

able, or any cause not in the power of said shipper or consignee to prevent, shall be added to the free time allowed in this act and counted as additional free time.

**Companies to report monthly on demurrage charges paid or collected.**—Sec. 12. It shall be the duty of every railroad company operating within the state of Minnesota to make at the end of each month a sworn detailed report of all penalties paid and collected as demurrage during the previous month, showing therein to whom paid or from whom received; this report shall be filed with the railroad and warehouse commission.

**Actions to enforce charges.**—Sec. 13. When suit is brought to collect any of the damages, forfeitures or demurrage charges, provided for in this act, said suit may be brought in any court in this state having jurisdiction of the subject matter and parties under the then existing cause; and if the plaintiff therein recover judgment such plaintiff shall also recover a reasonable attorney's fee for bringing such suit, to be taxed as costs in other cases and paid as other costs by defendant in such suit.

**To take effect July 1, 1907.**—Sec. 14. This act shall take effect and be in force from and after July 1, 1907.

Approved April 17, 1907.

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#### CHAPTER 24—S. F. No. 60.

*An Act creating a fund, and providing for the disbursement thereof, for pensions and relief by fireman's relief associations, in cities having a population of more than fifty thousand inhabitants.*

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

**Fire departments to grant relief and pensions.**—Section 1. Every fireman's relief association, now or hereafter organized in any city in this state having a paid fire department and now or hereafter having a population of more than fifty thousand (50,000) inhabitants, which is now incorporated, or which may hereafter be incorporated under chapter 58, *Revised Laws of Minnesota 1905*, may pay out from any funds it may have heretofore received, or which it may here-

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after receive, from the State of Minnesota, or any other source, pensions, and relief money to any of its sick and disabled members, or for service pensions as hereinafter provided, in such amounts, and in such manner, as its articles of incorporation and by-laws shall designate, not exceeding, however, the sum of \$40.00 per month to any of its pensioned members; *provided, however*, that any one who has served or is serving, on a paid municipal fire department, shall be placed on the service pension roll, upon his making application for the same, when he has complied with the following conditions—He shall have done active duty for a period of 20 years or more; he shall have arrived at the age of 50 years, or more; he shall have been, or shall be, entitled to be retired, from the service in the fire department; and *provided further*, that no service pension shall be paid to any person while he remains a member of the fire department.

**Qualifications for relief and pensions.**—Sec. 2. The qualification as to age and term of service, shall not apply to members of such fire department, who make application for a pension on account of injuries or disabilities, which unfit them for the duties of an active fireman, and such relief association shall pay a pension to such members, or to the widows and orphans of deceased firemen, in such sum, and under such limitations and conditions, as its articles of incorporation and by-laws shall provide and permit.

**Association to reduce amount of pensions.**—Sec. 3. Every such association shall at all times have and retain the right to reduce the amount of pensions or to increase them whenever because of the amount of funds on hand or for other good reasons, such reduction or increase seems advisable or proper to such relief association, but said pension shall not exceed the amount of \$40.00 per month to any pensioner or to any one family.

**Duty of city clerk as to making annual report.**—Sec. 4. The clerk of any city of the class named herein having an organized fire department shall on or before the 31st day of October in each year, make and file with the insurance commissioner his certificate, stating the existence of such department, the number of steam engines, hook and ladder trucks, hose carts, and number of feet of hose in actual use, the number of organized companies, and the system of water supply in use in such department, together with such other facts as the insurance commissioner may require.

**Insurance commissioner to make annual report.**—Sec. 5. The insurance commissioner shall embody in his annual statement blank, a blank form, with the names of the cities thereon entitled to benefits under this act, and require the companies to report at the time of making their annual statements the amount of premiums received by them during the year ending Dec. 31st, in each and of the cities named in said blank, and thereafter and before the 1st day of July the insurance commissioner shall certify to the state auditor the names of the cities which have organized fire departments as reported to him under section 4 of this act, and the amount of premiums received by said companies in each of said cities, and the amount of tax paid in such year by said companies upon such premiums.

**State auditor to issue warrant.**—Sec. 6. The state auditor at the end of the fiscal year, shall issue and deliver to the treasurer of any such city his warrant upon the state treasurer for an amount equal to the total amount of the existing 2 per cent tax so paid by fire insurance companies upon the premiums by them received in any such city, as specified in said certificate of said insurance commissioner.

**State treasurer to issue certificate.**—Sec. 7. The state treasurer is hereby authorized and directed to and upon the presentation to him of the said warrant of the said auditor, he shall pay to the treasurer of any such city, out of the general revenue fund of this state, the amount in such warrant specified.

**To be set aside as a special fund.**—Sec. 8. The amount so paid to any city under the provisions of this act shall be by it set aside as a special fund, and may be appropriated and disbursed in the same manner that other funds belonging to such city are appropriated or disbursed, but only for the following purposes, viz :

First—For the relief of sick, injured and disabled members of any fire department in such city, and their widows and orphans.

Second— For the payment of pensions pursuant to the provisions of sections 1 and 2 of this act.

*Provided*, that in case there exists, or shall exist a fire department relief association, duly organized or incorporated in any such city, as aforesaid, shall be paid to the treasurer of

such relief association, instead of to the treasurer of such city.

**Secretary and treasurer of relief associations to make annual reports.**—But the secretary and treasurer of every such relief association shall prepare annually a report of all receipts and expenditures of such association for the previous year, showing for what purpose the money was paid and expended, and to whom, which report shall be filed in the office of the city clerk of the city, in which such association is situated, and a duplicate of such report shall also be filed with the state auditor before any money shall be paid to any such relief association. The money paid to such relief association shall be expended only, for the pensioning and relief of sick, injured, disabled and retired members of any fire department in such city, and their widows and orphans as authorized and permitted by this act.

**Defining firemen as to pension or relief.**—For the purpose of this act no substitute fireman, or any one serving on probation, or any fireman in a city having a relief association in its fire department who is not a member of such association, shall be deemed to be a fireman within the meaning of this act.

The treasurer of every such relief association, before entering upon the duties of his office, shall give a good and sufficient bond to said relief association conditioned for the faithful discharge of the duties of his office, and for the safe-keeping and paying over, according to law, of all moneys which come into his hands as such treasurer.

*Provided further*, that no such moneys shall be paid to any such relief association hereafter organized, unless such organization is made with the consent of the council of the city to which such organization belongs.

**Pension not subject to legal process.**—Sec. 9. No payments made or to be made, by said association to any member on the pension roll, shall be subject to judgment, garnishment, or execution, or other legal process, and no person entitled to such payment shall have the right to assign the same, nor shall the association have the authority to recognize any assignment, or pay over any sum which has been assigned.

**Powers of association through trustees.**—Sec. 10. Said association, through its board of trustees and officers, shall

have full charge, management, and control, of said funds herein provided for; which said funds shall be derived from the following sources:

First—From interest, rents, gifts or money from other sources;

Second—From funds received from the State of Minnesota;

Third—All money raised by taxation as follows:

The city council or other governing body of every city of said class in which a fireman's relief association exists as aforesaid, shall, each year at the time the tax levies for the support of the city are made, and in addition thereto, levy a tax of one-tenth of a mill on all the taxable property of the city. The tax so levied shall be transmitted to the auditor of the county in which the city levying the tax is situated, at the time all other tax levies are transmitted, and shall be collected and payment thereof be enforced with and like manner as state and county taxes are paid and the payment thereof enforced.

**Duties of county treasurer.**—The county treasurer of each county in which such tax is levied and collected, or the city treasurer, in case such tax is collected by him, in any city of the class covered by this act, shall pay over the same, together with all interest and penalties collected on account of the same when collected, and all interest paid thereon between the time of collection and the time the same is paid over to the treasurer of the fireman's relief association.

**Public examiner to make annual examination.**—Sec. 11. It shall be the duty of the public examiner to annually examine the books and accounts of the secretary and treasurer of each relief association receiving funds under the provisions of this act, and if he finds that the money or any part of it has been or is being expended for an unauthorized purpose, he shall report the same to the governor. The governor shall thereupon direct the state auditor not to issue any warrant for the benefit of such city, or to such relief association, until it shall be made to appear to the public examiner, who shall report the fact to the governor, that all money wrongfully expended has been replaced. And the governor may take such further action as the emergency may demand.

Sec. 12. All acts or parts of acts inconsistent with this act are hereby repealed.

Sec. 13. This act shall take effect and be in force from and after its passage.

Approved Feb. '28, 1907.

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CHAPTER 25—S. F. No. 24.

*In Act to prohibit the desecration of Memorial day, and provide for punishment thereof.*

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

**Games prohibited within one-half mile of memorial exercises—saloons closed from 10 a. m. to 3 p. m.—Section 1.** That the desecration of "Memorial Day", the thirtieth (30th) day of May of each year, by the playing of games of ball, cricket, football, and other like games, or by horse racing, bicycle racing, automobile racing, or any other sports calculated to attract attention to such games or sports and away from the memorial character of said day, within one-half mile of the place where memorial exercises are in progress, is hereby prohibited and made unlawful during the hours from 10 o'clock in the forenoon to 3 o'clock in the afternoon of said day, and all saloons and other places where intoxicating liquors are sold, shall be closed on said day between the hours of 10 o'clock in the forenoon and 3 o'clock in the afternoon, in all cities, villages and towns where memorial exercises are held.

Sec. 2. Any person guilty of a violation of section 1 of this act shall be deemed guilty of a misdemeanor, and punishable accordingly.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved March 1, 1907.