

vor, at least ten dollars (\$10.00) over the former judgment, he shall recover no costs in said municipal court, and there shall be entered against him in the judgment, an attorney's fee in favor of the adverse party of ten dollars (\$10.00) either by reducing the judgment in his favor in that amount, or if the amount found in his favor be less than ten dollars (\$10.00) by an affirmative judgment against him for the difference. If the judgment debtor remove said case and final judgment is rendered against him, he shall pay the adverse party in addition to the amount and costs, an attorney's fee to be entered and included in the judgment as follows, viz: five dollars in case the judgment so removed was five dollars or less, and said final judgment aside from costs is not reduced from the judgment at least three dollars; ten dollars in case the judgment so removed was ten dollars or less and said final judgment aside from costs is not reduced at least five dollars; fifteen dollars in case the judgment so removed was more than ten dollars, and said final judgment aside from costs is not reduced at least ten dollars. There shall be no appeal from said municipal court on any action brought there on removal from said conciliation court but in such case the judgment of said municipal court shall be final."

Approved April 24, 1929.

CHAPTER 347—H. F. No. 970

An act defining and regulating the practice of massage in the State of Minnesota, providing for examination and licensing of persons to practice massage, by the State Board of Medical Examiners, providing for the enforcement of the provisions of this act, prescribing penalties for the violation of the provisions thereof, and repealing Chapter 69, General Laws 1927.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. **Definitions.**—As used in this act, the term "massage" shall mean the method, art or science of treating the human body for hygienic or remedial purposes exclusively, by rubbing, stroking, kneading, tapping or rolling the same with the hands, or by rubbing, stroking, kneading, tapping or rolling the body with any other agency or instrumentality for the purpose of relieving, alleviating and reducing affected parts thereof; the term "masseur" shall mean a male person and the term "masseuse" a

female person who practices "massage" as herein defined; the term "Board" shall mean the State Board of Medical Examiners as the same now is or hereafter may be constituted by law; the term "license" shall mean a certificate issued by the Board authorizing the holder thereof to practice "massage" in this State. The phrase "accredited school" or "accredited institution" shall mean one approved by the board. The word "reducing" as used hereinbefore shall not be interpreted to include reducing a fracture or a dislocation.

Sec. 2. What is massage.—The practice of massage is hereby declared to be distinct from the practice of medicine, surgery, osteopathy, chiropractic or chiropody, and persons duly licensed in this state to practice medicine, surgery, osteopathy, chiropractic or chiropody, nurses who work solely under the direction of any such persons, athletic directors and trainers are hereby expressly excluded from the provisions of this act. It is further provided that beauty culturists, barbers and bath parlor attendants who do not give or hold themselves out to give massage treatments, as defined herein, other than is customarily given in such shops or places of business, for the purpose of beautification only, shall be exempt from the provisions of this act.

Sec. 3. Operators must be licensed.—No person shall for or in expectation of any fee, gift, compensation or reward of any kind, engage in, or hold himself out as being engaged in, the practice of massage within this state, without having a license therefor as provided in this act.

Sec. 4. State board of medical examiners to issue license.—The Board shall issue licenses to practice massage only to persons qualified therefor under the provisions of this act after examination as herein provided, upon application in manner and form as prescribed by the Board and payment thereto of a fee of \$25.00; provided however that licenses may be renewed by the Board without examination upon application and payment of a renewal fee of \$5.00; and licenses issued pursuant to existing law and outstanding at the time of the passage of this act are hereby continued in force and effect until the same shall expire unless sooner revoked by the Board, as provided for in this act, and shall be renewed by the Board without examination upon application and payment of a renewal fee of \$5.00, except as in this act otherwise provided for; application for renewal of license as herein provided for shall be made to the Board on or before May 31st of each year, and shall be accompanied by the renewal fee of \$5.00; provided further that the Board in its discretion may

without examination upon the payment of a fee of \$50.00 issue a license to any person qualified to practice massage in any other state or territory whose requirements for such practice are equivalent to the requirements of this state therefor. Licenses shall be in such form as the Board shall by rule prescribe, shall specify the name, residence and business location of the licensee and state that he is authorized to practice massage in the State of Minnesota; licenses shall bear the date of issuance and the date of expiration thereof and shall be signed by the President and Secretary-Treasurer of the Board and bear its official seal. All licenses shall expire on May 31st next and after the issuance thereof unless sooner revoked as herein provided.

Sec. 5. Qualifications of applicants.—Any person of good moral character who is 21 years of age or over and has completed a course of study in an accredited high school or who has completed the equivalent of such course of study to the satisfaction of the Board, and in addition to these requirements has received a diploma or certificate of graduation from an accredited school of massage or in lieu of such diploma or certificate, has received credits in the subjects of anatomy, physiology, dermatology, histology and massage from an accredited educational institution, shall be eligible for examination under the provisions of this act, otherwise he shall be ineligible therefor; and if upon such examination he shall have a general average of not less than 75% in the subjects in which he is examined and not less than 60% in any one of such subjects, he shall be qualified for a license hereunder, otherwise he shall be unqualified therefor.

Sec. 6. Board may employ assistants.—The Board shall employ an expert assistant or assistants who shall serve at and during the pleasure of the Board, to assist in conducting examinations herein provided for, under the Board's supervision and direction. Such expert assistant or assistants shall be citizens and residents of this state; provided further, that at least one of such expert assistants shall be skilled in the art and science of massage, who shall be duly licensed to practice massage in this state, and who shall have practiced massage therein for at least two years immediately preceding his employment. Such examinations shall be in the English language and shall be written, oral and/or practical as the Board may determine and shall embrace the subjects of anatomy, physiology, dermatology, histology and massage but shall be so limited in scope as to include only the minimum requirements for massage education as herein provided and shall not require education in medicine or surgery. Such examination shall be held on the third Wednesday in each of the months of January, April, June and October of each year, at the seat of government and at such other times and places as the Board may determine.

Sec. 7. Re-examinations.—Any person refused a license for failure to pass an examination to the satisfaction of the Board shall be entitled to a re-examination at any time within six months after such refusal upon payment to the Board of an additional fee of \$5.00; provided that nothing in this act shall prevent any person from filing a new application at any time after one year from the date of his last application.

Sec. 8. Licenses must be recorded.—Every person holding a license to practice massage under this act, shall, before commencing such practice in any county of this state, have such license recorded in the office of the Clerk of the District Court of such county and such Clerk shall in each case write or stamp thereon the date of such recording. *The Clerk of the District Court shall keep in a book provided for such purpose by the county and open to the public inspection, a complete list of such licenses recorded by him and his predecessors in office, including the date of the issuance thereof, the name of the license therein specified and the date of the recording thereof.* For each such recording the Clerk of the District Court shall receive from the person named in the license a fee of \$1.00. After such recording the license shall be conspicuously displayed by the holder thereof in the office or place where he pursues the practice of massage.

Sec. 9. Board may suspend or revoke licenses.—Cause.—The Board may by order suspend, revoke or refuse to renew any license issued hereunder or heretofore and cause the cancellation and removal thereof from the records in the office of the Clerk of the District Court wherein the same is recorded upon the ground of: (a) fraud or deception in connection with the securing of such license; (b) habitual drunkenness or intemperance in the use of narcotics or stimulants; (c) conduct unbecoming to a person licensed to practice massage or inimical to the best interests of the public; (d) violation of any of the provisions of this act; (e) conviction of a crime involving moral turpitude; provided that before the Board shall order any such suspension, revocation or refusal to renew as herein provided for the holder thereof shall be entitled to a written statement of the charge against him and shall be accorded a hearing in person or by attorney before the Board, and be entitled to have witnesses in his behalf subpoenaed by the Board. In case of suspension or revocation of, or refusal to renew a license, the order of suspension or revocation or refusal to renew, as the case may be, shall forthwith be filed by the Board with the Clerk of the District Court of the county wherein such license is recorded and the clerk shall note such suspension, revocation or refusal to renew, on his record of such license. No license shall be issued to any person whose license

has been revoked, nor to any person whose license the Board has refused to renew hereunder, until after the expiration of one year from the date of such revocation or refusal to renew; provided that any such person shall pay to the secretary-treasurer of the Board, the sum of \$25.00 upon issuance of a new license.

Sec. 10. Powers and duties of board.—The Board shall have the power to provide for its offices and necessary furniture, fixtures and supplies and to appoint and employ, and at will to remove or discharge, such officers, agents, assistants, clerks and other employees as the Board may deem necessary for the performance of its duties and to fix their salaries and define their duties; and to prescribe rules and regulations for its own government and procedure; and to hold hearings in relation to any matter properly within its jurisdiction and prescribe rules and regulations for the conduct thereof, issue subpoenas for and compel the attendance of witnesses and the giving of testimony and the production of books, records, accounts, documents and papers; and any member of the Board may administer oath to witnesses or take their affirmation. If any person shall fail or refuse to appear or testify regarding that upon which he may be lawfully interrogated, or to produce any books, records, accounts, documents or papers material in the matter heard or to be heard by the Board, after having been lawfully required by order or subpoena of the Board so to do, any judge of the District Court in any county of the State, on application of the Board, shall compel obedience by attachment proceedings as for contempt, as in the case of disobedience of a similar order or subpoena issued by such court.

Sec. 11. Duties of secretary-treasurer.—The secretary-treasurer of the Board shall keep a record of all proceedings of the Board and a register of all applicants for examination, setting forth the name of such applicants, together with their addresses, ages, educational qualifications and the results of their examinations; he shall perform such other duties as may be required by law or by the Board. Such records and registers of the Board shall at all times be open to public inspection, and shall be prima facie evidence in all courts and legal proceedings within the State of matters therein recorded.

Sec. 12. Compensation.—The compensation of each member of the Board shall be \$10.00 for each day actually spent in the performance of his duties together with actual necessary expenses paid or incurred by him in connection therewith. The compensation of persons employed by the Board shall be determined by the Board and in addition thereto their expenses necessarily paid or incurred in the performance of their duties in connection therewith, subject however, to the approval of the Board.

Sec. 13. Fees to be paid of secretary-treasurer.—Bond.—All fees and moneys payable under the provisions of this act shall be paid to the secretary-treasurer of the Board and he shall forthwith deposit the same with the state treasurer to be kept by him in a separate fund, which shall be under the control and for the use of the Board in the administration of this act. And the amount of such fund is hereby annually appropriated to said Board for the purpose of defraying its expenses in carrying out the provisions of this act. The compensation and expenses of members of the Board, herein provided for, and the compensation and expenses of all persons employed by the Board hereunder, shall be paid out of said fund; in addition such fund shall be available to and may be used by the Board to defray the expenses of keeping proper records and registers, furnishing licenses herein provided for, employing an inspector or inspectors for procuring evidence of any violation of this act, and aiding in the enforcement thereof, and for such other expenses and purposes as may be deemed necessary by the Board to carry out the purposes of this act; provided however, that the expenditures of the Board, together with the obligations created or incurred thereby, shall at no time exceed the amount of the fund in the treasury available hereunder for the use of the Board. Payments out of said fund shall be made only upon written orders issued and signed by the secretary-treasurer of the Board. Said secretary-treasurer shall give bond to the state in such sum as the Board shall determine, with sureties approved by the Board, conditioned upon the faithful performance by him of the duties of his office and his accounting for all moneys of the Board in his custody or under his control as such secretary-treasurer.

Sec. 14. Not to use titles.—No person licensed to practice massage under the provisions of this act shall attach to his name or in any way use the title of doctor, physician, surgeon, specialist, M.D., M.B., D.O., D.C., or any other word, abbreviation or title indicating or designed to indicate that he is engaged in the practice of healing as defined in Chapter 149, General Laws of 1927, or any practice whatsoever other than massage, unless he is duly licensed for such practice within this state according to law. No person licensed under the provisions of this act to practice massage shall in, by or through any newspaper, magazine, directory, pamphlet, poster, card, circular, or other writing or publication or by any advertisement whatsoever, state or represent either directly or indirectly that he has cured, can cure, or guarantees to cure, or that he has successfully treated any disease, injury, defect, deformity, ailment or affliction whatsoever.

Sec. 15. Law not applicable.—Chapter 149, General Laws of 1927, shall not apply to persons licensed under this act so long

as such persons confine their activities within the scope of such license.

Sec. 16. Prosecutions.—In the prosecution of any person for violation of this act, it shall not be necessary to allege or prove want of a valid license to practice massage, as required by this act, but all such matters shall be matters of defense to be established by the accused.

Sec. 17. Violation a misdemeanor.—Any person not hereinbefore excepted from the provisions of this act who shall engage or attempt to engage in the practice of massage, as in this act defined, or hold himself out as being engaged therein, in violation of this act, without a valid existing license to practice massage issued to him pursuant to the provisions of this act, shall be guilty of a gross misdemeanor.

Sec. 18. Violation a misdemeanor.—Any person not hereinbefore excepted from the provisions of this act who shall engage or attempt to engage in the practice of massage as in this act defined or hold himself out as being engaged therein, without having recorded his license to practice massage in the manner herein provided, or without displaying his license to practice massage as herein provided, shall be guilty of a misdemeanor.

Sec. 19. Certain acts a gross misdemeanor.—Any person implicated in employing fraud or deception in applying for or securing a license to practice massage under this act, or in passing an examination therefor, shall be guilty of a gross misdemeanor. It shall be the duty of the Clerk of the District Court wherein any conviction is had under this section, to file a certified copy thereof with the secretary-treasurer of the Board and thereupon the secretary-treasurer of the Board shall cancel such license upon the records of his office and forthwith notify the respective clerks of the courts wherein such license is recorded, of such cancellation; and such clerks shall immediately note such cancellation on their respective records thereof. For filing a certified copy of any conviction as herein required, the clerk of the court shall charge a fee of One Dollar.

Sec. 20. Provisions severable.—The various provisions of this act shall be severable and if any part or provisions shall be held to be invalid it shall not be held to invalidate any other part or provision hereof.

Sec. 21. Law repealed.—Chapter 69, General Laws of 1927, is hereby repealed and all moneys, property and property rights under

the control of the State Board of Massage Examiners created thereby are hereby transferred, and appropriated to the control and use of the Board hereunder.

Sec. 22. This act shall take effect and be in force from and after its passage.

Approved April 24, 1929.

CHAPTER 348—H. F. No. 1016

An act to amend General Statutes 1923, Section 10815, as amended by Chapter 172, General Laws 1927, relating to the manufacture and sale of farm machinery and rope and ply goods at the State Prison.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. State prison may manufacture additional machinery.—That General Statutes 1923, Section 10815, as amended by Chapter 172, General Laws 1927, be amended to read as follows:

“10815. The State Board of Control is hereby authorized, empowered, and directed to establish, construct, equip, maintain and operate, at the State Prison, at Stillwater, a factory for the manufacture of hay rakes, hay loaders, mowers, grain harvesters and binders, corn harvesters and binders and corn cultivators, and the extra parts thereof *and, if the board deems it advisable, cultivators of all kinds, culti-packers, manure spreaders, ploughs, rotary hoes, and the extra parts thereof and rope and ply goods of all kinds* and for that purpose to employ, and make use of the labor of prisoners kept in said prison, at any time available therefor and as largely as may be, and such but only such skilled laborers as in the judgment of the said Board of Control and the Warden of the State Prison may be necessary for the feasible and successful and profitable employment of the said prisoners therein therefor, and for the purposes of, and to give full effect to, this act, said Board of Control may use all of, or any part of, not exceeding two hundred fifty thousand dollars of the existing state prison revolving fund created by and existing under Chapter 151 of the General Laws of 1909 (Section 9291-9294, General Statutes 1913) but provided further that said State Board of Control and the said Warden of the Prison shall, at all times, in the line of manufacturing herein authorized and directed, employ and make use of prison labor to the largest extent feasible.