

CHAPTER 155.

S. F. No. 256.

An act to revise and amend chapter two hundred and ninety-five (295) of the General Laws of eighteen hundred and ninety-nine (1899) relating to the prevention of fraud in the sale of dairy products, their imitations or substitutes, to prohibit and prevent the manufacture or sale of unhealthy or adulterated dairy products, and to preserve the public health, and to extend the provisions thereof so as to include articles sold for food.

Prevention of fraud in sale of dairy products.

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

SECTION 1. That chapter two hundred and ninety-five (295) of the General Laws of eighteen hundred and ninety-nine (1899) shall be amended so as to read as follows:

Section 1. The governor shall appoint a commissioner who shall be known as the state dairy and food commissioner, who shall be a citizen of this state and who shall hold his office for a term of two (2) years, or until his successor is appointed, and who shall receive a salary of eighteen hundred (\$1,800) dollars per annum and his necessary expenses incurred in the discharge of the duties required by him by law, and he shall be charged with the enforcement of the various laws coming under his department. It shall be the duty of the said commissioner to enforce all laws that now exist or that hereafter may be enacted in this state regarding the production, manufacture and sale of dairy and food products, their imitations and substitutes and food prepared therefrom, the production, manufacture, sale or adulteration of which is made subject to this or other laws; to prosecute or cause to be prosecuted any person, firm or corporation, or agent thereof, engaged in the manufacture or sale of any impure, adulterated or counterfeit dairy or food products that are produced, offered for sale or sold contrary to the laws of this state, and to encourage and promote the manufacture of pure dairy and food products in the state. Said commissioner may be removed from office at the pleasure of the governor and a successor appointed in his stead. The said commissioner is hereby authorized and empowered to appoint a secretary whose salary shall be twelve hundred (1200) dollars per annum, one assistant com-

Appointment of commissioner.

Salary of commissioner.

Duty of commissioner.

To prosecute violators.

Appointment of secretary.

Salaries.

missioner whose salary shall be fifteen hundred (1500) dollars per annum, one chief chemist whose salary shall be fifteen hundred (1500) dollars per annum, and such assistant chemist or chemists when needed to be paid not to exceed one hundred (100) dollars per month, and such number of inspectors as may by him be deemed necessary, to be paid at the rate of one hundred (100) dollars per month, and the necessary expenses incurred in the performance of their duties, and to employ such counsel as he may deem necessary. The sum of fifteen thousand (15,000) dollars annually is hereby appropriated to be paid for the execution of the dairy and food laws out of any money in the state treasury not otherwise appropriated. All charges, accounts and expenses authorized by this act shall be paid by the treasurer of the state upon the warrant of the state auditor. The said commissioner shall make biennial reports to the legislature not later than the fifteenth (15th) day of January of his work and proceedings and shall report in detail the number of inspectors he has appointed and employed with their expenses and disbursements and the amount of salary paid the same, and he may from time to time issue bulletins of information when in his judgment the interests of the state would be promoted thereby.

Appropriation.

Make biennial report.

Office at capitol.

Must be especially trained.

The said commissioner shall have rooms in the capitol, to be set apart for his use by the governor, and a laboratory in the capitol where all chemical analyses for the department shall be conducted. The state dairy and food commissioner shall be a practical dairyman; the assistant commissioner, chemists, inspectors and all agents and other persons appointed by the said dairy and food commissioner shall be practical men and especially trained and equipped for the special lines of work they are appointed to perform.

This section shall not affect the tenure of office of the present commissioner and he shall be regarded as having been appointed under the provisions of this act.

Powers of commissioner.

SEC. 2. The said commissioner and assistant commissioner, and such inspectors, agents, experts, chemists and counsel as they shall duly authorize for the purpose, shall have access, ingress and egress to all places of business, factories, farms, buildings, carriages and cars used in the manufacture and sale or transportation of any dairy or food product or any substitute thereof, or any imitation

thereof, and also into all restaurants, dining halls, cafes, dining cars, eating houses, hospitals, lumber camps, railroad camps, either public or private, hotels and all rooms thereof, and all other places wherein food is prepared, stored or served or offered for sale to patrons. They shall also have power and authority to open any package, can or vessel containing such article which may be manufactured, sold or exposed for sale in violation of the provisions of this act, or laws that now exist or that may be hereafter enacted in this state, and may inspect the contents thereof, and may take samples therefrom for analysis. All dealers, clerks, bookkeepers, express agents, railroad officials, employes or common carriers shall render to them all the assistance in their power when so required in tracing, finding or discovering the presence of any article prohibited by law.

May open packages.

SEC. 3. Any refusal or neglect on the part of such dealers, clerks, bookkeepers, express agents, railroad officials, employes or common carriers to render such friendly aid shall be deemed a misdemeanor and shall be punished as hereinafter provided.

Penalty of refusal to aid.

SEC. 4. No person, firm or corporation shall offer or expose for sale or deliver for sale or consumption, or have in his possession with intent to sell, any unclean, impure, unhealthful, unwholesome or adulterated milk or cream from the same, or any milk or cream from the same which has not been well cooled, aerated, or to which preservatives of any kind have been added.

Must not expose for sale.

SEC. 5. No person, firm or corporation shall keep cows for the production of milk for market or for sale or exchange, or for manufacturing the same, or cream from the same, into articles of food, in a crowded condition, or in stables which are not perfectly ventilated and lighted, or which are filthy from an accumulation of animal refuse, or from unsanitary surroundings, or from any other cause. Nor shall milk for such purposes be drawn from cows which are themselves in a condition of filth or uncleanness, or from cows which are affected with tuberculosis, ulcers, running sores, or any other form of disease, or from cows which are fed wholly or in part upon distillery waste, or brewery grains, or the waste of vinegar or garbage or that of sugar factories, or food not properly preserved in silos, or garbage or decayed food in any form, or upon any other form of food which will

Stables must be lighted and ventilated.

Free from disease.

Milk must
not be kept
in stables.

produce milk which is unhealthful or unwholesome; or from cows within fifteen days before and five days after parturition; nor shall milk or cream produced for such purposes be kept in the stable, or in the house attached or directly connected with the stables in which cows or other animals are kept, or in a place where bad or contaminating odors exist, and all milk and cream thus produced are hereby declared to be unclean, impure, unhealthful and unwholesome milk and cream, and any milk which is shown by analysis to contain any substance or substances of any character whatever not natural or normal constituents of milk, or to have been deprived, either wholly or in part, of any constituent naturally or normally contained in milk, or which is shown to contain more than eighty-seven (87) per centum of water fluids, or less than thirteen (13) per centum of milk solids, of which not less than three and one-half ($3\frac{1}{2}$) per centum shall be fat, is hereby declared to be adulterated milk. This section shall not be construed to prevent the feeding of ensilage from silos when properly preserved. The having in possession of any person, firm or corporation producing milk for market, or for sale, or exchange, or for manufacturing the same, or cream from the same into articles of food, of distillery waste, or brewery grains, or the waste of vinegar, or that of sugar factories not preserved as aforesaid, or garbage or any other form of food which will produce milk which is unhealthy or unwholesome, shall be considered for the purposes of this act as prima facie evidence of an intent to use the same contrary to the provisions of this act.

SEC. 6. All cream that shall contain less than twenty (20) per centum of fat, or that shall contain any added thickener, or foreign coloring matter, shall be deemed to be adulterated.

Adulterated
butter.

SEC. 7. All dairy or creamery butter that shall contain more than sixteen (16) per centum of water shall be deemed to be adulterated.

SEC. 8. No person, firm or corporation shall manufacture from unclean, impure, unhealthful or unwholesome milk, or of cream from the same, any article of food.

Not sell or
offer for sale.

SEC. 9. No person, firm or corporation shall sell or offer for sale, or have in his possession with intent to sell, any cream taken from impure, unwholesome or diseased

milk or cream that contains less than twenty (20) per centum of fat.

SEC. 10. No person, firm or corporation shall sell or expose for sale, or have in his possession with intent to sell, in any store or place of business, or on any wagon or other vehicle used in transporting or selling milk from which cream has been removed, or milk commonly called "skimmed milk," without first marking the can, vessel or package containing said milk with the words "skimmed milk," in large, plain, black letters upon a light-colored background, each letter being at least one (1) inch high and one-half (1/2) inch wide; said words shall be on the top or side of said can, vessel or package where they can be easily seen. *Provided*, that the provisions of this section shall not apply to any patron of any creamery who receives from said creamery any skimmed or separated milk which is intended for his own use. *Provided further*, that all creameries before delivering to any patron any skimmed or separated milk shall have pasteurized the same at a temperature of at least one hundred and eighty (180) degrees Fahrenheit.

Must label the can.

Temperature of milk.

SEC. 11. It shall be the duty of said dairy and food commissioner to cause the inspection of all creameries, cheese factories and all other places or buildings where dairy products of any nature whatever are produced, manufactured, stored or kept for sale, at such time or times as may be deemed best by him, and he shall have authority to require the construction of necessary drains or improvements to correct any unsanitary or improper conditions, either in the manufacture, storage or sale of said products, and give such instructions as will cause the improvement of any such conditions as may be found to exist, that he may deem should be changed for the public good, and to cause all such conditions to be fully complied with.

Inspection of creameries.

Drains and improvements.

SEC. 12. The state standard milk measures or pipettes shall have for milk a capacity of seventeen and six-tenths (17 6-10) cubic centimeters, and for cream shall have a capacity of eighteen (18) cubic centimeters, and the state standard test tubes or bottles for milk shall have a capacity of two (2) cubic centimeters of mercury at a temperature of sixty (60) degrees Fahrenheit between "zero" and ten (10) on the graduated scale marked on the necks thereof; and the standard test tubes of bottles for cream

Standard milk measures.

shall have a capacity of six (6) cubic centimeters of mercury at a temperature of sixty (60) degrees Fahrenheit between "zero" and thirty (30) on the graduated scale marked on the necks thereof, and it is hereby made a misdemeanor to use any other size of milk measure, pipette, test tube or bottle to determine the per cent of butter fat, where milk or cream is purchased by or furnished to creameries or cheese factories, and where the value of said milk or cream is determined by the per cent of butter fat contained in the same.

Any manufacturer, merchant, dealer or agent in this state who shall offer for sale, or sell, a cream or milk pipette or measure, test tube or bottle, which is not correctly marked or graduated as herein provided shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as provided in section 34 of this act.

SEC. 13. It shall be unlawful for the owner, manager, agent or any employe of a creamery or cheese factory to manipulate or under read the Babcock test, or any other contrivance used for determining the quality or value of milk.

SEC. 14. No person, firm or corporation, shall manufacture for sale, advertise, offer or expose for sale, or sell, any mixture or compound intended for use as an adulterant of or preservative of milk, butter or cheese, nor shall any person, firm or corporation add to milk or butter or cheese, or during the process of their manufacture, any borax, boric acid, salicylic acid, formaldehyde, formalin, or any other substance or substances in the nature of adulterants, anti-ferments or preservatives. *Provided, however,* that this section shall not apply to pure salt added to butter and cheese.

SEC. 15. Whoever by himself or his agents conveys milk or cream in carriages, carts or other vehicles, or in any manner for the purpose of selling the same, either at wholesale or retail, in any city or town of one thousand (1,000) inhabitants or more shall annually on the first day of May, or within thirty (30) days thereafter, be licensed by the state dairy and food commissioner to sell milk and cream within the limits of said city or town, and shall pay to the said dairy and food commissioner the sum of one (1) dollar for each and every carriage, cart or other vehicle thus employed, to the use of said dairy and food commissioner. Licenses shall

Misdemeanor.

Punishment for violation.

Babcock test.

Adulterants not allowed.

Disposal in vehicles.

License.

be used only in the names of the owners of carriages, carts or other vehicles, and shall for the purpose of this act be prima-facie evidence of ownership. All licenses shall terminate on the first day of May of each and every year. No license shall be sold, assigned or transferred. Each license shall record the name, residence, place of business, number of carriages, carts or other vehicles used (where more than one is employed), the name and residence of any driver or other person engaged in selling or delivering said milk or cream, the number of the carriage, cart or other vehicle, where he has more than one, and the number of license.

Cannot be sold or assigned.

Name of driver.

Each licensee shall, before engaging in the sale of milk or cream, cause his name, the number of his license, and the number of the carriage, cart or other vehicle (where he has more than one), and his place of business to be plainly and legibly placed on each outer side of all carriages, carts or other vehicles used by him in the conveyance or sale of milk or cream, and he shall report to the state dairy and food commissioner any change of driver, or person employed by him, which may occur during the term of his license. Any person keeping not more than one cow shall be exempted from the provisions of this section.

Name and number of license.

Keeper of one cow exempted.

SEC. 16. Every person, firm or corporation before selling milk or cream, or offering them, or either of them, for sale, or having them, or either of them, in his possession with intent to sell in a store, booth, stand, creamery, cheese factory, or who sells to customers in any manner or from any place in the respective towns or cities as designated in section 15 of this act, shall procure a license from the state dairy and food commissioner, or his authorized agents, and shall pay therefor the sum of one (1) dollar. Every such license shall terminate on the first day of May in each and every year. No license shall be sold or transferred.

Must procure license.

SEC. 17. The dairy and food commissioner shall have power to withhold a license from or to revoke the same when already issued to any person, firm or corporation, who shall fail to comply with any of the provisions of sections 15 and 16 of this act, or who shall sell, offer, or expose for sale any milk or cream from dairies containing diseased or filthy cows, or that are kept in violation of section 5 of this act, or of creameries, stores

Power of dairy commissioner.

or other places where milk or cream may be kept, stored or sold, which is kept in an unsanitary condition.

SEC. 18. No person by himself or his agents or servants shall sell, supply or bring to be manufactured, to any butter or cheese manufactory any milk diluted with water or any other substance whatever, or any unclean, impure, unhealthy, adulterated or unwholesome milk, or milk from which any cream has been taken (except pure skim milk to skim cheese factories), or shall keep back any part of the milk commonly known as "strippings" or shall bring or supply milk which is sour, to any butter or cheese manufactory (except pure skim milk to skim cheese factories). No butter or cheese manufactories except those which buy all the milk they use shall use for their own benefit or allow any of their employes or any other person to use any of the milk or cream brought to said manufactories, or the product thereof, without the consent of the owners thereof. Every butter and cheese manufacturer, except those who buy all the milk they use, shall keep a correct record of all the milk daily received, and of the number of pounds and packages of butter, the number and aggregate weight of cheese made each day, the number of packages of cheese and butter disposed of, which record shall be open to inspection to every person who delivers milk to such manufacturer.

SEC. 19. No person, by himself or his agents or servants, shall manufacture for sale, have in his possession with intent to sell, offer or expose for sale, or sell as butter or as cheese any substance not the exclusive and legitimate product of milk or cream. *Provided*, whenever any substance is sold as a substitute for butter or cheese not made exclusively from milk or cream, that the person, firm or corporation selling the same for themselves, or as agents for another person, firm or corporation, shall post conspicuously and keep conspicuously posted, as long as said substitutes are sold, offered or exposed for sale, in the room where the same can be seen and read from every part of the said room where the substitute for butter or cheese is sold, offered or exposed for sale, a printed sign giving the true and correct name in the English language of the substitute for butter or cheese so sold, offered or exposed for sale, in letters made with bold faced type, not less than six (6)

Milk diluted with water.

Keep a correct record.

Legitimate product of milk or cream.

Substitutes must be labeled.

Bold faced type.

inches long, giving the true name by which said substitute for butter or cheese is sold, offered or exposed for sale, which notice shall be substantially in the following form. (Insert name of such substitute) "Sold Here."

SEC. 20. No person by himself or his agents or servants shall manufacture for sale, have in his possession with intent to sell, expose or offer for sale, or sell as butter or as cheese, or as substitutes for butter or cheese, or as imitations of butter or cheese, under any name or title whatsoever, any mixture or compound, which is designed to take the place of butter or cheese, and which is made from animal or vegetable oils or fats, or by the mixing or compounding of the same, or any mixture or compound consisting in part of butter or of cheese in mixture or combination with animal or vegetable oils or fats, nor shall any person mix, compound with or add to milk, cream, butter or cheese any animal or vegetable oils or fats, with design or intent to make or produce any article or substance in imitation of butter or cheese, nor shall any person coat, powder or color with annatto or with any other coloring matter whatever, butterine or oleomargarine or any mixture or compound of the same, or any article or compound made wholly or in part from animal or vegetable oils or fats not produced from milk or cream, whereby the said article or compound shall be made to resemble butter or cheese, nor shall any person offer or expose for sale or sell any article, substance or compound made, manufactured or produced in violation of the provisions of this section, whether such article, substance or compound shall have been made, manufactured or produced within this state or in any other state or country; and the having in possession by any person, firm or corporation of any article, substance or compound made, manufactured or produced in violation of the provisions of this section shall be considered as prima facie evidence of an intent to sell the same as butter or as cheese contrary to the provisions of this section.

Prohibits sale
of adulterated
butter.

Possession
prima facie
evidence of
intent to sell.

SEC. 21. The Minnesota state dairy and food commissioner is hereby authorized and directed to procure and issue to the cheese manufacturers of the state, and under such regulations as to the custody and use thereof as he may prescribe, a uniform stencil brand bearing a suitable device or motto, and the words "Minnesota

"Minnesota
State Full
Cream
Cheese."

State Full Cream Cheese." Every brand issued shall be used upon the outside of the cheese, and also upon the package containing the same, and shall bear a different number for each separate manufactory, and the commissioner shall keep a book in which shall be registered the name, location and number of each manufactory using the said brand, and the name or names of the persons at each manufactory authorized to use the same. It shall be unlawful to use or permit such stencil brand to be used upon any other than full cream cheese or packages containing the same. All cheese branded as "Minnesota State Full Cream Cheese" shall contain not less than forty-five per centum of fats to total solids, and all cheese purporting to be full cream cheese which contains less than forty-five per centum of fats to total solids, shall be deemed for the purpose of this act, to be adulterated.

Proportion
of fats to
solids.

"Skim
Cheese."

SEC. 22. All cheese which contains less than forty-five per centum of fats to total solids is hereby declared to be "skim cheese," and it is hereby required and directed that the same shall be marked with a stencil or brand with the words "Skim Cheese," in plain black letters, not less than one and one-half inches in length and of proportionate width, upon the circumference of the cheese, and upon the outer surface of the box or package containing the same; and any dealer or trader who, by himself, or as the servant or agent of another person, has in his possession with intent to sell, offers or exposes for sale, or sells any skim cheese as hereinbefore defined, which is not stenciled or branded as hereinbefore required and directed, shall be deemed to be guilty of a misdemeanor, and shall be subject to the penalties provided in this act.

Must be
branded.

Must label
prominently.

Every dealer or trader who offers or exposes for sale or sells skim cheese as hereinbefore defined, shall cause to be kept continuously posted in a conspicuous position upon the walls of the room wherein such skim cheese is offered or exposed for sale or sold, cards upon the face of which is distinctly and legibly printed in the English language, and in letters of sufficient size to be visible from all parts of the room, the words "Skim Cheese Sold Here."

False brand
prohibited.

SEC. 23. No person by himself or agent shall sell or offer or expose for sale, or have in his possession with

intent to sell cheese branded or labeled with a false brand or label as to the quality of the article, or as to the county or state in which the article is made.

SEC. 24. Every proprietor, keeper, landlord or steward of any hotel, restaurant, dining car, eating house, boarding house, hospital, lumber camp or railroad camp either public or private, who shall supply the guests or boarders of such hotel, restaurant, dining car, eating house, boarding house, hospital, lumber camp, or railroad camp, either public or private, where money, services, or wages form the whole or part of the payment for such food, with any oleaginous substance or substances or any compound of the same, or any other compound other than that produced from unadulterated milk or of cream from the same, or any article designed to take the place of butter, shall cause to be plainly printed upon every bill of fare used in said hotel, restaurant, eating house, boarding house, hospital, lumber camp or railroad camp, where such adulterated compound is used, immediately under the title thereof and before the naming of any article of food thereon, in capital letters, no smaller than those known as nonpareil Celtic, in the English language, the words "Oleomargarine (or butterine) used as a substitute for butter." In case no bill of fare is used in said hotel, restaurant, eating house, boarding house, hospital, lumber camp, or railroad camp, then the proprietor or keeper thereof shall cause to be posted upon each and every side of the dining room or eating room in a position where the same can be easily seen and read from any part of said room and in letters large enough to be distinctly seen and read from any part of said room, a card containing the words in English language "Oleomargarine, (or butterine) used as a substitute for butter," and shall keep the same continuously posted as aforesaid, so long as said compounds, or either of them are kept and used. The provisions of this section shall not be construed as in any wise amending or invalidating any of the provisions of sections 19 or 20 of this act.

Landlords
and restau-
rant owners.

Printed on
bill of fare.

Posted on
side of
room.

SEC. 25. The commissioner shall provide blanks which shall be furnished to all proprietors, managers, or secretaries of creameries and cheese factories within the state for the purpose of making a report of the amount of milk and dairy goods handled, and embodying

Provide
blanks.

such other statistical information as the commissioner may require, and all owners or managers or secretaries of said creameries and cheese factories shall, on the first day of November and at such other times as the said commissioner may call for the said report, send to the dairy and food commissioner a full and accurate report of the amount of business done during the year, including the statistical information required by said commissioner.

Must make report.

Duty of commissioner.

SEC. 26. It shall be the duty of said commissioner, assistant commissioner, inspectors and agents at any and all times to seize and take possession of any and all food and dairy products, or substitutes therefor, or imitations thereof, kept for sale or for a purpose, or held in possession or under control, contrary to the provisions of this act, or other laws which now exist, or may be hereafter enacted. Such seizure may be had without a warrant, and said commissioner, assistant commissioner, and all inspectors and agents appointed pursuant to law are hereby given full power and authority of constables. Any court having jurisdiction, upon receiving proof of probable cause for believing in the concealment of any food or dairy products or substitutes therefor, or imitations thereof, kept for sale or for a purpose, or had in possession or under control, contrary to the provisions of this act, or other laws which now exist or may be hereafter enacted, shall issue a search warrant and cause a search to be made in any place therefor, and to that end may cause any building, enclosure, wagon or car to be entered, and any apartment, chest, box, locker, tub, jar, crate, basket or package to be broken open and the contents thereof examined.

Seizure without warrant.

Issue search warrant.

Sheriffs or constables may search premises.

SEC. 27. All such warrants shall be directed to said commissioner, or assistant commissioner, or any inspector or agent appointed pursuant to law, or the sheriff or constables commanding such commissioner, assistant commissioner, inspector, agent or officer to search the house or place where such food or dairy products or substitute therefor or imitation thereof for which he is required to search is believed to be concealed, which place and the property to be searched for shall be designated in the warrant, and to bring such food or dairy product, or substitutes therefor, or imitations thereof, when found, and the person in whose possession the same is

found, before the magistrate who issued the warrant, or before some other court or magistrate having jurisdiction of the case.

Before a
magistrate.

SEC. 28. When the officer in the execution of any search warrant issued under this act finds and seizes any food or dairy product, or substitute therefor, or imitation thereof, all the property or things so seized shall be safely kept by the direction of the court or magistrate so long as it is necessary for the purpose of being produced in evidence in any trial, and on such trial, it being found that such food or dairy product, or any substitute therefor or imitation thereof, is being kept for sale or for a purpose, or held in possession or under control, contrary to the provisions of this act, or other laws which now exist or may be hereafter enacted, the court shall, in addition to the other penalties prescribed by this act, order that said property be forfeited to the State of Minnesota, and shall order the same sold for any purpose other than to be used for food, and the proceeds thereof paid into the state treasury and placed to the credit of the state dairy and food commissioner's fund. The dairy and food commissioner, his agent or inspector is authorized to take samples from products seized for the purpose of analysis.

Property to be
safely kept.

Property
forfeited.

Product for
analysis.

SEC. 29. No person shall efface, erase, cancel or remove any mark, statement or label provided for by this act with the intent to mislead, deceive or to violate any provisions of this act.

Shall not
efface marks.

SEC. 30. No action shall be maintained on account of any sale, or other contract made in violation of, or with intent to violate any provisions of this act.

Intent to
violate pro-
visions.

SEC. 31. The doing of anything prohibited, and the not doing of anything directed to be done by this act, shall be prima facie evidence of a willful intent to violate the different sections and provisions hereof.

Prima facie
evidence.

SEC. 32. In all prosecutions arising under this act the certificate of the chemist making the analysis, when duly sworn to by such analyst, shall be prima facie evidence of the fact or facts therein certified.

SEC. 33. All moneys received from license fees, all fines collected for the violation of laws relating to food or dairy products, their imitations or substitutes and the proceeds from all goods confiscated and sold under the provisions of this act and other laws relating to dairy

License fees,
all fines and
moneys re-
ceived to be
paid into
state treasury.

or food products, their imitations or substitutes, shall be paid into the state treasury and placed to the credit of the dairy and food commissioner's fund.

Misdemeanor,
penalty.

SEC. 34. Whoever violates any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be punished for each offense by a fine of not less than twenty-five dollars, nor more than one hundred dollars, or by imprisonment of not less than thirty days, nor more than ninety days.

Ch. 11, 1891,
repealed.

SEC. 35. Chapter 11, General Laws of 1891, and all acts and parts of acts inconsistent with the provisions hereof are hereby repealed.

SEC. 36. This act shall take effect and be in force from and after its passage.

Approved April 7, 1903.

S. F. No. 264.

CHAPTER 156.

Probate court.

An act to validate sales of real estate heretofore made under a license from probate court.

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

Sales of
real estate
made under
license of pro-
bate court,
certain defects
legalized.

SECTION 1. That all sales of real estate heretofore made under a license from any probate court of this state to an executor or executors wherein the following defects and irregularities have occurred, viz: where the oath before sale was taken after the date of fixing the time and place of sale, and before the day of sale, and was filed after the sale, but before the confirmation thereof; where the executor's bond before sale was executed and approved before the sale and filed after the sale, but before the confirmation thereof; where the executor's bond contains no witnesses as to the sureties thereon; where the sale was made and the report of sale was sworn to by one other than the executors as attorney in fact for the executors under an unacknowledged power of attorney filed with the probate court before confirmation of such sale, and such sales were thereafter duly confirmed by an order of the probate court; and where all other proceedings therein were legal, all such sales and the confirmation thereof are hereby legalized and made as valid and effectual to all intents and purposes, and of the same force and effect as if such oath had