

where any of such commodities is or may be manufactured, prepared, stored, kept for sale or sold; and may inspect any package or receptacle which they may have good reason to believe containing any such commodity and may take samples therefrom for analysis, and any person wilfully obstructing or hindering such entry or inspection or failing, upon request, to assist therein, where such assistance is actually needed, shall be guilty of a misdemeanor.

Misbranding.—Sec. 6. Any concentrated commercial feeding stuffs within the meaning of this act which is not labeled as hereinbefore required shall be deemed a misbranded article and the having in possession in any store, warehouse or factory ready for market, such misbranded articles shall be deemed prima facie evidence that the same is intended for sale or distribution, and in violation of this act, and in any prosecution under this act, a certificate of the official chemist of the dairy and food department of the State of Minnesota having made the analysis, when sworn to by such chemist, shall be prima facie evidence of the facts therein stated.

Fines.—Sec. 7. In all prosecutions under this act the fines and costs collected thereunder shall be paid into the state treasury, but shall be credited to the fund set apart for the use and support of the department of the dairy and food commissioner of this state.

Sec. 8. But all goods now in the hands of retailers may be sold until November 1st, 1907.

Sec. 9. This act shall take effect and be enforced from and after June 1st, 1907.

Approved April 24, 1907.

CHAPTER 384—H. F. NO. 436.

An Act entitled An act to prevent the sale of unwholesome substances for use as food.

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

Seizure.—Section 1. No person shall deal in or sell for use as food any filthy, decomposed, diseased or otherwise unwholesome food or dairy products, either in a natural state

or in any manufactured, mixed or prepared condition; and if any of the aforesaid unwholesome articles or substances be found offered or exposed for sale, or had in possession with intent to sell, for use as food, the dairy and food commissioner, his assistant and employes shall have power and authority to seize the same, or in his or their discretion to render the same unsaleable for use as food; and the said commissioner and his several employes shall be exempt from liability for any such action; and the test as to the unwholesomeness for use as food of any of the aforesaid articles or substances shall be the condition at the time of such discovery. Every violation of the provisions of this act shall be deemed a misdemeanor the punishment whereof shall be a fine of not less than fifty dollars or imprisonment for not less than sixty days.

Powers of dairy and food commission—evidence.—Sec. 2. The said dairy and food commissioner, and his several employes, shall enforce the provisions of this act and in so doing shall have the powers and authority which are conferred upon them and each of them by chapter 21, Revised Laws, 1905; and the words "person," "sell" and "food," as used in this act, shall be construed as provided in section 1738, Revised Laws 1905, and laws subsequent thereto; and the having in possession of any article or substance the sale of which is prohibited by this act shall be deemed prima facie evidence of an intent to violate the law. In the enforcement of this act the said commissioner and his several employes shall, in addition to those hereby conferred, have the powers of a constable, and seizures may be made hereunder without a warrant, but as soon as practicable after discovery of such unwholesome article or substance the official making such discovery shall cause the arrest and prosecution of the person in whose possession such article or substance be found. When necessary a search warrant may be issued as in the case of stolen property, the form of complaint and warrant being adapted to the purposes of this act. The search warrant shall be directed to the sheriff or any constable of the county, and no security for costs shall be required thereon or upon any prosecution under this act. Articles or substances seized hereunder, if found upon the trial to have been kept, exposed, offered or sold in violation of law may be forfeited to the state and be disposed of as directed by the court; and the dairy and food commissioner and his several employes, in rendering as aforesaid any unwholesome article or sub-

stance unsaleable for use as food, may adopt any reasonable and necessary means in so doing; and the provisions of sections 1736, 1778 and 1779, Revised Laws 1905, shall be deemed a part hereof in the enforcement of this act and for the accomplishing of its purposes.

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

Approved April 24, 1907.

CHAPTER 385—H. F. NO. 505.

An Act relating to the swamp land fund of the State of Minnesota.

WHEREAS, by chapter 5, of the General Laws of 1865, 525,000 acres of swamp land was directed to be reserved for the benefit of the state institutions then in existence, viz.:

	Acres
Insane Asylum	100,000
School for Deaf, Dumb and Blind.....	100,000
State Prison	100,000
Winona Normal	75,000
Mankato Normal	75,000
St. Cloud Normal	75,000
and	

WHEREAS, By an amendment to the constitution, adopted in 1881, found in section 2, of article 8, of the constitution of the State of Minnesota, it was provided that all swamp lands then held by the state, or that might thereafter accrue to the state, were appropriated, one-half to the common school fund of the state and one-half to the educational and charitable institutions of the state. The principal of the funds derived from the sale of such swamp lands to be forever preserved, inviolate and undiminished, and

WHEREAS, No swamp lands were selected under the provisions of the said act of 1865, until several years after the adoption of the constitutional amendment of 1881, which amendment operated to repeal or nullify said act of 1865, and