

stroy any muskrat house at any time. *Provided*, that when any of the animals mentioned in this section are doing damage to or destroying any property, the person whose property is being damaged or destroyed may kill them at any time."

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved April 22, 1909.

CHAPTER 413—S. F. No. 328.

An Act to amend section four thousand five hundred and thirty-nine (4539) of the Revised Laws of Minnesota, 1905, relating to actions on bonds of public contractors.

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

Limit of time to bring action.—Section 1. That section four thousand five hundred and thirty-nine (4539) of the Revised Laws of Minnesota, 1905, be and the same is hereby amended so as to read as follows:

"4539. **Limit of time to bring action**—No action shall be maintained on any such bond unless within ninety days after the completion of the contract and acceptance of the building by the proper public authorities, the plaintiff shall serve upon the principal and his sureties a written notice specifying the nature and amount of his claim and the date of furnishing the last item thereof, nor unless the action is begun within one year after the service of such notice."

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved April 22, 1909.

CHAPTER 414—S. F. No. 434.

An Act relating to bills of lading.

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

Order bill of lading defined.—Section 1. That whenever any common carrier, railroad or transportation company (hereinafter termed carrier) shall issue a bill of lading for the transportation of property from one place to another within this state, or between places one of which is within this state, which bill shall be, or purport to be, drawn to the order of the shipper or

other specified person, or which shall contain any statement or representation that the property described therein is, or may be deliverable upon the order of any person therein mentioned, such bill shall be known as an "Order Bill of Lading" and shall conform to the following requirements:

(a) In connection with the name of the person to whose order the property is deliverable, the words "Order of" shall prominently appear in print on the face of the bill, thus "Consigned to Order of"

(b) The bill shall be printed on yellow paper, 8½ inches wide by 11 inches long.

(c) It shall contain on its face the following provision: "The surrender of this original order bill of lading properly indorsed shall be required before delivery of the property."

(d) It shall not contain the words "not negotiable" or words of similar import. If such words are placed on an order bill of lading, they shall be void and of no effect.

(e) Nothing herein shall be construed to prohibit the insertion in an order bill of lading of other terms or conditions not inconsistent with the provisions of this act; but it shall be unlawful to insert in such bill any terms or conditions contrary to, or inconsistent with, such provisions and it shall be unlawful for any carrier to insert in such bill any term or condition limiting the liability of such carrier for actual loss.

Straight bill of lading defined.—Sec. 2. Whenever a bill of lading is issued by a carrier for the transportation of property from one place to another within this state, or between places one of which is within this state, in which the property described therein is stated to be consigned or deliverable to a specified person, without any statement or representation that such property is consigned or deliverable to the order of any person. Such bill shall be known as a "straight bill of lading," and shall contain the following requirements:

(a) The bill shall be printed on white paper 8½ inches wide by 11 inches long.

(b) The bill shall have prominently stamped upon its face the words "not negotiable."

(c) Nothing herein shall be construed to prohibit the insertion in a straight bill of lading of other terms or conditions not inconsistent with the provisions of this act; but it shall be unlawful to insert in such bill any terms or conditions contrary to or inconsistent with such provisions.

Penalty for violating requirements.—Sec. 3. Every carrier, or officer, agent or servant of a carrier, who shall knowingly violate any of the requirements stated in subdivisions (a), (b), (c), (d), or (e) of section 1 and in subdivisions (a), (b) or (c) of section 2 shall be guilty of a misdemeanor and punishable by fine

of not more than one thousand dollars or imprisonment not more than one year, or both.

Issue of false bill or unmarked duplicate unlawful.—Sec. 4. It shall be unlawful for any carrier, or for any officer, agent or servant of a carrier, to issue an order bill of lading or a straight bill of lading, as defined by this act, until the whole of the property as described therein shall have been actually received and is at the time under the actual control of such carrier, to be transported or to issue a second or duplicate order bill of lading or straight bill of lading for the same property, in whole or in part, for which a former bill of lading has been issued and remains outstanding and uncanceled, without prominently marking across the face of the same the word "duplicate."

Penalty and civil liability for violation.—Sec. 5. Every carrier, or officer, agent or servant of a carrier, who knowingly violates the provisions of section 4, of this act and every person who negotiates or transfers for value a bill of lading known by him to have been issued in violation of said section 4, shall be guilty of a misdemeanor and upon conviction shall be punished by fine not exceeding five thousand dollars or imprisonment not exceeding five years, or both.

And every carrier who himself, or by his officer, agent or servant authorized to issue bills of lading, issues a false or duplicate bill of lading in violation of the provisions of section 4 of this act, shall be estopped, as against all and every person or persons injured thereby who shall acquire any such false or duplicate bill of lading in good faith and for value, to deny the receipt of the property as described therein, or to assert that a former bill of lading has been issued and remains uncancelled and uncanceled for the same property, as the case may be; and such issuing carrier shall be liable to any and every such person for all damages, immediate or consequential, which he or they may have sustained because of reliance upon such bill, whether the person or persons guilty of issuing or negotiating such bill shall have been convicted under this section or not.

Penalty upon shipper without title.—Sec. 6. Every person who receives from a carrier and fraudulently negotiates for value an order or straight bill of lading representing property to which he had no, or an encumbered title, at the time of the negotiation of such bill, shall be guilty of a misdemeanor and upon conviction shall be punished by fine not exceeding five thousand dollars or imprisonment not exceeding five years, or both. *Provided*, however, that it shall be a full and complete defense to any prosecution under this act that any person, corporation or co-partnership accused has complied with the requirements of any law of the United States hereafter enacted by the congress of the United States relating to uniform bills of lading.

Surrender of order bill.—Sec. 7. It shall be unlawful for any carrier, or officer, agent or servant of a carrier, to deliver the property described in an order bill of lading without requiring surrender and making cancellation of such bill, or in case of partial delivery, indorsing thereon a statement of the property delivered; *provided*, that in lieu of such delivery, it shall be lawful for the carrier, or his officer, agent or servant in his behalf, to take from the person to whom such property is delivered a good, sufficient and valid bond in the sum double the value of the property, conditioned that such person shall, within a reasonable time thereafter, deliver to the carrier the original order bill of lading issued for said property or shall pay the value of said property to the carrier upon demand, and upon the execution and delivery of said bond as aforesaid, it shall be lawful for the carrier, or his officer, agent or servant, to deliver the goods to the person claiming title thereto, without requiring the immediate surrender of said order bill of lading. Every carrier, or officer, agent or servant of a carrier, who knowingly violates the provisions of this section shall be guilty of a misdemeanor and upon conviction shall be punished by fine not exceeding five thousand dollars or imprisonment not exceeding five years, or both.

And every carrier who by himself, or by officer, agent or servant authorized to deliver goods upon surrender of an order bill of lading, violates the provisions of this section, shall be estopped as against all and every person or persons injured thereby who shall acquire in good faith and for value any such order bill of lading, from asserting that the property as described therein, has been delivered: and such delivering carrier shall be liable to any and every such person for all damages, immediate or consequential, which he or they may have sustained because of reliance upon such bill, whether the person or persons violating this section have been convicted of such violation or not.

Provided, that the provisions of this section shall not apply where the property is replevied or removed from the possession of the carrier by operation of law: or has been lawfully sold to satisfy the carrier's lien; or in case of sale or disposition of perishable, hazardous or unclaimed goods in accordance with law or the terms of the bill of lading.

Alteration.—Sec. 8. Any material alteration, addition or erasure in or to an order bill of lading or a straight bill of lading, fraudulent or otherwise, shall be without effect and in the hands of a bona fide holder for value, not a party to the alteration thereof, such bill shall be valid and may be enforced according to its original tenor. *Provided*, however, that an alteration, addition or erasure in or to any such bill of lading with signature thereto indorsed thereon, by the issuing carrier, or his officer, agent or servant in his behalf, and with the consent of the holder thereof, shall be valid and effective.

Sec. 9. All acts or parts of acts inconsistent herewith are hereby repealed.

Sec. 10. This act shall take effect and be in force from and after April 1st, 1910.

Approved April 22, 1909.

CHAPTER 415—S. F. No. 532.

An Act to amend Section 2320, Revised Laws 1905, relating to optometrists.

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

Membership of state board of optometry—Payment of necessary expenses.—Section 1. That section 2320, Revised Laws 1905, be and the same is hereby amended so as to read as follows:

“2320. The state board of optometry shall consist of five qualified optometrists appointed by the governor, each for the term of three years and until his successor qualifies, excepting that the appointments for the term beginning January, 1910, two members shall be appointed for the term of three years, two members for the term of two years, and one member for the term of one year. Vacancies in such board shall be filled by like appointment for unexpired terms. They shall elect from among their number a president and a secretary, and may adopt a seal. For the purpose of examining applicants for certificates, the board shall meet at least once in each year at the seat of government, and may hold other meetings at its pleasure. Each member shall receive from the funds of the board five dollars a day for actual services, three cents a mile for necessary travel and for other necessary expenses of attending meetings, not to exceed two dollars and fifty cents a day. It may employ necessary assistants to aid in the enforcement of the provisions of this subdivision, the attendant expenses of the employment of such attorney and assistants to be met from the funds of the board. The secretary shall keep a record of all proceedings including therein the name of every applicant for examination or registration, which records shall be open to public inspection.”

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved April 22, 1909.