contrary to the provisions of this law any unlicensed dentist shall be guilty of a misdemeanor. Any person who shall falsely pretend that he holds a certificate of registration from the board, or shall violate any of the provisions of this section shall be guilty of a misdemeanor. The board may when it deems best for the enforcement of the law, employ such attorney as the attorney general shall appoint. All fines collected under the provisions hereof shall be paid into the school fund of the county in which the conviction occurred. (R. L. § 2319, amended '07 c. 117; '11 c. 221 § 7)

106-218, 118+1012, 19 L. R. A. (N. S.) 877, 16 Ann. Cas. 487.

OPTOMETRISTS

5022. Board of optometry—The state board of optometry shall consist of five qualified optometrists appointed by the governor, each for the term of three years and until his successor qualifies, excepting that the appointments for the term beginning January, 1910, two members shall be appointed for the term of three years, two members for the term of two years, and one member for the term of one year. Vacancies in such board shall be filled by like appointment for unexpired terms. They shall elect from among their number a president and a secretary, and may adopt a seal. For the purpose of examining applicants for certificates, the board shall meet at least once in each year at the seat of government, and may hold other meetings at its pleasure. Each member shall receive from the funds of the board five dollars a day for actual services, three cents a mile for necessary travel and for other necessary expenses of attending meetings, not to exceed two dollars and fifty cents a day. It may employ necessary assistants to aid in the enforcement of the provisions of this subdivision, the attendant expenses of the employment of such attorney and assistants to be met from the funds of the board. The secretary shall keep a record of all proceedings including therein the name of every applicant for examination or registration, which records shall be open to public inspection. (R. L. § 2320, amended '09 c. 415 § 1)

5023. Practice defined—Registration—The practice of optometry, within the meaning hereof, shall mean the employment of subjective and objective mechanical means to determine the accommodative and refractive states of the eye and the scope of its functions in general, and the adjustment, adaptation, and prescribing of lenses and other instrumentalities in aid of vision. It shall be unlawful for any person to engage therein without first procuring

and filing for record a certificate of registration as a licensed optometrist pursuant to this subdivision. (2321)

5024. Examination—Certificate—Every person, not already a registered optometrist, desiring to practice as such, shall apply to the board for a certificate of registration. The board shall examine the applicant, and, if he be found to possess the knowledge essential to the practice and is twenty-one years old, shall register him as a licensed optometrist and issue to him a certificate of such registration. The applicant shall pay to the board a fee of ten dollars before being examined and five dollars upon the issuance of the certificate. The board upon a hearing, of which the accused shall have ten days' written notice, may revoke the certificate of any person under conviction of crime, or shown to be grossly incompetent, afflicted with contagious or infectious disease, or guilty of habitual drunkenness for six months immediately preceding the accusation. After ninety days, upon application and proof that the disqualification has ceased, the board may reinstate such person. (2322)

5025. Record and display of certificates—The holder of every such certificate of registration shall file the same for record with the clerk of the district court in the county where he resides, and after record shall display it conspicuously at his place of business. Upon removal to another county, he shall there in like manner file his certificate before engaging in business therein. Such clerk's fee shall be fifty cents for recording, and one dollar for a certified copy. A failure on the part of the holder to comply with any of the foregoing provisions for six months after issuance of the certificate shall forfeit the same. (2323)

5026. Annual fee—Before April 1 in each year, every authorized optometrist shall pay to the board a fee of two dollars, in default of which the board, upon hearing and after twenty days' notice, may revoke the certificate of any optometrist so in default; but the payment of such fee at or before the time of hearing, with such additional sum, not exceeding five dollars, as may be fixed by the board, shall excuse the default. The board may collect such fee by suit. (2324)

5027. Disposition of fees—Report—All fees collected under this subdivision shall be received and held by the secretary and devoted to the uses of the board. The secretary shall give such bond as the board may from time to time require. Before the first Monday in January, annually, the board shall report to the governor its proceedings, and the items of its receipts and disbursements. (2325)

5028. Exemptions—Penalties—Disposition of fines—This subdivision shall not apply to authorized physicians and surgeons, nor to vendors of spectacles and eyeglasses, who do not assume to adapt them to the eye. Every person who shall violate any of the provisions of this subdivision shall be guilty of a misdemeanor, the minimum punishment whereof shall be a fine of twenty dollars, or confinement in the county jail for thirty days. All fines collected shall be paid into the school fund of the county wherein the conviction is had. (2326)

PHARMACISTS

5029. Creation of state board, employment of attorney, and when violators shall be deemed guilty of a misdemeanor—The state board of pharmacy shall consist of five registered pharmacists of the state, appointed by the governor, each for the term of five years and until his successor qualifies. Vacancies shall be filled by like appointment for the unexpired term. No person connected with any school or college of pharmacy shall be a member of the board, and, if a member become so connected, his membership shall cease. The Minnesota state pharmaceutical association may recommend five names for each appointment to be made, from which list the governor may select. The board shall elect annually one of its members as president, and a registered pharmacist, who may or may not be a member, as secretary. It may employ an attorney and other necessary assistants, and make rules for the conduct of its business. It may, by its duly authorized representative enter and inspect any and all places where drugs, medicines and poisons are

sold, given away, compounded, dispensed or manufactured. Any person refusing to permit or otherwise preventing such duly authorized representatives from entering such places, shall be guilty of a misdemeanor. It shall enforce and obey the provisions of this subdivision, and report its proceedings to the governor annually, with such information and recommendations as it deems proper, giving the names of all pharmacists registered during the year, and the items of its receipts and disbursements. (R. L. § 2327, amended '13 c. 575 § 1)

69-311, 72+117.

R. L. §§ 2327-2341 [5029-5048] are not unconstitutional, as depriving persons licensed under prior statutes of vested rights, or otherwise obnoxious to principles of fundamental law (100-249, 110+870, 8 L. R. A. [N. S.] 1272, 10 Ann. Cas. 398).

See note under §§ 5032, 5036.

5030. Compensation—Disposition of fees and fines—Each member shall receive five dollars a day for his actual services as such, and the necessary expenses of attending meetings. The secretary shall receive a salary, to be fixed by the board, and all expenses necessarily incurred by him in the performance of his duties; and he shall give such bond as the board may from time to time require. All fines and penalties paid or collected under any provision of this subdivision shall be paid over to the secretary of the board forthwith, the provisions of any statute, ordinance, or charter to the contrary notwithstanding. Such payments, and the fees hereinafter provided for, shall constitute the fund from which all salaries, per diem, and expenses of the board and its members shall be paid. (2328)

5031. Examinations and fees—The board shall meet at least once in every three months to examine applicants for registration and transact its other business, giving reasonable notice of all examinations, by mail, to known applicants therefor. The secretary shall record the names of all persons registered by the board, together with the grounds upon which the right of each to registration was claimed. The fee for examination shall be five dollars. All registered pharmacists and assistants, while employed as such, shall be exempt from service as jurors. On hearing, the board may revoke any certificate of registration obtained by false representation or other fraud, or when the holder is addicted to the liquor or drug habit so as to unfit him for the practice of pharmacy, and may refuse registration to any person so addicted. (R. L. § 2329, amended '13 c. 575 § 2)

5032. Qualifications—Registration without examination—To be entitled to examination by the board as a pharmacist, the applicant must be twenty-one years old and have had four years' practical experience in drug stores where physicians' prescriptions are usually compounded; if he be a graduate of a school of pharmacy whose course includes twelve months of laboratory work, but two years' such experience shall be required. If upon examination the board finds him qualified, he shall be entitled to registration as such pharmacist; provided, that upon payment of the fee of ten dollars, any person over twenty-one years of age who has had fifteen years or more practical experience in a drug store where physicians' prescriptions are usually compounded, and who has been a bona fide resident of this state for the year last past, may be entitled to be registered and receive a certificate authorizing him to practice as a registered pharmacist without examination; provided, however, that application for registration under the provisions of this act shall be made to said board within ten days from and after the enactment of this law. (R. L. § 2330, amended '07 c. 346 § 1)

1907 c. 346 is constitutional. The second proviso prescribes time within which persons mentioned in the first must apply for registration (103-21, 114+245).

5033. Qualifications of applicants—An applicant for a certificate as assistant shall be eighteen years old, or over, and have had two years' practical experience in drug stores where physicians' prescriptions are usually compounded. Provided, however, if he be a graduate of a school of pharmacy whose course includes twelve months of laboratory work, but one year's experience shall be required. If upon examination, the board finds him qualified, he shall be registered. His certificate shall entitle him to act as an assistant to a registered pharmacist and to compound and dispense drugs and

medicines during the temporary absence of the registered pharmacist. (R. L. § 2331, amended '13 c. 575 § 3)

5034. Registration of pharmacists from other states, and fees—The board, without examination, upon receipt of a fee of twenty-five dollars, may grant registration to any pharmacist licensed or registered by the board of pharmacy, or a similar board, of another state. (R. L. § 2332, amended '13 c. 575 § 4)

5035. Display of certificate—Removal—Every holder of a certificate issued by the board shall display it conspicuously at his place of business. Upon changing his place of business he shall within ten days furnish the secretary with his new address. He shall not act as pharmacist or assistant for more than ten days after so notifying the secretary, unless he shall have received notice, which the secretary shall send him, that the change is noted on the records of the board. Every person who shall violate any provision of this section shall be liable to a penalty of ten dollars. (2333)

5036. Annual fees to be paid—Every person registered by the board, while continuing in business, shall annually pay to the secretary a renewal fee, to be fixed by the board, and not to exceed three dollars for a pharmacist and two dollars for an assistant. A person who has once been registered and has defaulted in the payment of fees may be reinstated within two years of such default, without examination, upon payment of arrears. Every certificate and renewal shall expire at a time therein prescribed, not later than one year from its date. (R. L. § 2334, amended '13 c. 575 § 5)

Fee not tax on business of pharmacy. Amount not unreasonable (100-249, 110+870, 8 L. R. A. [N. S.] 1272, 10 Ann. Cas. 398).

5037. Definition of drugs—Exceptions as to sale—Drugs, medicines and poisons, for the purposes of this subdivision, shall include all substances commonly kept in drug stores and used in compounding medicines or sold for medicinal purposes. Nothing in the subdivision, however, shall prevent a physician from compounding prescriptions for use in his practice or furnishing to his patients such articles as he deems proper, or interfere with the making or vending of proprietary medicines, with any exclusively wholesale business, or with the sale by general retail dealers of the following articles; Alum, blue vitriol, borax, carbonate of ammonia, carbonate of soda, castor oil, copperas, epsom salts, glauber salts, glycerin, gum arabic, gum camphor, licorice, logwood, rolled sulphur, saltpetre, senna leaves, sublimed sulphur, water of ammonia, or paris green in sealed packages distinctly labeled "paris green, poison." Nor shall any dealer whose shop is more than two miles from a drug store be thus prevented from selling any commonly used medicine or poison which has been put up for such sale by a registered pharmacist. (R. L. § 2335, amended '13 c. 575 § 6)

5038. Wrongful labeling—A person engaged in the drug business, either on his own behalf or in the employ of another, who, in putting up drugs, medicines, or prescriptions, willfully, negligently or ignorantly omits to label the package or receptacle, labels it untruly, substitutes an article different from the one ordered, or deviates from the terms of the order or prescription as to quantity or in any other manner, shall be guilty of a misdemeanor. (2336)

5039. Physician's prescriptions required for certain drugs—No person, otherwise than on a physician's written prescription, shall sell at retail acornite, belladonna, digitalis, or nux vomica, or their preparations, the oils of bitter almonds, cedar, pennyroyal, savin, or tansy, arsenic or any of its preparations, mercury or opium, or any of their poisonous preparations, carbolic acid, choral hydrate, chloroform, creosote, croton oil, cyanide of potassium, hydrocyanic acid, lead acetate, morphine, the mineral acids, oxalic acid, strychnine, wood-naphtha or any other commonly recognized poison, without affixing to the package or receptacle containing the same a label conspicuously bearing the word "poison," and the name and business address of the seller, and satisfying himself that such poison is to be legitimately used. Any person who fails to comply with any requirement of this section shall be guilty of a misdemeanor. (R. L. § 2337, amended '13 c. 575 § 7)

5040. Register to be kept for sale of poisonous drugs—No person, either on his own behalf or while in the employ of another, except upon the written prescription of a physician, shall sell or give away arsenic or its preparations, (other than paris green), aconite, belledonna, or nux vomica, or their preparations, cyanide of potassium, hydrocyanic acid, morphine, mercury or its poisonous preparations, opium or the tincture thereof, the oils of pennyroyal, savin, or tansy, or strychnine, without first recording, in a book kept for the purpose, the name and address of the person to whom and the amount and kind of poison delivered. Every person who shall violate any provisions of this section, give a false name to be recorded as aforesaid, or, having custody of any such record book, shall refuse to produce it on demand for the inspection of any officer, shall be guilty of a misdemeanor. (R. L. § 2338, amended '13 c. 575 § 8)

5041. Sale of cocaine—Record—That no person shall sell or give away any cocaine, hydrochlorate, or any salts or compound of cocaine, or preparation containing cocaine, except upon the written prescription of a physician or dentist, or veterinarian, licensed under the laws of the state. No prescription containing cocaine shall be filled more than once and each shall have written plainly upon it the name and address of the patient, or owner of animal, and be filed and preserved by the pharmacist, who shall not give a copy thereof to the patient or owner of animal. This section shall not be so construed as to apply to sales at wholesale, in original packages, by any manufacturer or wholesale dealer, to a retail druggist, licensed physician or dentist or veterinarian when such vendor shall have affixed to each receptacle containing any such drug a label in the English language specifically setting forth the proportion of cocaine contained therein. ('05 c. 42, amended '09 c. 85 § 1)

5042. Same—Penalty for violation—Any person who shall sell or give away any of the articles mentioned in the preceding section in violation of this act, and any person who shall prescribe any of such articles to any one addicted to the habitual use of cocaine or any preparation or compound thereof in any form shall be punished by a fine of not less than \$50 nor more than \$100 or by imprisonment in the county jail for not less than 30 days nor more than 90 days, and if the person so offending shall be a licensed physician, dentist, veterinarian, pharmacist or assistant pharmacist, in addition to the penalty above described, such offender's license shall be revoked. ('05 c. 42, amended '09 c. 85 § 2)

5043. Same—Duty of county attorney—Upon complaint being made of the violation of the provisions of this act, the county attorney of the county where the offense is alleged to have been committed shall prosecute such complaint and to that end is hereby authorized to examine the books of any manufacturer or wholesale dealer within the state for the purpose of tracing the sale of any of the articles herein mentioned. ('05 c. 42 amended '09 c. 85 § 3)

5044. Same—Fines, how disposed of—All fines collected under the provisions under this act shall inure to the Minnesota state board of pharmacy. ('05 c. 42, amended '09 c. 85 § 4)

5045. Penalty for violation by druggist—Every proprietor or manager of a place where drugs are sold shall be responsible for the quality of all drugs, chemicals, and medicines sold by him, except proprietary medicines and other articles sold in the original packages of the manufacturers. Every person who, by himself or through another, shall willfully adulterate any drug, medicinal substance, or preparation authorized, or recognized by the United States pharmacopeia, or national formulary, or used or intended to be used in medical practice, or shall mix with any such article any foreign or inert substance for the purpose of weakening its medicinal power and effect or of cheapening it, or who shall sell the same knowing it to be so adulterated or mixed, shall be guilty of a misdemeanor, the minimum punishment whereof shall be a fine of fifty dollars. (R. L. § 2339, amended '13 c. 575 § 9)

5046. Punishment for sale by other than druggist—No person, not a registered pharmacist or a dealer employing and keeping such a pharmacist in active charge of his place of business, shall retail, compound or dispense drugs,

medicines or poisons, or keep or conduct a place of retailing, compounding, or dispensing drugs, medicines, or poisons, or falsely assume or pretend to the title of a registered pharmacist. No registered pharmacist or other person shall permit the compounding or dispensing of prescriptions or the vending of drugs, medicines, or poisons in his place of business, except under the supervision of a registered pharmacist or assistant. Every person violating any provision of this section shall be punished by a fine of not less than fifty dollars, except in cases where the death of a human being results from such violation, when the person offending is guilty of a felony. (R. L. § 2340, amended '13 c. 575 § 10)

55-169, 56+594; 72-403; 75+742; 100-249, 110+870, 8 L. R. A. (N. S.) 1272, 10 Ann. Cas. 398.

Indictment sufficient (118-336, 136+849).

5047. Board to turn over certain moneys to state pharmaceutical association—That the state board of pharmacy may each year turn over to the state pharmaceutical association for the advancement of the science and art of pharmacy, out of the annual fees collected by it, such sum, as it may deem advisable, but not to exceed one dollar for each pharmacist and one dollar for each assistant pharmacist, who shall have paid his renewal fee during such year. Said association shall annually report to said board on the condition of pharmacy in the state. ('13 c. 575 § 11)

5048. Penalties—Prosecutions—Every registered pharmacist or assistant who shall fail, while continuing in business, to pay the annual fee required in this subdivision, and every person who shall make any false representation to procure his name or that of another to be registered, or violate any other provision of this subdivision, when no punishment is specifically provided, shall be liable to a penalty of fifty dollars for each and every such offense. The penalties prescribed in this subdivision may be recovered in a civil action instituted by the board in the name of the state, or by a criminal prosecution upon complaint being made. In case any county attorney shall omit or refuse to conduct such proceedings, the board may employ another attorney for the purpose. (2341)

EMBALMERS

5049. License—No person shall embalm any dead human body in the state of Minnesota without being licensed by the state board of health, as hereinafter provided. ('05 c. 101 § 1)

5050. Examination by state board of health—The state board of health of the state of Minnesota is hereby authorized and empowered to examine all applicants for license to practice embalming, and to determine whether or not such applicants possess the necessary qualifications to properly embalm dead human bodies; and, if upon such examination, said board shall determine that such applicant is properly qualified to embalm dead human bodies, it shall grant a license to such person to embalm human dead bodies for a period ending the thirty-first day of July following. ('05 c. 101 § 2)

5051. Fee—Qualifications—The applicant for license shall at the time of application pay a fee of five dollars. No person shall be granted any such license unless he shall, in addition to other qualifications, be at least twenty-one years of age, of good moral character, and shall have for at least one year had practical experience in embalming. ('05 c. 101 § 3)

5052. Licenses—Renewal—Any person now holding a license from the state board of health as an embalmer shall be held to be licensed as an embalmer under the terms of this act, but all such licenses shall expire July thirty-first next. Any license may be renewed from time to time and shall be in force after such renewal for a period of two years from the thirty-first day of the preceding July, upon the payment of a renewal fee of one dollar. ('05 c. 101 § 4)

5053. Revocation—The state board of health may revoke any license granted, or may refuse to grant or renew a license upon proof of the violation by the holder of such license or the applicant for such license or renewal of the rules of the state board of health concerning the care, custody or disposition

of dead human bodies, or the disinfecting of premises where contagion exists, or for want of moral character or of capacity. ('05 c. 101 § 5)

5054. **Penalties for violation**—Any person who shall embalm a dead human body, or who shall hold himself out as an embalmer thereof without being licensed as herein provided shall be guilty of a misdemeanor, and upon conviction shall be liable to a fine of not less than twenty-five dollars or more than a hundred dollars or imprisonment for a period of not to exceed three months. ('05 c. 101 § 6)

BARBERS

5055. **State barbers' board**—There shall be a state barbers' board of three members appointed by the governor, each for the term of two years and until his successor qualifies; one from among persons recommended by a union of journeymen barbers which shall have existed at least two years, one who has been for at least three years an employing barber in the state, and one who has been for at least five years a journeyman barber therein. The state examiners of barbers now in office shall be the members of such board during the terms for which they were respectively appointed. Each shall give bond to the state in the sum of five thousand dollars, to be approved by and filed with the secretary of state, conditioned for the faithful performance of his official duties. The board shall elect a president, a secretary, and a treasurer, shall have its headquarters at the capitol, have a common seal, and keep a register, open to public inspection, of all persons to whom certificates are issued. Vacancies in the board shall be filled by appointment from the class to which the retiring member belonged. Each member shall receive three dollars per day for actual service, and ten cents for each mile traveled in attending meetings of the board, to be paid out of its treasury. The board shall report to the legislature at each regular session a full statement of its proceedings, receipts, and disbursements, with recommendations looking to the betterment of the practice. (2342)

1897 c. 186 constitutional (79-80, 81+748, 48 L. R. A. 88, 79 Am. St. Rep. 422).

5056. **Occupation defined—Qualifications—Certificates**—Shaving or trimming the beard or cutting the hair of any person for hire shall constitute the occupation of a barber within the meaning hereof, and no person shall follow such occupation unless he shall first have obtained a certificate from the board. The board shall hold at least one examination yearly, in each of four different cities, of which meetings at least ten days' published notice shall be given. Any person over nineteen years of age desiring a certificate may apply therefor to the board, and pay to its treasurer a fee of five dollars. Thereupon he shall be allowed to follow the occupation of a barber until the next examination, of which he shall have previous notice. If, upon examination, he be found of good moral character and free from contagious or infectious disease, and to have the skill and knowledge of skin diseases sufficient to avoid aggravation and spread thereof, he shall receive a certificate and card as herein provided; but as a condition thereof he must show that he has studied the trade for three years under a qualified barber, or in a properly conducted barber school, or has followed the occupation in another state for at least three years. Thereupon his name shall be registered and a certificate authorizing him to follow the occupation, and a card signed by the president and secretary stating that he is so authorized, shall be issued to him. Such card shall be kept conspicuously posted in front of his working chair. The board shall decide whether any barber school is properly conducted. (2343)

5057. **Revocation—Reinstatement**—The board may revoke any certificate upon any of the following grounds proven against the holder: Conviction of crime, habitual drunkenness for six months preceding the filing of the charge, gross incompetency, or contagious or infectious disease. He shall have written notice of the charge, and on a day specified in said notice, at least five days after the service thereof, shall have a public hearing and opportunity to produce testimony and to confront witnesses. In case of revocation, he shall not within ninety days apply to have the certificate regranted; after such time it shall be regranted upon satisfactory showing that the disqualification has ceased. (2344)

5058. Schools of barbering—Only persons holding a certificate shall be permitted to open or conduct a school for instruction in the work of a barber. If a partnership shall conduct such a school, at least one member thereof shall be the holder of a certificate; if a corporation, the person in charge of the school shall be a certificate holder. Every non-resident who shall open such a school shall file with the secretary of state an appointment of some person residing in the county where the school is situated, as his agent with power to accept service for him, and service on such agent shall bind the principal. Every person opening such a school, before commencing business, shall file with the secretary of state a bond to the state, approved by the attorney general, in the sum of one thousand dollars, conditioned that he will comply with all of the provisions of this subdivision and pay all judgments that may be obtained against the school, or the owners thereof, on account of fraud, misrepresentation, or deceit practiced by any of them or by their agents, servants, or employees. (2345)

5059. Inspection by board—Every such school shall be subject to inspection by any member of the board, and the board shall see that there is provided for every ten students, or major fraction thereof, one instructor holding a certificate; that the school is equipped with facilities for sterilizing, and that all tools and instruments used therein are sterilized; that all cutting instruments used are properly sharpened and prepared; and that each student is supplied every day with one clean white apron with sleeves, or a white jacket, and a proper supply of clean towels. Every failure on the part of any proprietor of such school to equip and conduct the same in accordance with this section shall be a violation of the law, and upon request of any member of the barbers' board, the county attorney shall prosecute the person charged with the violation thereof. (2346)

5060. Scholarship contracts—All contracts made between such schools and their prospective students shall be in writing, and shall contain at the head thereof, in conspicuous type, the qualifications of an authorized barber as set forth in this subdivision; and a copy of every contract with such student who has not resided in the state for ninety days prior to the making thereof shall be filed by the proprietor of the school with the secretary of the board within a week after it is made. (2347)

5061. Inducements to students prohibited—No person shall in any way hold out or advertise that students in any such school, by reason of their education therein or otherwise, shall be permitted to follow the occupation of a barber within any period less than three years; nor shall any person conducting said school in any manner whatsoever hold himself out as being able to secure employment as a barber for any such student, or as having secured or assisted in securing such employment for students. (2348)

5062. Misdemeanors and penalties—Every person who shall follow the occupation of a barber without having obtained a certificate, or falsely pretend to be legally qualified to follow such occupation, every person who shall violate any provisions of this subdivision, and every employing barber who shall wilfully engage an assistant not a certificate holder hereunder, shall be guilty of a misdemeanor. But nothing herein shall prohibit any person from serving as apprentice under a barber holding such certificate, or as a student in a legally conducted school of barbering. In no barber shop, however, shall there be more than one apprentice to each two holding certificates. (2349)

VETERINARIANS

5063. Veterinary examining board—The state veterinary examining board shall consist of five qualified veterinarians, graduates of reputable veterinary colleges, appointed by the governor, each for the term of five years, one to be appointed each year, the first board, however, to consist of five members who shall hold office for one, two, three, four, and five years, respectively, and thereafter for the term of five years each and until their successors qualify. The board shall elect from its number a president, a secretary and treasurer, and shall have a seal, and shall have power to administer oaths and take testimony. It shall hold meetings for the examination of applicants for license

to engage in veterinary work at the capitol, on the Tuesday preceding the second Wednesday in January and July in each year, and such other meetings as may be necessary; but no meeting shall exceed three days' duration. Each member shall receive five dollars a day for actual services, and mileage at four cents a mile for necessary travel, to be paid out of the funds of the board. The secretary shall conduct all correspondence necessary to carry out the provisions of this act; keep a record of all proceedings, including the name of every applicant for registration or examination, with his age, the extent of his study or practice, and the name of his veterinary college, if any, and shall receive such compensation as the board may elect. Such record shall be prima facie evidence of the matters therein contained. ('07 c. 419 § 1)

Section 6 repeals inconsistent acts, etc., thereby superseding R. L. §§ 2350-2353.

5064. Who entitled to examination—Fee—License—Every graduate of a reputable and regularly organized veterinary college requiring a course of not less than three sessions of six months each shall be entitled to examination by the board, upon payment in advance of a fee of twenty-five dollars. All moneys so received shall be devoted to carrying out the provisions of this act. The board shall issue a license to every such applicant who, upon examination, shall be found qualified. ('07 c. 419 § 2)

5065. Renewal fee—Revocation—Every person registered by the board shall, while continuing to practice, annually pay to the secretary of the board a renewal fee of one dollar. All certificates now in force or which shall hereafter be issued, shall be subject to renewal on or before the first of May in each year. On hearing, the board may revoke any certificate or renewal which is obtained by fraud, or when the holder is guilty of gross moral or professional misconduct the board may deny a renewal of his certificate, subject to review by the courts. ('07 c. 419 § 3)

5066. Recording licenses—Every person holding a license from the board shall file it for record with the clerk of the district court in the county or counties where he practices within thirty days of its date; but it shall not be necessary to record an annual renewal. The clerk's fee in each case shall be one dollar. ('07 c. 419 § 4)

5067. Prohibitions—Prior laws—Penalties—No person who is not a holder of a license from the state veterinary board, and no person who fails to have his license annually renewed, shall engage in veterinary practice for hire. But this shall not apply to the dehorning of cattle or the castration of animals, nor shall it prevent any one from rendering necessary assistance in the treatment of any domestic animal when the attendance of an authorized veterinarian cannot be procured without great inconvenience or risk. Provided, that any one who was eligible to registration under the provisions of section three of chapter one hundred forty-nine of the Laws of 1903, and who erroneously filed an application and affidavit with the clerk of the district court in his county shall upon payment of the fee provided for in section 2 receive a certificate. Provided, further, that any person who was eligible to registration, but who by reason of sickness failed to take advantage of chapter 31 of the General Laws of 1893, or chapter 149 of the Laws of 1903, may be granted a license by said board upon payment of a fee of twenty-five dollars as specified in section 2 [5064] of this act, provided application is made within thirty days after the passage of this act. Provided further, that any person who has practiced the profession of veterinary medicine, surgery and dentistry as a livelihood in this state for three years immediately preceding April 18, 1893, and who in the meantime shall not have been guilty of violating the provisions of section 7, chapter 31, Laws of 1893, and the acts amendatory thereof, shall be deemed eligible to registration as a licensed veterinarian in this state (upon passing a practical and non-technical examination) and upon the payment of a fee of twenty-five dollars, as prescribed in section 2 [5064] of this act. Provided that application for registration be made within ten days after the passage of this act. Every person who shall violate any of the provisions of this act shall be liable to a penalty of not less than twenty-five dollars nor more than one hundred dollars or not less than thirty nor more than ninety days' imprisonment for each and every such offense. The

penalties prescribed in this section may be recovered in a civil action instituted by the board in the name of the state, or by a criminal prosecution upon complaint being made. In case any county attorney shall omit or refuse to conduct such proceeding, the board may employ another attorney for the purpose. ('07 c. 419 § 5)

79-243, 82-479.

HORSESHOERS

5068. Board of examiners—The 'horseshoers' board of examiners shall consist of five members, residents of the state, appointed by the governor, each for the term of five years and until his successor qualifies. Two shall be master horseshoers, two journeyman horseshoers, and one a veterinarian. Each vacancy shall be filled for the unexpired term from the class to which the retiring member belonged. The board shall elect from its members a secretary, who shall record its proceedings, and it shall carry out the provisions of this subdivision. At least once a year, in every city of the first class, the board shall examine applicants for certificates of qualification to practice horseshoeing, and issue such certificates to those found qualified. A fee of two dollars shall be paid to the secretary by every person taking such examination, and such fees shall be used to defray the expenses of the board and pay its members. The secretary shall give public notice of every examination at least thirty days prior thereto. No person shall be entitled to take such examination or receive such certificate unless he shall have had three years' experience as a horseshoer, or have served three years as a learner or apprentice under a master. (2354)

5069. Filing certificates—Copies—Exemption—All certificates shall be filed with the city clerk, and registered by him in a book kept for that purpose, upon receipt of a fee of twenty-five cents. Any person so registered shall be entitled to registration in any other city to which he may have removed, upon filing with the clerk thereof a certified copy of such certificate, the fee for which copy shall be fifty cents, and for filing the same twenty-five cents. Persons who were duly registered prior to the taking effect of the Revised Laws shall be exempt from examination. (2355)

5070. Registration—No person shall practice horseshoeing in any such city, otherwise than as a learner or apprentice under a master horseshoer, unless he is registered in accordance with this subdivision. Any person who shall present to a city clerk any certificate which has been fraudulently obtained, or who shall violate, or neglect to comply with, any provision of this subdivision, shall be guilty of a misdemeanor. (2356)

STALLIONS

5071. Enrollment—License—Record—Every person, firm or company standing or using any stallion for public service in this state shall cause the name, description and pedigree of such stallion to be enrolled by a stallion registration board hereinafter provided for, and shall secure a license from said board as provided in section 3 [5073] of this act. All enrollment and verification of pedigree shall be done in the division of animal husbandry of the college of agriculture of the University of Minnesota. All license certificates for stallions issued under this act shall be presented to and recorded by the register of deeds of the county or counties in which said stallion is used for public service. ('07 c. 436 § 1)

5072. Stallion registration board—In order to carry out the provisions of this act, there shall be constituted a stallion registration board, whose duty it shall be to verify and register pedigrees; to pass upon certificates of veterinary examination; to provide, when necessary, for veterinary inspection; to issue stallion license certificates; to make all necessary rules and regulations; and to perform such other duties as may be necessary to carry out and enforce the provisions of this act. Said board shall hold meetings at the college of agriculture, the first Tuesday and subsequent days of February, May, August and November of each year and such other meetings as may be

necessary. The stallion registration board shall be composed ex officio of the professor of animal husbandry of the Minnesota college of agriculture, who shall be, ex officio, secretary and executive officer of this board; the veterinarian of the state experiment station, and the president of the Minnesota horse breeders' association. ('07 c. 436 § 2)

5073. Qualifications and disqualifications for enrollment—In order to secure the license certificate herein provided for, the owner of each stallion shall present a certificate and affidavit from a qualified, licensed and reputable veterinarian, to the effect that he has personally examined such stallion and that to the best of his knowledge and belief said stallion is free from infectious, contagious or transmissible disease or unsoundness. The owner of such stallion shall also furnish to the stallion registration board the stud book registry certificate of pedigree of the stallion and all other necessary papers relating to his breeding and ownership. Upon verification of pedigree and certificate of breeding (in case of pure bred stallions) and receipt of veterinary certificate and affidavit as provided for in this act, a stallion certificate shall be issued to the owner. The presence of any one or more of the following named diseases shall disqualify a stallion from public service, and are hereby defined as infectious, contagious or transmissible disease or unsoundness for the purposes of this act: Cataract, amaurosis, laryngeal hemiplegia (roaring or whistling), chorea (St. Vitus' dance, crampness, shivering, springhalt), bone spavin, ringbone, sidebone, glanders, farcy, maladie du coit, urethral gleet, mange, melanosis, and curb when accompanied by curby hock. The stallion registration board is hereby authorized to refuse certificate of enrollment to any stallion affected with any one of the diseases specified, and to revoke a previously issued stallion license certificate of any stallion found on examination to be so afflicted. ('07 c. 436 § 3)

5074. Temporary license—The stallion registration board is authorized in cases of emergency to grant temporary license certificates without veterinary examination, upon receipt of an affidavit of the owner to the effect that to the best of his knowledge and belief said horse is free from infectious, contagious or transmissible disease or unsoundness. Temporary license certificates shall be valid only until veterinary examination can reasonably be made. ('07 c. 436 § 4)

5075. License to be displayed—The owner of any stallion standing for public service in this state shall post and keep affixed during the entire breeding season copies of the license certificates of such stallion, issued under the provisions of this act, in a conspicuous place upon the main door leading into every stable or building where the said stallion stands for public service. Said copies shall be printed in bold face and conspicuous type, not smaller than small pica, especially the words "pure bred," "grade," etc. ('07 c. 436 § 5)

5076. Form of license certificates—The license certificate issued after proper examination for a stallion whose sire and dam are of pure breeding and the pedigree of which is registered in a studbook recognized by the United States department of agriculture, or in any American studbook or registry association that recognizes and records stallions that have five pure top crosses, shall be in the following form:

STALLION REGISTRATION BOARD

License Certificate of Pure-Bred Stallion

The pedigree of the stallion (name) owned by bred by, described as follows: Color breed foaled in the year has been examined at the college of agriculture, division of animal husbandry, and it is hereby certified that the said stallion is of pure breeding, is registered in a studbook recognized by the department of agriculture, Washington, D. C. The above named stallion has been examined by, a duly licensed veterinarian, and is reported as free from infectious, contagious, or transmissible

disease or unsoundness, and is licensed to stand for public service in the state of Minnesota.

(Signed)

Professor of Animal Husbandry and Secretary Stallion Registration Board.

The license certificate issued after proper examination for a stallion whose sire or dam is not of pure breeding shall be in the following form:

STALLION REGISTRATION BOARD

License Certificate of Grade Stallion

The pedigree of the stallion (name) owned by bred by, described as follows:, color, breed foaled in the year, has been examined at the college of agriculture, division of animal husbandry, and it is hereby certified that the said stallion is not of pure breeding and is, therefore, not eligible for registration in any studbook recognized by the department of agriculture, Washington, D. C.

The above named stallion has been examined by, a duly licensed veterinarian, and is reported as free from infectious, contagious or transmissible disease or unsoundness, and is licensed to stand for public service in the state of Minnesota.

(Signed)

Professor of Animal Husbandry and Secretary Stallion Registration Board.

('07 c. 436 § 6)

5077. **Advertisements, etc.**—Every bill, poster or advertisement issued by the owner of any stallion, licensed under this act, or used by him for advertising such stallion shall contain a copy of his license certificate and shall not contain illustrations, pedigrees or other matter that is untruthful or misleading. ('07 c. 436 § 7)

5078. **Fees—Subsequent examinations**—A fee not exceeding \$2 shall be paid to the secretary of the stallion registration board for the examination and enrollment of each pedigree and the issuance of a license certificate in accordance with the breeding of the stallion as above provided. A fee not exceeding \$1 shall be paid annually for the renewal of pedigree certificate and service license. Stallions shall be examined every four years until ten years of age, and after the first examination shall be exempt from examination at ten years of age or over. ('07 c. 436 § 8)

5079. **Transfer of certificate**—Upon a transfer of the ownership of any stallion licensed under the provisions of this act, the license certificate may be transferred by the secretary of this board to the transferee upon submittal of satisfactory proof of such transfer of ownership and upon payment of 50 cents. ('07 c. 436 § 9)

5080. **Penalties**—Violation of any of the provisions of this act shall be punished by a fine of not less than \$25 nor more than \$100 for each offense. ('07 c. 436 § 10)

5081. **Fees, how disposed of—Annual report**—The funds accruing from the above named fees shall be used by the stallion registration board to defray the expenses of enrollment of pedigrees and issuance of licenses; to provide for the examination of stallions when necessary; to publish reports or bulletins containing lists of stallions examined; to encourage the horse breeding interests of this state; to disseminate information pertaining to horse breeding, and for any other such purposes as may be necessary to carry out the purposes and enforce the provisions of this act. It shall be the duty of this board to make annual report, including financial statement, to the governor of the state, and all financial records of said board shall be subject to inspection at any time by public examiner. ('07 c. 436 § 11)

ELECTRICIANS

5082. **State board of electricity**—The state board of electricity shall consist of five members, residents of the state, appointed by the governor, each for a term of five years and until his successor qualifies, of whom two shall

be master electricians, two journeymen electricians, recommended by their unions of this craft, and one a consulting engineer or electrical inspector of a city. Vacancies shall be filled in the same manner and from the same class from which the retiring member belonged. The board shall select from its members a president, secretary and treasurer, prescribe rules for the management of its affairs and adopt a seal. Each member shall receive three dollars a day for actual services and ten cents per mile for traveling expenses and his necessary expenses and the secretary such additional compensation as the board may allow; all to be paid out of the treasury of the board. The board shall meet at least once a year in the state capitol and may meet at any other time at places upon sufficient notice to the members. It shall have jurisdiction and this subdivision shall apply only to cities of the first class. (R. L. § 2357, amended '13 c. 554 § 1)

1913 c. 554 § 6 repeals all inconsistent acts, etc.

5083. Classification, examination, licenses, etc.—There shall be master, journeyman and special electricians, and in the last class shall be included persons employed to operate electric light or power apparatus and keep the same in repair. Every person not already a registered or licensed electrician who shall hereafter engage in the occupation of operating, installing or repairing electrical wires or apparatus shall apply to the board for a license to follow such occupation. The board shall examine the applicant and if he take the oath, hereinafter mentioned, and be found upon examination to be possessed of skill and knowledge in the business and reasonably versed in laws of electricity, the board shall issue to him a license, to follow such calling for two years, signed by the president and secretary and attested by the seal. All licenses heretofore issued by the board shall expire at the end of two years after the taking of effect of the revised laws. The employees of the interstate telephone and telegraph companies shall not be required to hold licenses. Every licensee shall report his licensing and renewal thereof to the proper electrical inspector, if any there be, in the city in which he operates and display such license conspicuously in his place of business and exhibit it on lawful demand. Holders of journeyman and special electrician licenses shall be furnished with a duplicate of said license, printed or engraved on substantial cardboard of a size of two and one-half inches by four inches, which the holder shall produce upon lawful demand. For cause, and after hearing all interested parties, the board may revoke such license and shall notify the city inspector of its revocation. Renewals of licenses for the same term shall be granted without examination. (R. L. § 2358, amended '13 c. 554 § 2)

5084. Bonds—Every master electrician shall before receiving license as such give bond to the state in the penal sum of five thousand dollars, which bond shall be approved by, and filed with, said state board of electricity. This bond to be conditioned upon the faithful performance of all work entered upon or contracted for by said master. A journeyman electrician holding a state license shall, without further examination, be issued upon application to the state board of electricity a master electrician license, providing that he give bond as provided in this section. An action may be maintained on said bond by any person injured or damaged through the want of skill or the use of unsuitable or improper material in the performance of any work contracted for or undertaken by said master electrician or his servants or his employees. (R. L. § 2359, amended '13 c. 554 § 3)

5085. Registered electricians—Every certificate of registration heretofore issued by such board shall be good for two years from the adoption of the Revised Laws, and thereafter the holder shall be entitled to a license without examination. Any electrician engaged in the business prior to the adoption of Revised Laws in any city first brought by such laws under the jurisdiction of the board, within six months after the taking effect thereof, shall apply to the board for a license, which shall be issued to him, without examination, on payment of a fee of two dollars. The secretary shall keep a register of all certificates and licenses issued. (2360)

5086. Qualifications and rights—Fees—A person under the age of twenty-one years shall be licensed only as a special electrician. Every applicant for a master electrician's license shall pay a fee of five dollars (\$5.00) and take oath that he has had three years experience in the occupation or if a corporation apply, an officer or manager thereof shall take such oath after being duly examined as master. An applicant for a journeyman electrician's license shall pay a fee of three dollars (\$3.00) and take oath that he has had three years experience in the installing and repairing of electrical wires and apparatus. An applicant for a special electrician's license shall pay a fee of two dollars (\$2.00) and make oath that he has had two years experience in the special line of work for which he asks license and which shall be set forth in such license. No contracts for electrical work shall be entered into by any one not a licensed electrician. (R. L. § 2361, amended '13 c. 554 § 4)

5087. Apprentices—Nothing in this subdivision shall prevent a person from serving as an apprentice under a licensed electrician, but no master electrician shall have more than one apprentice to each two journeymen in his employ. No master electrician shall allow any apprentice to work at any installation of electrical wires or apparatus unless such apprentice is working with a licensed electrician on the job. (R. L. § 2362, amended '13 c. 554 § 5)

5088. Disposition of fees—Report—All fees collected under this subdivision shall be devoted to the uses of the board, and before the first Monday in January, annually, it shall report to the governor, in writing, the items of its receipts and disbursements for the preceding year. (2363)

5089. Penalties—Any person who shall engage in the business of installing or repairing electrical wires or apparatus without having complied with the laws respecting registration and license, or who shall violate any of the provisions of this subdivision, shall be guilty of a misdemeanor, the minimum punishment whereof shall be a fine of ten dollars. (2364)

PRIVATE DETECTIVES

5090. License—It shall be unlawful for any person to act as or hold himself out to be a private detective or to establish or engage in the keeping, maintaining or operating of any private detective agency, or to carry on any private detective work within this state, without having first obtained a license therefor from the governor of the state of Minnesota upon application therefor on the payment of the fee and filing of the bond hereinafter provided for. ('07 c. 457 § 1)

Section 9 repeals inconsistent acts, etc.

5091. Term—Such license, unless sooner revoked, shall be and remain in force for three years from the date thereof. ('07 c. 457 § 2)

5092. Fee—Bond—Revocation—No such license shall be issued until such applicant shall have paid into the state treasury the fee hereinafter provided, and shall have filed with the secretary of state a bond duly approved by the governor in the sum of \$2,000, conditioned on the payment of all damages suffered, or sustained by any person by reason of any willful or malicious act on the part of such detective or detective agency or any employé of such detective or agency. Said license so issued may be revoked by the governor at any time, but no license shall be so revoked until the licensee shall have had an opportunity to appear and defend any charges made against him. Such charges shall be written and filed with the secretary of state, and shall have been served upon said licensee not less than ten days prior to the date of such hearing. ('07 c. 457 § 3)

5093. Employés of licensed detective—Nothing in this act contained shall be construed to prevent unlicensed persons from entering the employ of or working for and under the supervision of a regularly licensed private detective or detective agency, or any detective from any other state on a case having originated in another state. ('07 c. 457 § 4)

5094. Amount of fee—Each licensed detective agency shall pay a license fee of \$10. ('07 c. 457 § 5)

5095. **Prohibition**—Unless connected with or employed by a regular licensed detective agency, no person shall do or offer to do any detective work for money or other emolument within the state of Minnesota. ('07 c. 457 § 6)

5096. **Penalty**—Any person violating any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not to exceed one hundred dollars or imprisoned in the county jail for not to exceed three months, or both, for each and every violation thereof. ('07 c. 457 § 7)

5097. **"Person"**—In the construction of this act the word "person" shall be held to mean person, persons, co-partnership or corporation. ('07 c. 457 § 8)

CHAPTER 35A

COLLECTION AGENCIES

5098. **To file bond with secretary of state—Conducting agency, etc., without bond prohibited**—No person, partnership, association or corporation shall conduct a collection agency, collection bureau or collection office in this state, or engage in this state solely in the business of collecting or receiving payment for others of any account, bill or other indebtedness, or engage in this state in the business of soliciting the right to collect or receive payment for another of any account, bill or other indebtedness, or advertise for or solicit in print the right to collect or receive payment for another of any account, bill or other indebtedness, unless, at the time of conducting such collection agency, collection bureau, collection office or collection business, or of doing such advertising or soliciting, such person, partnership, association or corporation, or the person, partnership, association or corporation for whom he or it may be acting as agent, shall have on file with the secretary of state a good and sufficient bond as hereinafter specified. ('13 c. 532 § 1)

5099. **Amount and condition of bond**—Said bond shall be in the sum of five thousand dollars (\$5000.00) and shall provide that the person, partnership, association or corporation giving the same shall, upon written demand, pay and turn over to or for the person, partnership, association or corporation for whom any account, bill or other indebtedness is taken for collection the proceeds of such collection in accordance with the terms of the agreement upon which such amount, bill or other indebtedness was received for collection. Said bond shall be in such form as the attorney general shall prescribe. ('13 c. 532 § 2)

5100. **Term of bond—Limitation**—Said bond shall be for the term of one year from the date thereof, unless the secretary of state and the person, partnership, association or corporation giving the same shall agree on a longer period. No action on said bond shall be begun after two years from the expiration of the bond. ('13 c. 532 § 3)

5101. **How executed and approved—Sureties, etc.**—Said bond shall be executed by said persons, partnerships, associations or corporations as principal, with at least two good and sufficient sureties who shall be residents and owners of real estate within the state. The bond shall not be accepted unless approved by the secretary of state and, upon such approval, it shall be filed in his office. The bond of a surety company may be received if approved as aforesaid; or cash may be accepted in lieu of sureties. ('13 c. 532 § 4)

5102. **Record of bonds**—The secretary of state shall keep a record of the bonds filed with him under the provisions hereof, with the names, places of residence and places of business of the principals and sureties, and the name of the officer before whom the bond was executed or acknowledged; and the record shall be open to public inspection. ('13 c. 532 § 5)