

MASON'S MINNESOTA STATUTES

1927

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EMBRACING THE ORGANIC LAWS, THE CONSTITUTION, AND THE STAT-
UTES CONTAINED IN THE GENERAL STATUTES OF 1923, EXCEPT
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BY THE SUBSEQUENT LEGISLATION OF 1925
AND 1927

AND ALSO EMBRACING LAWS OMITTED FROM THE GENERAL STATUTES
1923, AND THE LAWS OF THE 1925 AND 1927 SESSIONS OF THE
LEGISLATURE UNDER APPROPRIATE CLASSIFICATION.

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special resources of the state of Minnesota, and the advantages of this state as a place of residence; to spread knowledge of the same throughout the civilized world by correspondence, by messengers and public lectures and by all forms of legitimate advertising; to facilitate the immigration of such persons of good moral character as may desire a change of domicile, and to answer all inquiries from persons residing within or without the state, upon the subjects aforesaid. At each session of the state legislature, the board shall make a report of all its transactions dur-

ing the biennial period next preceding the first day of such session. ('07 c. 267 § 5) [3951]

"State Colonization Commission" under agriculture and rural credits, '21 c. 330.

4343. Advertising and disposal of public lands—The Minnesota state board of immigration shall, in addition to the performance of the duties hereinbefore described, co-operate, as far as practicable, with the state land commissioner, in and about the advertising and disposal of public lands. ('07 c. 267 § 6) [3952]

CHAPTER 24

SOLDIERS' HOME, RELIEF, ETC.

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diers' home shall be maintained at Minneapolis, under the management of seven trustees, to be known as the "Soldiers' Home Board," as a home for honorably discharged soldiers, sailors, and marines of the United States who served in the Mexican War, the War of the Rebellion, or the Spanish-American War, and for persons who actually served in any campaign against the Indians in this state in the year 1862, whether as soldiers of the United States or not. But no person shall be admitted to the home who has not been a resident of the state for one year next preceding the date of his application, unless he served in a Minnesota regiment, or was credited to this state, or served in an Indian campaign as aforesaid. Nor shall any person be admitted unless he is without adequate means of support, and is unable, by reason of infirmity, to properly maintain himself. (1835) [3953]

See following section.

4345. Persons who may be admitted to Soldiers' Home—The object of the soldiers' home shall be to provide a home for all honorably discharged ex-soldiers, sailors and marines who served in the army or navy of the United States during the War of the Rebellion, or the Mexican War, or in the war begun in the year, 1898 between the Kingdom of Spain and the United States or the Philippine Insurrection, or the Boxer Rebellion, or members of the Minnesota National Guard mustered into Federal Service in 1916 and served on the Mexican Border, or the war of 1917 and 1918, commonly called "The World War," who now are or may hereafter become citizens of the State of Minnesota. All persons who are otherwise entitled under the provisions unable to earn their living, who, by reason of wounds, disease, or old age or infirmities are unable to earn their living, and who have no adequate means of support. No applicants shall be admitted to the soldiers' home who has not been a resident of the State of Minnesota for one year next preceding the time of having his application, unless he served in a Minnesota regiment or was accredited to the State of Minnesota. All persons who are otherwise entitled under the provisions of this section to admission to said soldiers' home who actually served in any campaign against the Indians in Minnesota in the year 1862 shall be entitled to admission to such soldiers' home, notwithstanding such person were not regularly enlisted, mustered into or discharged from the military service of the United States.

The Board of Trustees are hereby authorized to admit wives with their husbands, and the widows or

4344. Who may be admitted—The Minnesota sol-

mothers to those who are, or if living, would be, eligible to admission under this act, but no wife or widow shall be admitted unless she shall have been married to her soldier husband prior to the year 1905 and no wife or widow of an honorably discharged ex-soldier, sailor or marine, who served in the army or navy of the United States in the war begun in the year 1898 between the Kingdom of Spain and the United States or the Philippine Insurrection, or the Boxer Rebellion, or members of the Minnesota National Guard mustered into Federal service in 1916 and served on the Mexican Border, shall be admitted unless she shall have been married to her soldier husband prior to the year 1916 and then only in the event that by reason of physical disabilities, infirmities or old age she is unable to support herself and has no other adequate means of support; and no wife, widow or mother shall be admitted unless she shall have been a resident of the State of Minnesota no less than five (5) years next preceding the date of her application, and no wife, widow or mother shall be admitted unless she shall have attained the age of fifty-five (55) years at the time of making such application.

Provided, however, that in case such wife, widow or mother who had previously been a resident of Minnesota for not less than ten years, and who has lost her residence in this state by removal therefrom for the benefit of her health or the health of her husband or son and who has returned to this state for the purpose of making it her home, may be admitted to said soldiers' home after having been a resident of this state not less than one year next preceding the date of her application, provided such applicant is otherwise eligible to admission under the provisions of this section, and provided further, that all soldiers of the Minnesota National Guard and who heretofore have lost or hereafter may lose an arm or leg or his sight or may become permanently disabled from any cause while in the line and discharge of duty and are not able to support themselves, may be admitted to the home under such rules and regulations as the board of trustees may adopt, and any soldier of the Minnesota National Guard suffering from illness or injury sustained from any cause in the line and discharge of military duty shall be admitted to the soldiers' home hospital for medical treatment and hospital service until recovery from such illness or injury under such rules and regulations as the board of trustees may adopt. ('87, c. 148, § 3; amended '99, c. 166, § 1; '05, c. 222, § 1; '15, c. 259, § 1; '17, c. 205, § 1; '19, c. 79, § 1; '25, c. 168, § 1) [3954]

4346. Certain persons may be admitted to Minnesota Soldiers' Home—Any person possessing all the qualifications required under now or hereafter existing laws to render him eligible to admission to the Minnesota Soldiers' Home, except that he has means of support, may, nevertheless in the discretion of the "Soldiers Home Board," be admitted to the Minnesota Soldiers' Home upon entering into and complying with the terms of a contract made by him with such board, providing for reasonable compensation to be paid by such person to the State of Minnesota for his care, support and maintenance in said Home. ('23 c. 13)

4347. Admission of certain women—In addition to the persons eligible to admission to the Minnesota soldiers' home under existing laws, the trustees of said soldiers' home are hereby authorized to admit to the home any woman who is more than sixty-five years of age and who was regularly employed under the juris-

dition of the authorities of the union army in charge of the hospital services thereof as a nurse for the soldiers of the union army for a period of one year during the war of the rebellion, and who has been a resident of the state of Minnesota for a period of five years next preceding her application to such home. ('13 c. 286 § 1) [3955]

4348. New buildings—The state board of control shall have and exercise full authority in the erection and construction of new buildings at the soldiers' home. When new buildings are to be erected and constructed by authority of the state or old buildings to be remodeled it shall be the duty of the board of control to cause to be prepared plans and specifications for the same, but in so doing, it shall consult with the trustees of the soldiers' home, in respect to said plans and specifications and shall adopt and carry out so far as it deems practicable their requests and desires in the matter. ('13 c. 88 § 1) [3956]

4349. Trustees of soldiers' home board to receive expenses in addition to per diem compensation—Said trustees shall be appointed by the governor with the consent of the senate, each for the term of six years, and until his successor qualifies. Vacancies shall be filled by like appointment for unexpired terms. They shall receive as compensation for their services in attending meetings of the board and meetings of any committee thereof the sum of ten dollars (\$10.00) per day for each such meeting day so attended and in addition thereto actual expenses incurred in attending such meeting. Claims for such compensation shall be paid by the state treasurer from the money provided for the support of the soldiers' home upon itemized and verified vouchers approved by the president and secretary, after audit by the state auditor. Not more than four of the trustees shall be members of the same political party, and in the selection of trustees, officers of the home, and employes of the board, preference shall be given to honorably discharged soldiers, sailors and marines. Each trustee shall give a bond to the state in the penal sum of five thousand dollars, conditioned for the faithful discharge of his duties and the economical expenditure of the funds provided for hereunder. The trustee who shall be selected by the board as treasurer of the home shall give an additional bond to the state in such sum as may be designated by the board of trustees, conditional that such treasurer shall account for and pay over, according to the directions of said board, all moneys or other property which may come into his possession with the consent of the inmates from the inmates of such home as such treasurer. The surety on such treasurer's bond may be any surety company that is authorized to contract as such by the laws of this state, and the cost thereof shall be paid out of the home support fund. (R. L. '05 § 1836, amended '07 c. 326 § 1; '17 c. 188 § 1; '19 c. 131 § 1) [3957]

4350. Officers of Soldiers' Home—Secretary—Appointment, duties, salary—Treasurer—Rules and regulations—The board shall appoint a secretary, and elect from its members a president, a treasurer of the home, and an executive committee of three. The same person may hold the positions of treasurer and president. The secretary shall record its transactions and keep books, records and accounts, showing the administration of the soldiers' home and relief funds, and all facts of public interest relating to the home. He shall receive such salary as said board of trustees shall designate. The state treasurer shall be ex-officio the treasurer of the board. The board shall adopt and

enforce rules for the government of the home, and proper by-laws for the conduct of its business and, with the approval of the governor, it may also make rules not inconsistent with this chapter, respecting the admission, maintenance and discharge of inmates, and the disbursements of the funds under its control. (R. L. '05, § 1837; amended '07, c. 326, § 2; '19, c. 83, § 1; '25, c. 128) [3958]

4351. Meetings—Executive committee—The annual meeting of the board shall be held on the second Tuesday of August, and a semi-annual meeting on the second Tuesday of February, at which times the trustees shall examine into the condition of the inmates of the home, and of all others under their care. A special meeting for a designated purpose may be called at any time by the president or by any two of the trustees. The executive committee shall meet at least once in each month, and, when assembled, may exercise such powers of the board as the by-laws shall permit. The principal office of the board, and the place of its meetings, shall be at the home. (1838) [3959]

4352. Officers and employees—The board shall appoint a commandant for such term as it may deem proper, who, under its direction, shall have immediate charge of the home. He shall nominate for approval by the board all necessary subordinate officials and employees, and may suspend any of them for inefficiency or misconduct. The grounds of such suspension shall be reported to the board, whose decision, after a hearing thereon, shall be final. The pay of the commandant and of each of his subordinates shall be prescribed by the board, not exceeding the reasonable amounts paid for similar services in other institutions of the state. (1839) [3960]

4353. Soldiers' home fund—Standing appropriation—The sum of twenty thousand dollars is hereby appropriated annually for the support of the home and its inmates, which sum, together with all other moneys provided for the same purposes from time to time, shall be kept separate from the relief fund established by § 4352 [§§ 4354, 4355], and be known as the "Soldiers' Home Fund." (1840) [3961]

4354. Relief fund—Transfers—The state auditor shall add to the state tax levy, annually, one tenth of a mill on each dollar of the assessed value of taxable property, the proceeds whereof shall constitute a soldiers' relief fund, to be administered by the board as hereinafter provided. Whenever all of the members of such board shall unite in a written request so to do, the auditor and treasurer shall transfer from the soldiers' home fund to the soldiers' relief fund, or from the latter to the former, any sum specified in such request. (1841) [3962]

4355. Relief fund, how used—Such relief fund shall be expended, under the direction of the board, for the relief outside of the home of persons entitled to be admitted; the deserted wives of such persons if worthy; the widows and dependent parents of such as have died; and the deserted or orphaned children of such wives or widows, under the age of sixteen years. The granting of such relief, and the extent and character thereof, shall in all cases be in the discretion of the board, and subject to such terms as it may prescribe. (1842) [3963]

4356. County agents—The board may designate one person in each county, or part of a county, to whom applications for relief shall be made, and through whom the applicant shall communicate with the board concerning the same; and each auditor, when necessary,

shall assist in obtaining and applying such relief within his county. No compensation shall be paid to any person for the services mentioned in this section. (1843) [3964]

4357. Transportation—Whenever it is made to appear that any person entitled to admission to the home is without means to pay the expenses of travel thereto, the president of the board shall furnish transportation to such person without unnecessary delay, and the cost thereof shall be paid out of the soldiers' home fund. A joint request for such transportation from a county agent of the board and commander or adjutant of a post of the Grand Army of the Republic situated in the county shall be sufficient, in the absence of reasons to the contrary, to warrant such expenditure. (1844) [3965]

4358. Moneys, how disbursed—All disbursements from the funds herein provided for shall be made by the state treasurer upon auditor's warrants, payable to the persons entitled thereto. Such warrants shall be issued only upon itemized vouchers furnished by the board, signed by its president and secretary, and designating the purpose of the expenditure, and the fund from which each is payable. (1845) [3966]

4359. Donations—Reports—The board is hereby authorized to accept in behalf of the state any gift, grant, bequest or devise made for the purposes of this chapter, and administer the same as directed by the donor, but all moneys derived from such donations shall be deposited in the state treasury and be credited to one of the funds herein provided for.

At each biennial meeting the board shall report to the governor all its proceedings during the preceding two years, which report, with such information and recommendations concerning its work as the board may deem proper, shall be submitted to the legislature in print at its next regular session. (R. L. § 1846, amended '13 c. 170 § 1) [3967]

'1913 c. 170 § 2 repeals inconsistent acts, etc.

4360. Inmates to retain pension—The soldiers' home board of the Minnesota soldiers' home shall not make or enforce any rule, regulation or by-law requiring any applicant for admission to, or any inmate of said soldiers' home to pay or to promise or agree to pay, his United States pension, or any part thereof, or to pay any sum in any manner whatsoever, to the soldiers' home or to any board or officer or employee thereof, or to any department or fund thereof or appertaining thereto, or to part with or to promise to part with such pension or any part thereof or of any sum of money whatsoever as a condition of admission to such soldiers' home, or as a condition of remaining an inmate thereof, or as a condition of or as payment for granting or according to such inmate, or to such applicant, if admitted, any ordinary or special attention or service in or in connection with such home. ('11 c. 150 § 1) [3968]

4361. Employees not to receive any part, etc.—No servant, agent or employee of such soldiers' home shall accept or receive from any applicant for membership in, or from any inmate of such soldiers' home, any part of the United States pension of such applicant or inmate, or any sum of money whatsoever in any manner whatsoever in any case mentioned in section one (1) [4360] hereof wherein the soldiers' home board is prohibited from requiring payment or promise of payment thereof from such applicant or inmate. ('11 c. 150 § 2) [3969]

4362. Wife or dependent children—This act shall not be construed in such a manner as to prevent or prohibit the soldiers' home board from making and

enforcing a regulation requiring inmates of such soldiers' home to pay to such board of managers for the support of the wife or dependent children of such inmate all or any part of the United States pension received by such inmate in excess of the sum of four dollars per month. ('11 c. 150 § 3) [3970]

4363. Violation a misdemeanor—Any agent, officer, employee or servant of such soldiers' home or soldiers' home board violating any provision of this act shall be guilty of a misdemeanor and shall be forthwith discharged from any position in connection with such soldiers' home. ('11 c. 150 § 4) [3971]

4364. Wife or dependent children—Disposal of pensions—Relief—If such applicant or if any inmate of such home have a wife or children dependent upon him for support, the soldiers' home board may in its discretion require that any such applicant or inmate, who receives a United States pension exceeding four dollars per month, shall pay, not to exceed however, one half thereof, to be determined by such board of managers for the support and maintenance of such wife or dependent children. Such board may in addition grant to such dependents a monthly allowance from the relief fund in such sum as shall be determined by such board. (R. L. § 1847, amended '11 c. 150 § 5) [3972]

4365. Relief outside home from soldiers' relief fund to widows, deserted wives, and minor children—In addition to the persons to whom the soldiers' home board is now authorized to extend relief outside the Minnesota soldiers' home from the soldiers' relief fund, the board is hereby authorized to extend relief, outside the home, to the widow, deserted wife or any minor child under fourteen years of age of any honorably discharged ex-soldier, ex-sailor, or ex-marine who served in the army or navy of the United States during the War of the Rebellion, or World war, provided any such widow or deserted wife is more than fifty-five (55) years of age and shall have married her soldier husband prior to the year of 1903; provided, further, that no such relief shall be granted under the provisions of this act to any person unless he or she shall have been a resident of the state of Minnesota for at least five (5) years next preceding his or her application for such relief. The granting of such relief and the extent and character thereof shall in all cases be in the discretion of the board and subject to such terms as it may prescribe. ('13, c. 186, § 1; amended '27, c. 285) [3973]

4366. Personalty of inmates—Will—As a condition of his admission to the home, every person shall execute his will, and deposit the same with the secretary, disposing of any personal property of which he may die possessed. Upon the decease of any such testator, the board shall cause such of his personal estate as may be left in his possession to be disposed of pursuant to said will, without probate thereof or other proceedings thereon. All property of a deceased inmate not so bequeathed by will, and remaining at the home, unclaimed, for one year after his death, shall be inventoried, appraised, and sold, and the proceeds thereof paid into the state treasury to the credit of the soldiers' home fund. (1848) [3974]

MISCELLANEOUS PROVISIONS.

4367. License fees not required of honorably discharged soldiers, sailors or marines—Municipal regulations—Penalty—No license fee or other charge provided by any law of the state of Minnesota, shall be required of any honorably discharged soldier, sailor

or marine who served the United States in the Civil War, in the Spanish-American War, in the Philippino Rebellion or in the Boxer uprising, or in the recent war against the German Empire and its allies, for the privilege of hawking or peddling goods and merchandise, not prohibited by law or ordinance, solely upon his own account, provided that nothing herein contained shall prevent any city, village, borough or other municipality from levying and collecting such license fees for hawking or peddling within its corporate limits. Upon application therefor, accompanied by proof of such discharge to any clerk or other officer authorized to issue such license, the same shall forthwith be granted. Every violation hereof shall be deemed a misdemeanor, the minimum punishment whereof shall be a fine of ten dollars. (R. L. '05, § 1849; amended '07, c. 393, § 1; '17, c. 230, § 1; '19, c. 415; '21, c. 434, § 1; '25, c. 236) [3975]

4368. Preference to soldiers, marines, etc., in public appointments—That in every public department and upon all public works in the state of Minnesota and the counties, cities, and towns thereof members of the United States army and navy reserves and honorably discharged soldiers, sailors and marines from the army and navy of the United States in the late Civil and Spanish-American and Philippine Insurrection wars and the China relief expedition, and the late world war wherein the United States of America and the allied nations of England, France, etc., were engaged in war against the Imperial German Government and its allies, who are citizens and residents of this state, shall be entitled to preference in appointments, employment and promotion over other applicants therefor, and the persons thus preferred shall not be disqualified from holding any position hereinbefore mentioned on account of his age or by reason of any physical disability, provided such age or disability does not render him incompetent to perform properly the duties of the position applied for and when such soldier, sailor or marine shall apply for appointment or employment under this act, the officer, board or person whose duty it is, or may be, to appoint or employ such person to fill such position or place, shall before appointing or employing anyone to fill such position or place, make an investigation as to the qualifications of said soldier, sailor or marine for such place or position, and if he is a man of good moral character, and can perform the duties of said position applied for by him, as hereinbefore provided, said officer, board or person shall appoint said soldier, sailor or marine to such position or place of employment.

A refusal to allow the preference provided for in this and the next succeeding section to any member of the United States army or navy reserves or honorably discharged soldier, sailor, or marine, or a reduction of his compensation intended to bring about his resignation or discharge, shall entitle such honorably discharged soldier, sailor or marine to a right of action therefor in any court of competent jurisdiction for damages, and also for a remedy for mandamus for righting the wrong. ('07 c. 263 § 1, amended '17 c. 499 § 1; '19 c. 14; '19 c. 192 § 1) [3976]

Does not apply to deputy oil inspector. 131-190, 154-947. Removal of ex-soldier from Police force. 152-437, 189-257. Constitutionality 193-31. Constitutional. 164-14, 204-572.

When an appointment is to be made to fill a position within the classified service of the city of St. Paul, the commissioner must include in the certified list the names of those who received the highest rank in the examination, leaving it to the appointing officer to determine which one of the persons named should receive the appointment under chapter 192, Laws 1919, commonly known as the Soldiers' Preference Act. 163-190, 203-774.

4368-69
173m 485
217nw 681
10933
4368-69
226nw 841
228nw 447
4368-69
31 - 347
178m 277
231nw 406
4368-69
239nw 670
240nw 361
241nw 318
See 2569
See 3286
4368-69
Art 1 42
185m 49
246nw 906
4368-4369
173m 485
249nw 184
251nw 673

4365
29 - 79

The Soldiers' Preference Law, does not apply to an officer who is the head of a department. 167-240, 208+1005.

Determination of fitness—Mandamus. 164-14, 204+572.

4369. Removal forbidden—Right of mandamus—

Any person whose rights may be in any way prejudiced contrary to any of the provisions of this section, shall be entitled to a writ of mandamus to remedy the wrong. No person holding a position by appointment or employment in the state of Minnesota or in the several counties, cities or towns thereof, who is a member of the United States army or navy reserves or an honorably discharged soldier, sailor or marine, having served as such in the army and navy of the United States in the late Civil and Spanish and Philippine Insurrection wars and the China relief expedition, and the late world war wherein the United States of America and the allied nations of England, France, etc., were engaged in war against the Imperial German Government and its allies, shall be removed from such position or employment except for incompetency or misconduct shown after a hearing, upon due notice, upon stated charges, and with the right of such employe or appointee to review by writ of certiorari. The burden of proving incompetency or misconduct shall rest upon the party alleging the same. Nothing in this act shall be construed to apply to the position of private secretary or deputy of any official or department, or to any person holding a strictly confidential relation to the appointing officer. ('07 c. 263 § 2, amended '17 c. 499 § 1; '19 c. 14; '19 c. 192 § 2) [3977] 167-240, 208+1005, note under § 4368.

Constitutional. 164-14, 204+572.

Applicable to position of market master. 164-14, 204+572.

4370. \$100 for cost of burial of soldiers, sailors, etc.

—Each county board shall cause to be decently buried, at a cost to the state of not more than one hundred dollars, the body of any soldier, sailor or marine who served the United States as such in the Civil or Spanish-American war, or the recent war with the German Empire and its Allies, and of any person not a soldier who actually served in this state in the Indian war of 1862, and who dies within the county or is brought thereto for interment, and has not left sufficient means to defray the expenses of suitable burial. Such interment shall not be made in any place used exclusively for the burial of the pauper dead, and the relatives or comrades of the deceased, if they so desire, shall be permitted to conduct the burial services. (R. L. '05 § 1850, amended '07 c. 129; '19 Ex. Sess. c. 37 § 1) [3978]

4371. Headstones for graves—A headstone shall be placed at the grave of every such person, bearing his name, and, if ascertainable, the date of his birth and death, and the designation of the organization to which he belonged or in which he served. The cost of such headstone shall not exceed fifteen dollars, finished and in place. It shall not be furnished by the state until the county board shall have applied unsuccessfully to the general government therefor. When the government furnishes such stone, without a base, the board, at a cost to the state of not more than seven dollars and fifty cents, shall cause the same to be properly placed. When such headstone heretofore has been furnished and erected other than by the state or the federal government and does not bear the designation of the organization to which such person belonged or in which he served, upon written request of the next of kin of such person or of the state commander of the Grand Army of the Republic, the board, at a cost to

the state of not more than seven dollars and fifty cents, shall cause to be graven thereon the designation of the organization to which such person belonged or in which he served. (1851) [3979] (Amended '25, c. 418)

4372. Payments, how made—Standing appropriation—The expense of such interments, of headstones not furnished by the government, and of base stones shall be borne by the state. The person in charge of the interment shall report all expenditures, with vouchers approved by the county auditor, and the state auditor shall issue his warrant for the amount. The sum of twenty-five hundred dollars is hereby appropriated annually for defraying such expenses. (1852) [3980]

4373. Sockets on graves—That the board of county commissioners in the several counties in (of) this state shall, upon the petition of any five reputable freeholders of any township or municipality in their county, procure for and furnish to said petitioners some suitable and appropriate metal socket for the grave of each and every soldier, sailor or marine who served with honor in the forces of the United States buried within the limits of said township or municipality, to be placed on the grave of such a soldier for the purpose of permanently marking and designating said grave for memorial purposes. ('09 c. 299 § 1) [3981]

4374. Petition—That in all petitions to the county commissioners the petitioners shall state in said petition the names of soldiers buried and number of such graves in their said township or municipality at the time of petitioning. ('09 c. 299 § 2) [3982]

4375. Burial lot for insane ex-soldiers—Appropriation—Whenever a cemetery lot, situated near a state hospital for the insane, shall be conveyed to a responsible person in trust for the burial therein of indigent soldiers, sailors and marines dying in said hospital who served the United States in the Civil or Spanish-American War, and the wives or widows of persons so dying, the duly recorded deed, or a certified copy thereof, may be filed with the state auditor. Upon being satisfied that such lot is suitable and adequate for the purpose, the auditor shall issue his warrant for five hundred dollars, payable to the nearest post of the Grand Army of the Republic, and the treasurer shall pay the same on the indorsement of its commander. Said fund shall be used for the ornamentation and care of the lot so conveyed and the erection of a suitable monument thereon. The post shall render to the auditor annual accounts of the expenditures therefrom and of the balances on hand. When it ceases to exist as a post, any balance remaining shall be paid to the superintendent of said hospital, to be used for the same purposes and accounted for in the same way. The sum of twenty-five hundred dollars is hereby appropriated for the purpose aforesaid. (1853) [3983]

See following section.

4376. Burial fund, how disbursed—That the fund so appropriated shall be disbursed by the state auditor in the manner and under the conditions following, and not otherwise, viz.: That as soon as the citizens or any number of them of any town in the state in which an insane hospital or asylum is located, shall have procured a suitable lot, or plot of ground of sufficient size near such hospital or asylum, and such plot of ground shall be deeded to some responsible person or persons in said town or vicinity in trust for the burial of the persons heretofore named, and shall file a copy of the deed conveying such plot of ground with the state auditor, and such officer shall be satisfied that the ground so selected and deeded is sufficient and suit-

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able for such purpose he shall thereupon draw an order upon the state treasurer for the payment of the sum of five hundred dollars, payable to the Grand Army post, nearest such hospital or asylum, and such order shall be paid by said treasurer to the post quartermaster when endorsed by the commander of such post and by such quartermaster, and such fund shall be employed by such post in beautifying and caring for such ground, and in the erection of a suitable monument thereon; provided that a portion of such fund, not to exceed two hundred dollars may be used for the payment of a portion of the purchase price of such lot or plot of ground. Annual accounts of the disposition and condition of which said fund shall be furnished by the quartermaster of such post and filed in the office of said state auditor. Provided further, that it shall be no objection to said deed of trust if it shall also provide for the burial in said plot of ground of the bodies of indigent soldiers and sailors, their wives and widows as aforesaid who may die in the vicinity. ('01 c. 271 § 2, amended '05 c. 266 § 1) [3984]

4377. **Duty of superintendent, etc.**—After notice of such conveyance, the superintendent shall cause to be interred in said lot all persons of the classes aforesaid, dying in said hospital, whose burial is not otherwise provided for by relatives or friends. He shall also, so far as practicable, cause the bodies of those previously buried in the hospital grounds to be removed thereto, and shall furnish to the proper persons all facts within his knowledge essential to the placing of a suitable inscription upon the monument or headstones. If the deed shall so provide, the bodies of indigent persons of the classes mentioned in § 4375 who may die in the vicinity, not inmates of the hospital, may be buried in said lot. (1854) [3985]

See preceding section.

4378. **Certificates to veterans**—Upon the application to him, subject to the conditions and requirements hereinafter contained, by any person who served in any military organization, mustered in from the state of Minnesota during the Civil War and who served not less than one year in the field during such war, the adjutant general shall prepare and deliver to such applicant a "certificate of military service." Such certificate shall recite the company, regiment or organization served in, rank or ranks held by applicant, campaigns and battles engaged in, full time of service, and such other details in regard to the service of the applicant as may be by said adjutant general deemed advisable. The military certificate herein provided for shall be signed by the governor of the state of Minnesota and shall be attested by the adjutant general, who shall affix the seal of his office thereto. ('09 c. 193 § 1) [3986]

4379. **How prepared**—The certificates herein provided for shall be appropriately lithographed or engraved and the form thereof shall be prepared by the adjutant general with the advice of a committee of veterans of Minnesota regiments of the Civil War; such committee to be appointed by the adjutant general and to serve without compensation. ('09 c. 193 § 2) [3987]

4380. **Application for certificate**—Any person entitled to and desiring such certificate shall make application in writing to the adjutant general in the form of an affidavit, setting forth the company or military organization served in, rank or ranks, length of service, date of enlistment and discharge, campaigns and battles engaged in, and such application shall also conform to such rules and requirements as the adjutant

general may prescribe. A near relative of any deceased veteran of such Minnesota military organization shall be entitled to receive a certificate of military service of such deceased soldier, provided such soldier, if living, would have been entitled thereto. ('09 c. 193 § 3) [3988]

4381. **Grand Army headquarters—Annual report**—A suitably furnished room in the capitol shall be set apart as headquarters for the Minnesota Department of the Grand Army of the Republic. The room shall be under control of the department commander, and used as a depository for the property of the department and for the conduct of its business. The records kept therein shall be open to members of the organization and to persons collecting information. The commander shall report annually to the governor such transactions of the department as he may deem of interest, six hundred copies of which report shall be printed. The printing commission shall distribute two hundred and fifty copies among legislators, officers of the state, and public libraries, and deliver three hundred and fifty copies to said commander. (1855) [3989]

4382. **Quarters for meetings of Grand Army and other organizations**—That the governor of this state, or any other legal custodian, or custodians, of public buildings within the state, shall, whenever not inconsistent with the public interests to set aside any portion of the old capitol building or of other public buildings for the use and occupation as quarters and places for holding their stated or special meetings or assemblies, to all posts of the Grand Army of the Republic, commanderies of the Loyal Legion, camps or posts of the veterans of the Philippine or Spanish-American Wars, and any other post, commandery, camp or association, local or state, of veterans of any war in which the United States has been engaged, which may be organized in the city, town or county in which said building or buildings may be situated. Provided, however, that upon twenty days' written notice, duly served upon the proper officer or officers of any said organizations, by the governor or any other legal custodian, or custodians, that said public buildings, rooms or quarters are required for public use, the same shall be promptly and quietly vacated. ('05 c. 37 § 1, amended '11 c. 107 § 1) [3990]

4383. **Equal rights, etc.**—That such organization shall have the equal and free use of all such quarters, under such rules and regulations and upon such conditions as may be prescribed by said governor or by such custodian or custodians; provided that all reasonable and proper facilities, so far as possible, shall at all times be furnished therein by any local post, commandery, camp or association, which may occupy the same, for any state or national gathering of war veterans. ('05 c. 37 § 2) [3991]

4384. **How maintained**—That such quarters shall be furnished and maintained at the expense of the organizations aforesaid which may occupy them under the provisions of this act. Provided, that if the buildings in which such quarters are assigned is heated and lighted at the public expense, said quarters shall be so heated and lighted without cost to said organizations. ('05 c. 37 § 3) [3992]

4384-1. **American Legion headquarters in state capitol**—The governor of this state shall set apart a suitably furnished room in the new state capitol building, to be known as "Headquarters' Room" of "The American Legion," which room shall be under the charge of Minnesota state commander of "The American Legion" for the department of Minnesota, and

such person as he may in writing designate; and such room shall be used for the purpose of keeping therein supplies and property of "The American Legion" and as its general office for the department of Minnesota. ('19, Ex. Sess. c. 34, § 1)

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4385. Civil War flags—**Preservation and display**—The flags and colors carried by Minnesota troops in the Civil War shall be preserved in the capitol, under the especial care of the governor. They shall be suitably encased and marked, and, so far as the governor may deem it consistent with their safety, shall at all times be publicly displayed. (1856) [3993]

4386. State flag—**Photograph and description of design**—There shall be kept and used at the capitol a state flag, conforming substantially to the design adopted by the commission created by Laws 1893, c. 16. A photograph of said design, together with the resolutions of the commission adopting and describing the same, shall be preserved in the office of the secretary of state. (1857) [3994]

4387. Pensions for Indian War veterans—Any and all persons, citizens and residents of the State of Minnesota or who resided therein continuously from September 15th, 1862, to September 1st, 1900, who rendered active service, bore arms or otherwise rendered efficient aid, and suffered any disabilities in the Indian massacre of 1862, from August 15th to September 15th, in the year 1862, according to the reports and files of the adjutant general's office in this state, or upon due proof of service as aforesaid, shall be and are hereby declared to be entitled to a pension of not to exceed twelve dollars per month from the first day of January, 1905, during their natural lives; and upon their decease the said pension, if granted, and the right to make proof of such claim for pension and secure the same shall descend, and be payable to the widow of such decedent whose marital relations has existed since the year 1885. *Provided, also, that when any such person who would have been entitled to a pension under the provisions of this act, died prior to January 1, 1905, and such person having rendered active service as hereinbefore provided, the widow of such person shall be entitled to such pension from January 1st, 1905, to April 25, 1919, and after the passage and approval of this act, provided, that she has not remarried since the death of her husband.* ('05 c. 315 § 1, amended '09 c. 459 § 1; '19 c. 519 § 1; '23 c. 292 § 1) [3995]

4388. Proof—**Payment**—Such proof thereof as may be required by the adjutant general of the state of Minnesota shall be presented to him, and upon his approval and certificate declaring such person to be entitled to a pension under this act, the state auditor shall draw orders for the payment of such pension, which orders shall be paid by the state treasurer of this state, from and out of any moneys not otherwise appropriated. ('05 c. 315 § 2) [3996]

4389. Pensions for soldiers in Indian Wars—This act shall not apply to, or effect persons drawing relief by pension, from the United States, or the State of Minnesota. ('05 c. 315 § 3, amended '23 c. 244 § 1) [3997]

4390. Discrimination against persons wearing uniform, etc., prohibited—It shall be unlawful for any common carrier, innkeeper or proprietor or lessee of any place of public amusement or entertainment, or any agent, servant, or representative of any such common carrier, innkeeper, proprietor or lessee as aforesaid, to debar from the full and equal enjoyment of the accommodations, advantages, facilities or priv-

ileges of any public conveyance on land or water or any inn or of any place of public amusement or entertainment, any person in service in the army, navy, marine corps or revenue cutter service of the United States, or of the national guard or naval service of this state, or otherwise in the military or naval service of the United States, or of this state, wearing the uniform prescribed for him at that time or place by law, regulation of the service, or custom, on account of his wearing such uniform, or of his being in such service. ('11 c. 261 § 1) [3998]

4391. Action for damages—Any person who is debarred from such enjoyment contrary to the provisions of section 1 [4390] of this act shall be entitled to recover in an action on the case from any corporation, association or person guilty of such violation, his actual damages and \$100 in addition thereto; and evidence that such person debarred was at the time sober, orderly and willing to pay for such enjoyment in accordance with rates fixed therefor for civilians, shall be prima facie evidence that he was debarred on account of his wearing such uniform or of his being in such service. ('11 c. 261 § 2) [3999]

4392. Violation a misdemeanor—Any person violating any provision of this act shall be guilty of a misdemeanor. ('11 c. 261 § 3) [4000]

'15 c. 49. For Disposition of First Minnesota Infantry Monument Fund.

4393. State Board of Control to secure land for recreation camp for disabled soldiers—The State Board of Control is hereby authorized and directed to secure by lease from the owners thereof land for the establishment of a recreation and recuperative camp for the use and benefit of disabled veterans of the world war and other wars, resident in the State of Minnesota; said land to contain not less than fifty acres nor more than one hundred acres, suitably located with reference to the health and convenience of the beneficiaries hereunder, as may be recommended by the Board of Governors hereinafter provided. ('23 c. 309 § 1)

4394. Board of governors—**Appointment and terms**—There is hereby established a Board of Governors who shall have and exercise supervision, care, control and management of such recreation and recuperation camp, which Board shall consist of ten members who shall be selected and appointed as follows: Two members thereof shall be selected and appointed by the State department of the American Legion, two members thereof shall be selected and appointed by the state department of the Veterans of Foreign Wars of the United States, two members thereof shall be selected and appointed by the state department of the World's War Veterans, two members thereof shall be selected and appointed by the state department of the Disabled American Veterans of the World War, one member thereof shall be selected and appointed by the state department of the American Red Cross, and one member, who shall act as the chairman of said Board of Governors, shall be selected and appointed by the State Board of Control. The members of said Board of Governors shall be appointed in the first instance for the term ending on the first Monday in January, 1925, and thereafter for the term of two years, ending the first Monday of January of the odd numbered year next after the appointment and qualification of their successors. Any vacancies at any time occurring in said Board of Governors shall be filled by appointment in like manner as hereinbefore provided for the members of said Board. If any organization fails to make the appointments hereinbefore provided within thirty days from the passage hereof, the State Board of

Control is hereby authorized and required to make appointments for and on behalf of such organization. ('23 c. 309 § 2)

4395. Powers and duties—Said Board of Governors shall have full power and authority to formulate, make and enforce all rules and regulations necessary for the proper management, control and use of such Veterans' Recreation and Recuperation camp; it shall have the authority to engage and to fix the compensation of manager and such employees and others as may be necessary to the care and operation of such camp and to make such expenditures for the procurement of such incidentals as may advance the health and pleasure of the beneficiaries hereunder as may be necessary; provided however, that no expenditures shall be made except with the approval and upon the order of the chairman of said Board of Governors; said Board of Governors in January of each year shall make and file with the Board of Control a report, together with its recommendations, covering its activities in the management and operation of said recreation and recuperation camp, including the extent of the use of the camp for the purpose intended and the benefits resulting therefrom during the preceding year. ('23 c. 309 § 3)

4396. State Board of Control to manage appropriations—The State Board of Control shall have the management and control of all state appropriations made for the use and benefit of such recreation and recuperation camp, and all expenditures made from such appropriations, but shall put such funds at the disposal of the Board of Governors, as may from time to time be needed for the proper conduct of such camp and to advance the purpose of this act, provided, however, that no expenditures shall be made from said fund except with the approval and upon the order of the Chairman of said Board of Governors. The State Board of Control shall make requests for such appropriations from the Legislature as may be deemed necessary with which to make appropriate improvements on the tract of land to be used for such camp, and with which properly to carry out the purposes of this Act. The State Board of Control, or the said Board of Governors, is hereby empowered to accept such donations, contributions, gifts and bequests of real or personal property as may be made to it in order to further the purposes of this Act and to carry

out such trust thereby created as may not be inconsistent with the purposes of this Act; the State Board of Control may delegate such duties to the Board of Governors herein as it sees fit. ('23 c. 309 § 4)

4397. Who are entitled to benefits—All disabled American Veterans of the World War and other wars, who are residents of the State of Minnesota, shall be entitled to the advantages and privileges of such recreation and recuperation camp. The term "Disabled American Veterans" as used in this Act shall be construed to mean and include all veterans having a disability recognized as such by the United States Government. In its discretion the Board of Governors may extend the advantages and privileges of such recreation and recuperation camp to such classes of sick, ailing, or unfortunate ex-service men as it may deem advisable from time to time. ('23 c. 309 § 5)

Soldiers' Bonus appropriation '21 c. 51. Foreign bonds, discount appropriation '21 c. 55. Sale of certificates of indebtedness below face value. '19 Ex. Sess. c. 43, '21 c. 14. Sale by Soldiers' Bonus Board of additional certificates of indebtedness. '21 c. 53. Conversion of such certificates of indebtedness. '21 c. 221.

The findings of the soldiers' bonus board show that through misunderstanding of legal principles and demonstrable mistake of facts it arrived at the erroneous conclusion that relator was not a resident of Minnesota, where he had lived continuously for 26 years when he registered under the Selective Service Act (Mason's Code, appendix 1.) where he continued to live until he obtained permission from the draft board to visit relatives in Canada on the promise to return when called, to which place he did return upon being called, and from whence he was inducted into the army. 156-138, 194+325.

One who temporarily resided in this state when the call came to register under the Selective Service Act (Mason's Code, appendix 1.) who in obedience thereto registered here, who thereafter left the state, but returned to the call of the draft board and was inducted into the military forces as a part of the quota raised from the residents of this state, and who was honorably discharged, is entitled to a bonus under chapter 49, Sp. Sess. 1919, as amended by chapter 471, Laws 1921. 156-142, 194+320.

Duplicate certificates.

Laws 1925, c. 148 reads as follows: "Where any certificate of indebtedness duly issued pursuant to Chapter 49, Extra Session Laws 1919 and the acts amendatory thereof and supplemental thereto has been lost by or stolen from a holder hereof, and has not been redeemed by the state, the State Treasurer, shall upon proof of such loss or theft, and upon the filing with him of a bond approved by the Attorney General indemnifying the State of Minnesota against any loss arising by reason of the existence of such original certificate, deliver to such holder a duplicate certificate of indebtedness in lieu of such lost or stolen certificate in the manner prescribed by Chapter 221, General Laws 1921. If such original certificate was in coupon form, all unredeemed interest coupons shall be attached to such duplicate."

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