

may be, to guarantee all of such tile work done by any such contractor for a period of three years after the completion of any such contract against any fault or negligence on the part of any such contractor and any failure during said period of any part of said tile work constructed by any such contractor, to accomplish the purpose of drainage for which it was intended, shall be prima facie evidence that the same is due to the fault or negligence of said contractor. Notice of such request shall be given by the county auditor in the advertisement for sale of such job or jobs.

The said contractor shall give a good and sufficient bond for the performance of such undertaking and contract. The acceptance of such tile ditch by the engineer or county board shall not relieve or exempt said contractor or his bondsmen from the liability therein imposed on said contractor for said three year period.

Upon receiving such application, the said judge of the district court or the said county board, as the case may be, shall proceed to hear, consider and determine the said application upon such notice as shall be directed by such judge or by such county board respectively, and if upon such hearing, it is determined that no loss will result thereby, the said judge or said county board may by order reduce the penalty of such bond to such a sum as shall be deemed advisable by such judge or such county board, as the case may be, but such reduction shall in no case exceed by more than twenty-five per cent the amount already paid to the contractor and such reduction shall not affect the validity or the enforcement, or in any manner otherwise affect the remaining amount of the penalty of such bond.

Approved April 28, 1913.

CHAPTER 579—H. F. No. 858.

An Act for the collection, recording and preservation of vital statistics, their use as evidence, penalties for violation, and the repeal of Sections 2140, 2141, 2142, Revised Laws of 1905, Chapter 454 of the General Laws of 1907, Chapter 23, General Laws of 1909, and Chapter 250, General Laws of 1911.

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

Section 1. Vital statistics—State board of health to have charge of.—The state board of health shall have general supervision and charge of the state system of registration of births and deaths and may make, and enforce, any regulations necessary for the proper carrying out of the same. The secretary of the state board of health shall be designated and known

as the state registrar and shall be the administering officer of the state in connection therewith, charged with the enforcement of the provisions of this act.

Sec. 2. Registration districts—Local registrars—Sub-registrars.—Each town, village and city shall, for the purpose of this act, constitute a primary registration district and the town, village and city clerk, respectively, shall be the local registrar for the town, village or city comprising such primary registration district. Provided that in all cities having an organized health department, the local registrar shall be the local health officer. The local registrar shall perform all the duties required of him by the provisions of this act.

He may appoint a deputy, for whose actions he shall be responsible.

Any local registrar who neglects or refuses to perform the duties imposed by this act shall be superseded by another to be appointed by the state registrar in his place. The state board of health may appoint sub-registrars to receive certificates of births and deaths and issue burial permits in any designated territory. They shall be subject to the supervision of the state registrar and may be removed by him for cause. Such sub-registrars shall note thereon the date when any certificate is filed with him, sign the same, and forward it to the local registrar of the proper district within five days after receipt; and shall make a monthly report to the state registrar on blanks furnished for that purpose of all deaths where he has had charge of the remains or sold the casket.

Sec. 3. Certificate of birth—By whom furnished—Contents.—The physician or midwife attending at the birth of any child, or, if there is no attending physician or licensed midwife, the father or mother shall, within ten days thereafter, subscribe and file with the local registrar of the district within which the birth occurs, a certificate of birth specifying:

Place of birth including state, county, city, village or town, with the street and house number, if any, or in lieu thereof, the name of the hospital or other private, public or state institution, if in such institution.

Full name of child. If the child dies without being named before the certificate is filed enter the word "unnamed" with date of death.

Male or female.

Whether one of twins, triplets or other plural birth and the number in order of birth.

Legitimate or no.

Date of birth, including year, month, day and hour.

Full name of the father.

Residence of the father.

Color or race of father—as white, colored, Indian, Chinese or other.

Age of father at last birthday.

Birthplace of father; state or foreign country.

Occupation of father with a statement of the trade, profession or particular kind of work; or the general nature of the industry or business engaged or employed in.

Full maiden name of mother.

Residence of mother.

Color or race of mother—as white, colored, Indian, Chinese or other.

Age of mother at last birthday.

Birthplace of mother: state or foreign country.

Occupation of the mother with a statement of the trade, profession or particular kind of work; or the general nature of the industry or business engaged or employed in.

Number of children born to this mother, including present birth.

Number of children born of this mother now living.

The fact of attendance and that the birth occurred at the time stated.

Date of making and address of the person subscribing.

If the child is one of a plural birth a separate certificate for each child shall be filed.

When the birth occurs in any lying-in hospital or in any private, public, charitable or state institution, without attendance by a physician or licensed midwife, the superintendent, manager, or person in charge shall make and file the certificate of birth.

If the birth occurs in any hotel, rooming or boarding house, or in any private dwelling or apartment other than the home of the parents, the keeper or occupant shall immediately notify the local registrar of that fact. The local registrar shall then procure the necessary information and signature for a proper certificate of birth.

The attending physician or midwife shall deliver to the parents a blank for a supplemental report of the given name if the child is not named at the time of making the certificate of birth.

When a certificate of birth is filed without the given or baptismal name the local registrar shall deliver to the parents a blank for a supplemental report of the name. Such supplemental report shall be made and filed with the local registrar as soon as the child is named. If such report is not filed within thirty days from the date of birth the local registrar shall obtain such name by other means.

Sec. 4. Certificate of death—By whom obtained and filed—Contents.—The undertaker, or person acting as such, at the burial of any person dying in this state shall obtain and file with the local registrar of the district in which the death occurs, a certificate of death containing:

A statement, authenticated by the signature of some person cognizant of the facts, specifying:

Place of death, including state, county, city, village or town, with the name of the street and house number, or in lieu thereof, the name of the hospital or other private, public or state institution, if in such institution. If in an industrial or mining camp, or mine, the name of the camp or mine.

Full name of deceased. If an unnamed child the surname preceded by "unnamed."

Male or female.

Color or race—as white, colored, Indian, Chinese or other.

Single, married, widowed or divorced.

Date of birth, including year, month and day.

Age, in years, months and days. If less than one day, the hours or minutes.

Occupation. If the person had any remunerative employment, statement of the trade, profession, or particular kind of work; or the general nature of the industry or business engaged or employed in.

Birthplace; state or foreign country.

Name of father.

Birthplace of father; state or foreign country.

Maiden name of mother.

Birthplace of mother; state or foreign country.

A medical certificate subscribed by the attending physician, together with his address and date of making, stating fact and time of death, giving year, month, day and hour; time of attendance; when last seen alive; the disease or injury causing death, with contributory cause or complication, and the duration of the illness; if from violence, the means and circumstances of the injury and whether indicating accident, suicide or homicide. Provided, that the medical certificate shall be made and subscribed by the coroner whenever the cause of death is investigated by him. Provided further, that in cities of the first, second and third class the health officer, and in towns, villages and cities of the fourth class the local registrar, or a sub-registrar, shall make and subscribe the medical certificate for any death occurring therein without medical attendance or investigation by the coroner. If the local registrar, or sub-registrar, is unable to determine the cause of death he shall refer the case to a physician, or to the coroner, for certification.

When the death occurs in a hospital or other institution or place, other than the home of the deceased, a statement of the length of time at the place of death, length of time in the state, usual place of residence and where the disease was contracted.

A statement showing place and date of burial signed by the undertaker, with his address.

In the case of a child dead at birth a certificate of birth having the word "stillbirth" inserted in place of the name, and, also, a certificate of death shall be made and filed with the local registrar, and a burial permit issued as hereinafter provided. The medical certificate shall be signed by the attending physician and shall state the cause of death as "stillborn" with the cause of the stillbirth, whether a premature birth and, if so, the period of utero-gestation in months. Provided: that a certificate of birth or death shall be not be required for a child that has not advanced to the fifth month of utero-gestation.

In case of stillbirths occurring without an attending physician the medical certificate shall be made and subscribed as is herein provided in case of death without medical attendance.

Sec. 5. Local registrars—Duties of.—The local registrar shall endorse on each certificate of birth and death filed with him the number of his district, the number of the certificate, in consecutive numbers, beginning with number one (1) for the first birth and the first death in each calendar year, the date when filed with him, his post office address, and subscribe the same. He shall record such certificates in a suitable record book and, on the tenth day of each month, transmit to the state registrar all original certificates filed with him during the preceding month. If no births or no deaths occurred in his district, within his knowledge, during any month, he shall report that fact to the state registrar on the tenth day of the following month. When required by the state registrar he shall supply any information, or data, necessary to make a complete record or to facilitate the administration of the provisions of this act.

Sec. 6. Burial permits.—Upon the filing of a proper certificate of death, completely filled out, with the local registrar, or sub-registrar, but not otherwise, he shall issue a burial permit reciting the place and time of death; the full name, age, sex and nativity of the deceased; the cause of death; the name of the medical attendant; the time and place of interment; the name and address of the undertaker; that a certificate of death complying with the law has been filed in his office; and authorizing the burial or other disposition of the body. He shall sign the permit officially, date it the day of issue, and deliver it to the undertaker, or person applying therefor, who shall deliver it to the person in charge of the place of burial, or, when the body is transported by common carrier, to the person accom-

panying it, before interment or other disposition of the body is made. Provided, that when the body is transported from without for burial within the state, the transit permit issued in accordance with the law of the state where the death occurred, shall be accepted by the local registrar of the district in which the interment is made in place of a certificate of death and a burial permit issued accordingly, with the fact that the body is brought in for interment endorsed thereon.

Sec. 7. Undertakers.—Every person, firm, or corporation selling a casket, shall keep a record showing the name of the purchaser, purchaser's post office address, name of deceased, date of death, and place of death of deceased, which record shall be open to inspection of the state registrar at all times. On the first day of each month the person, firm, or corporation, selling caskets shall report to the state registrar each sale for the preceding month, on a blank provided for that purpose; provided, however, that no person, firm or corporation selling caskets to dealers or undertakers only shall be required to keep such record, nor shall such report be required from undertakers when they have direct charge of the disposition of a dead body.

Every person, firm, or corporation selling a casket at retail, and not having charge of the disposition of the body, shall inclose within the casket a notice furnished by the state registrar calling attention to the requirements of the law, a blank certificate of death, and the rules and regulations of the state board of health concerning the burial or other disposition of a dead body.

Sec. 8. Interment, duties of persons in charge of places of.—The body of any person dying, or found dead, in this state, or the body of a stillborn infant, shall not be interred or otherwise disposed of, or removed from one registration district to another, or held for more than seventy-two hours after death, unless and until a proper certificate of death has been filed and a permit issued as provided for by this act. The sexton or person in charge of any cemetery, burial place or other premises, shall not inter, nor permit the interment or other disposition of the body of a deceased person until he receives a burial permit as herein provided. He shall keep a record of all interments, or other disposition of the body, made on the premises under his charge, stating the name of the deceased person, place of death, date of burial and the name and address of the undertaker. Such record shall be open to public inspection at all times.

Sec. 9. Personal and statistical records of inmates of public and private institutions to be made and preserved.—All superintendents, managers or persons in charge of lying-in or other hospitals, almshouses, charitable or other institutions, public or

private, to which persons resort for confinement, treatment of disease, care, or are committed by process of law, shall, at once, make and preserve a record of all the personal and statistical particulars relative to the inmates now in, or hereafter admitted to their institutions, that are required to be stated in the certificate of birth and death provided for by this act. If admitted for medical treatment of disease the physician in charge shall specify, in the record, the nature of the disease and where it was contracted.

Sec. 10. State board of health to furnish blanks, forms and books.—The state board of health shall prepare, provide and furnish to the local registrars, and other persons requiring them, all blanks, forms and books of record necessary for carrying out the purposes of this act.

Such blanks, forms and books shall be furnished at the expense of the state and printed by the state printing commission. Provided: that the books of record for the local registrar shall be paid for by the city, village or town comprising the registration district and furnished by the state at actual cost. These books shall be substantially made and shall contain space for recording all of the facts shown on the original returns of births and deaths.

Sec. 11. State Registrar to preserve certificates—Furnish instructions—May obtain information in certain cases.—The state registrar shall arrange, bind and preserve, in a systematic manner, all original certificates of birth and death returned to him and maintain a suitable index of the same. He may assign to each registration district a number to be used as an identifying designation in connection with the name. He shall prepare and issue necessary instructions for the use of local registrars, physicians, undertakers and others required to furnish information under the provisions of this act.

If any such officers, or others, fail or refuse to obtain and furnish the information so required, the state board of health may obtain the same by other means and the reasonable cost thereof shall be paid by the city, village or town where the expense is necessarily incurred.

Sec. 12. Fees of local registrars.—Each local registrar shall receive, from the county in which his district is located, a sum of twenty-five cents for each birth and each death certificate. He shall receive the same fee for each monthly report card of no births or deaths having occurred in his district to his knowledge, providing such card is received by the state registrar before the fifteenth of the month following that to which it applies. Annually, on or before the first day of March, the state registrar shall tabulate all the facts shown in the returns of local registrars as having occurred during the preceding year, and

transmit to the clerk of the district court of each county a certified copy of such tabulation, so far as the same relates to the vital statistics of such county, and each clerk of the district court shall file, index and preserve such certified copy, and the same shall be prima facie evidence of each and every fact contained therein. Such tabulation shall show the whole number of births and deaths, and reports of no births or deaths having occurred, transmitted by each local registrar during each year, but no fee shall be paid for "no report" cards if a report of a birth or death for that month is received later.

Upon the receipt and the filing of such certified copies the clerk of courts shall issue to each local registrar within his county a voucher for the amount due him as shown by such tabulated statement. Upon the presentation of such voucher to the county auditor, a warrant for the amount thereof shall be issued by him. The forms of indexes and indexing shall be prescribed by the state registrar and made in a suitable book furnished at the expense of the county. All statistics of births and deaths shall be so indexed without other compensation than the clerk's salary, except, that in counties where the clerk is not on a salary basis he shall be paid five cents by the county, for each name so indexed.

Sec. 13. Certified copies of the record as evidence—Fees for making.—The state registrar, or any local registrar, shall furnish any applicant therefor a certified copy of the record of any birth or death recorded under the provisions of this act, for the making and certification of which he shall be entitled to receive a fee of fifty cents, to be paid by the applicant. Such copy of the record of a birth or death, when certified by the state or local registrar to be a true transcript therefrom, shall be prima facie evidence of the facts therein stated in all courts in this state.

The state registrar shall keep a correct account of all fees or moneys received by him under the provisions of this act, and pay the same over to the state treasurer at the end of each month.

Sec. 14. Penalties.—Any person who shall violate any of the provisions of this act, or shall wilfully neglect or refuse to perform any duty imposed upon him thereby, shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than one hundred (100) dollars or imprisoned in the county jail for a period not more than ninety (90) days.

Sec. 15. County attorney to prosecute violations.—The county attorney of the several counties shall make complaint and prosecute any person charged with violating any of the provisions of this act when the facts and circumstances constituting such violation are presented to him by the state registrar or by any local registrar.

Sec. 16. Repeals.—Sections 2140, 2141, 2143, Revised Laws of 1905, Chapter 454, General Laws of 1907, Chapter 23, General Laws of 1909, Chapter 250, General Laws of 1911, and also all other acts and parts of acts inconsistent with this act are hereby repealed.

Approved April 28, 1913.

CHAPTER 580—H. F. No. 866.

An Act prohibiting the use of cigarettes by minors and prohibiting the supplying of cigarettes and cigarette paper to minors and regulating and providing for the licensing of the manufacture, sale, barter, exchange or giving away of cigarettes, cigarette paper and cigarette tobacco, and making the violation thereof a criminal offense, and providing for penalties for such violation.

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

Section 1. Sale or giving away of cigarettes to minors prohibited.—That it shall be unlawful for any person and any clerk, servant, employee or agent of any person, directly or indirectly, upon any pretense or by any device to sell, exchange, barter, dispose of or give away to any minor any cigarettes, cigarette paper or cigarette wrappers or any paper made or prepared for the purpose of being filled with tobacco for smoking or any tobacco prepared for smoking in the form of cigarettes.

Sec. 2. Penalty for violation.—Any person violating the provisions of Section 1 of this act shall be guilty of a misdemeanor and upon first conviction for such violation shall be punished by a fine of not less than fifty dollars nor more than one hundred dollars or imprisonment in the county jail for not less than fifteen days, nor more than sixty days, or both such fine and imprisonment and costs; and upon second conviction for violation of any of said provisions shall be punished by imprisonment in the county jail for not less than thirty (30) days, nor more than ninety (90) days, and his license shall then be terminated as hereinafter provided.

Sec. 3. Smoking by minors prohibited.—The smoking of cigarettes within this state by any minor is hereby prohibited.

Sec. 4. Penalty for violation.—Any person violating the provisions of Section 3 of this act shall be guilty of a misdemeanor, and upon conviction for such violation shall be punished by a fine of not more than ten dollars, in the discretion of the court and upon second conviction for violation of the provisions of said Section 3 shall be punished by imprisonment in the county jail for not more than five (5) days in the discretion of the court.