

Hospital
stewards.

SEC. 6. Hospital stewards shall serve as apothecaries, head nurses in hospital and assist the surgeons in keeping records of his department.

Disposition of
medical corps

SEC. 7. The medical director shall make such detail for services of members of the medical corps as he may deem necessary.

Uniform.

SEC. 8. The uniforms of the medical department shall be the same as that prescribed by the regular army regulations, except that the state button shall be substituted for that of the United States.

Appropriation.

SEC. 9. There is hereby appropriated fifteen hundred (1,500) dollars to purchase necessary equipments for the medical department and thereafter five hundred (500) dollars, or so much thereof as may be necessary annually for the maintenance of the said equipments.

SEC. 10. All acts and parts of acts inconsistent herewith are hereby repealed.

SEC. 11. This act shall take effect and be in force from and after its passage.

Approved March 21st 1895.

CHAPTER 198.

H. F. No. 638.

Water supply.

An act to provide for the raising of water in lakes and condemnation of lands necessary for such purpose.

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

Privilege of
damming.

SECTION 1. Whenever the water in any lake in this state becomes so low as to produce disease, or otherwise injuriously affect the health and comfort of people residing in the vicinity thereof, and whenever any ten freeholders residing within two (2) miles of any such lake in this state, being desirous of erecting and maintaining a dam at the outlet of the same for the purpose of raising the water of such lake by means of a dam, or the embankment of any such lake in addition to such dam, or both, so as to overflow or otherwise injuriously affect lands, not the property of said persons, and to maintain the same, and to raise any dam constructed so as to increase such overflow, the right to erect and maintain such dam and embankment, and to overflow said lands, and to use said water for raising said lake may be had and obtained and compensation therefor be made, by proceeding as in this act provided.

Petition to
court.

SEC. 2. Said freeholders shall present to the judge of any court of record in which jury trials are had in the county, or if there is no such court in the county then

in the district in which such dam or any part thereof, is to be located, a petition setting forth the place, as near as may be, where said dam is to be located, the height to which it will be raised, and such other facts as are necessary to show the objects of the petition and the necessity for such dam.

SEC. 3. Upon the presenting of such petition, the judge shall appoint three (3) disinterested residents of the county in which said dam, or part of it is to be located, commissioners to meet at the place of its proposed erection, on a day satisfactory to such judge, and to inquire touching the matters contained in said petition and the judge shall fix the fees of such commissioners.

Commissioners

SEC. 4. Before entering upon their duties the commissioners shall severally take and subscribe an oath, before some person qualified to take and administer oaths, faithfully and impartially to discharge the duties of their appointment.

Oath.

SEC. 5. At the request of the petitioners the commissioners shall give, or cause to be given, notice of the time, place and object of their meeting, to every person named by such petitioners.

Notice of meetings.

SEC. 6. At least five days notice shall be given in all cases, and in case of infants such notice shall be served upon their guardians, or on the person with whom they reside; in case of idiots or lunatics, on their guardian if they have any, and if not, on the person under whose care or charge they may be found; in case of females covert, on the husband as well as on the female covert; but notice to non-residents of the county or counties where the dam or a part of it is to be located, shall be published or printed in some newspaper printed or published in the county aforesaid, or if there is none, then in a newspaper printed or published at the capital of the state, for three weeks in succession, previous to the meeting of said commissioners.

How served.

SEC. 7. The commissioners shall meet at the time and place specified in the notice, and proceed to examine the point at which said dam is proposed to be located, and the lands and real estate above and below, which will probably be injured by the erection of said dam shall hear the allegations and testimony of all parties interested, and shall proceed to make a separate assessment of damages which will result to any person by the erection of said dam and its maintenance forever.

Hearing and examination.

SEC. 8. Within thirty (30) days after completing their examination, the commissioners shall file the petition, their appointment, jurats and a report of their doings in the office of the clerk of said court and shall

Report.

give notice of the filing of said report to all parties who have appeared in said proceedings.

Assessments—
how and to
whom paid.

SEC. 9. Upon the filing of said report the petitioners may make payment of the damages assessed to parties entitled to the same in the manner following: First, to parties laboring under no disability; second, to guardians of infants, husbands, or trustees of femes covert; third, to guardians of insane persons; and receipts for such payment filed in the office of the clerk aforesaid, shall estop parties receipting from all further claims or proceedings in the premises. Payments to parties residing in the state, but not in the county or counties where said dam or part of it is to be erected, as well as to the infants who have no guardian and insane persons who have no guardians, and payments to parties residing out of the state, and to persons whose names are unknown, and to persons who refuse to receive the payments when tendered, shall be made by depositing the money with the treasurer of the county aforesaid, who shall pay out the same upon the order of the commissioners, or court, take receipts for all payments and file the same with the order in the office of the clerk of the court aforesaid, and such a deposit shall have the same effect as the first mentioned receipts, unless an appeal is taken by the party entitled thereto; *provided*, that the petitioners may after the filing of the report of the commissioners, tender to any land owner whose land is claimed to be flowed or injured by such dam, any sum not less than the amount found by the commissioners, and if such land-owner shall refuse to receive the same, and upon appeal fails to recover a greater sum than the amount so tendered him, he shall be adjudged to pay all costs arising upon any such appeal subsequent to said tender.

Appeals.

SEC. 10. Appeals from the assessment made by the commissioners may be taken and prosecuted in the court aforesaid by any party interested (the petitioners excepted) not under legal disability, by husbands or trustees of femes covert, guardians of infants, guardians of insane persons, and in cases where infants or insane persons have no guardians, appeals may be taken by the friends of such parties, and a written notice of such appeal shall be served upon the appellee as a summons in ordinary civil actions; *provided*, that no appeal shall be taken after the expiration of thirty (30) days from the time of the notification of the filing of the report aforesaid.

Erection of
dam.

SEC. 11. The erection of said dam shall not be hindered, delayed or prevented by the prosecution of any appeal; *provided*, the petitioner executes and files with

the clerk of the court in which the appeal is pending, a bond to be approved by said clerk with sufficient surety conditioned that the person executing the same shall pay whatever amount may be required by the judgment of the court and abide any rule or order of the court in relation to the matter in controversy.

SEC. 12. The appellant shall file with the clerk aforesaid, a bond with surety to be approved by the judge of said court and in such sum as such judge shall determine, payable to the state of Minnesota, for the use of all persons interested, in which bond the proceeding appealed from shall be briefly recited with condition for the due and speedy prosecution of the appeal, and that appellant will abide the order or judgment of the court and pay the costs of appeal, if adjudged so to do by the court in reference to the matter in controversy.

Appeal bond.

SEC. 13. Appeals bring before the court the propriety of the amount of damages reported by the commissioners in respect to the parties to the appeal; and unless the parties otherwise agree the matter shall be submitted to and tried by a jury as other appeal cases, and the court or jury, as the case may be, shall assess the damages aforesaid, making the verdict conform to the question and the facts in the case.

Hearing on appeal.

SEC. 14. No exemplary or vindictive damages shall be allowed by the commissioners, court or jury.

No exemplary damages.

SEC. 15. Upon verdicts rendered by juries, or an assessment by the court, judgment shall be entered declaring that upon payments of the damages assessed by the court or jury, as the case may be, and costs, if any, the right to erect and maintain the dam aforesaid according to the petition, shall, as against the parties interested in such verdict or assessment, be and remain in the petitioners, their heirs and assigns forever, subject to be lost as hereinafter provided and payments of such judgment may be made as payments of assessments by the commissioners as hereinbefore provided. And unless the petitioners shall pay such assessment and cost within sixty (60) days after entry of judgment they shall forfeit all right under their proceeding; and no possession, use or occupancy of the premises described and attempted to be taken under the provisions of this act shall be permitted until payment is made as herein specified.

Judgment.

SEC. 16. The costs of all proceedings under this chapter, except such as arise or grow out of appeals, shall be paid by the petitioners, and costs of appeal shall be paid as the court directs.

Costs.

SEC. 17. This act shall take effect and be in force from and after its passage.

Approved April 25th 1895.

S. F. No. 693.

CHAPTER 199.

Bakeries.

An act to provide for the sanitary regulation of bakeries and other establishments for the manufacture of bread and other food products.

375 C 100
97 - 278

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

How constructed.

SECTION 1. All buildings occupied for bakeries and confectionery establishments shall be well drained, and all plumbing therein shall be constructed in accordance with well established sanitary principles and of good workmanship, and the rooms thereof used for the manufacture or sale of bread and other food products shall be light, dry and airy. The room or rooms used for the manufacture of bread and other food products shall have floors and side walls so constructed as to exclude rats, mice and other vermin, and said floor and side walls shall at all times be free from moisture, and kept in a good state of repair. Said floor shall have a smooth surface and be impermeable and may be constructed of wood, cement, or of tile laid in cement.

But no floor shall be constructed in any room used for the manufacture of flour or meal food products, where the floor of said room is more than four feet below the level of the street, sidewalk or adjacent ground.

The walls and ceiling of such rooms used for the manufacture of bread and other flour and meal food products shall be whitewashed at least as often as once in three months and the floors, utensils, and furniture of such rooms as are used for the manufacture, storing or sale of said food products and the wagons used for the delivery of said products shall, at all times, be kept in a sanitary clean condition. The furniture and utensils of such rooms shall also be so arranged as that the same can be easily and perfectly cleaned.

Water closets and bed rooms to be separated.

SEC. 2. No water closet, earth closet, privy or ash pit shall be within or communicate directly with the bake room or any other room used in the manufacture of bread or other flour or meal food products.

The sleeping places for workmen employed in bakeries shall be separate and distinct from the places used in the manufacture of bread and other food products.