

(4) Goods are in a "deliverable state" within the meaning of this act when they are in such a state that the buyer would, under the contract, be bound to take delivery of them.

Sec. 76a. Act does not apply to existing sales or contracts to sell.—None of the provisions of this act shall apply to any sale, or to any contract to sell, made prior to the taking effect of this act.

Sec. 76b. No repeal of uniform warehouse receipt act or uniform bills of lading act.—Nothing in this act or in any repealing clause thereof shall be construed to repeal or limit any of the provisions of the act to make uniform the law of warehouse receipts, or of the act to make uniform the law of bills of lading.

Sec. 77. Inconsistent legislation repealed.—All acts or parts of acts inconsistent with this act are hereby repealed except as provided in section 76b.

Sec. 78. Time when the act takes effect.—This act shall take effect on the 1st day of June, 1917.

Sec. 79. Name of act.—This act may be cited as the uniform sales act.

Approved April 20, 1917.

CHAPTER 466—H. F. No. 956.

An act to regulate the construction, use and operation of moving picture machines and booths and of places showing moving pictures, to provide for a license and a license fee for operating the same, to place the supervision of such shows and theatres for certain purposes under the department of the state fire marshal and to provide penalties for the violation of this act.

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

Section 1. Cinematograph to be enclosed in booth.—No cinematograph or any other apparatus for projecting or showing moving pictures, save as excepted in section 12 of this act, which apparatus uses combustible films more than ten inches in length, shall be set up for use or used in any building, or in any place of human assemblage, unless such apparatus be enclosed in a booth or room of the dimensions and of one of the constructions hereinafter specified.

Sec. 2. Size of booth.—Such booth shall be not less than six feet in height and shall be sufficiently large to permit the operator to walk freely on both sides and back of the machine and apparatus installed therein.

Sec. 3. Material in which booth is to be constructed.—(a) If the booth or enclosure is constructed of brick, tile or concrete it shall have walls, floor and ceiling or roof not less in thickness

than eight inches except that if reinforced concrete is used the thickness need be only four inches.

(b) If the booth or enclosure is constructed of cement or plaster on expanded metal, or of sheet metal, asbestos or other approved fire-resisting material, such booth shall be constructed with an angle-iron framework, the angle-irons to be not less than one and one-half inches wide by one-quarter of an inch thick, the adjacent members to be joined firmly with not less than three-sixteenth inch steel plates to which each adjoining angle or tee-iron shall be riveted or bolted. The angle members of the framework shall consist of four outside horizontal members at top and bottom, four corner uprights and intermediate uprights on sides and ends and intermediate members on roofs spaced at least every two feet, but where expanded metal is used the studs and members may be made of folds in said metal.

Cement or plaster on expanded metal shall be at least two inches thick and grooves or binders for gravity doors shall be securely fastened to the metal studding.

Sheets of steel or galvanized iron then used as a covering for the frame, shall be of not less than No. 20, U. S. gauge, and sheets of asbestos board or other approved fire-resisting material shall be at least one-quarter of an inch in thickness. The fire-resisting material shall completely cover the sides, tops and all joints of such booth.

Sheet metal shall be so cut and arranged that joints shall always come over a member and shall be over-lapped and bolted or riveted to such member by bolts or rivets spaced not more than three inches on centers.

Asbestos boards or their equivalent shall be so cut and arranged that verticle joints between boards shall always come over an angle or tee-iron, to which such boards shall be securely fastened by means of proper bolts and nuts spaced not more than six inches on centers.

The floor space covered by the booth shall be covered with fire-resisting material not less than three-eighths of an inch in thickness. The entire booth shall be insulated so that it will not conduct electricity to any other portion of the building.

Sec. 4. Doorways and openings.—The doorway to such booth shall be not less than two or more than three feet in width nor more than five feet, ten inches in height. The door thereto shall consist of an angle frame of approved fire proof material covered with sheets of such fire-resisting material as may be used for the construction of a booth. It shall close against a substantial metal rabbet and shall be so arranged as to close automatically when not open for ingress or egress.

There shall be two openings in the booth for each machine, one for observation by the operator and one for operation of

the machines, and other necessary opening for spot lights. These openings shall not exceed twelve inches by fourteen inches in dimensions and each shall be provided with a gravity door constructed of asbestos board or of sheet metal of not less than No. 14 U. S. gauge. Such doors normally shall be held open by a fine combustible cord fastened to a fusible link which melts at 160 degrees Fahrenheit and which shall be located within the booth directly above the moving picture machine. Doors shall be arranged to slide closed when released and when closed, shall overlap their respective openings two inches on each side.

Sec. 5. Non-combustible material.—All shelves, furniture and fixtures within the booth shall be constructed of non-combustible material.

Sec. 6. Ventilation.—Each booth shall be provided with a ventilating inlet on at least one side, said inlet to be approximately fifteen inches long and three inches high, the lower side thereof to be not more than three inches above the floor level.

There shall also be an opening or vent in the ceiling or upper part of the side wall with a minimum cross-sectional area of fifty square inches, which shall communicate by means of a fire-proof pipe or flue with the chimney or outer air.

Sec. 7. Portable booths permitted under certain conditions.—Where motion pictures are exhibited daily in one place for not more than one month, or in educational or religious institutions or in bona fide social, scientific, political or athletic clubs, not oftener than three times a week, a portable booth may be substituted for the booth described in section three of this act. Such booth shall have a height of not less than six feet and an area of not less than twenty square feet and shall be constructed of asbestos board, sheet steel of not less than No. 24 U. S. gauge, or some other approved fire-proof material. Such portable booth shall conform to the specifications of section four of this act with reference to windows and doors but need not so conform with reference to vent flues except that there shall be an opening for ventilation in the top of the booth not less than ten inches in diameter with a metal sleeve at least eighteen inches in height, provided with a ventilating cap, attached thereto.

The booth may be of the folding type but shall be so constructed that when assembled, it shall be rigid and all joints shall be so tight that flames cannot pass through them. The base of the booth shall have a flange extension outward on all four sides and so constructed that the booth may be securely fastened to the floor. Provided, however, that any fire proof booth in use when this act goes into effect, which is in substantial compliance with the provisions of the foregoing sec-

tions may be continued in such use so long as the same is reasonably safe, anything to the contrary herein contained, notwithstanding.

Sec. 8. Manner in which picture machines and electrical equipment are to be installed.—All moving picture machines and all electrical equipment used in showing moving pictures shall be installed, constructed and operated in the following manner:

(a) All electrical equipment shall be constructed and installed in substantial compliance with the provisions of the national electrical code.

(b) Each picture machine shall be securely fastened to the floor.

(c) No films shall be exposed in the booth at the same time other than the one in process of transfer to or from the machine or from the upper to the lower magazine or in process of re-winding. A special metal case, made without solder, shall be provided for each film and when the film is not in the magazine or in process of re-winding, it shall be kept in such case. No material of a combustible nature shall be stored within any booth except films needed for one day's operation.

(d) Each machine shall be equipped with magazines for receiving and delivering films during the operation of the machine. Such magazines shall be constructed of metal of not less than No. 20 U. S. gauge with slots for the delivery and reception of films only large enough for films to pass in and out, and with covers so arranged that such slots can be instantly closed. No solder shall be used in the construction of these magazines. The doors to such magazines shall be provided with spring hinges and latches. A shutter shall be placed in front of the condenser so arranged as to close automatically when the film is stationary.

Sec. 9. Smoking and use of matches prohibited.—Neither smoking nor the keeping nor use of matches shall be permitted in any booth, room, compartment or enclosure where a motion picture machine is installed.

Sec. 10. Limitation of age and qualification of operator.—No person shall operate any motion picture machine unless he shall be at least eighteen years of age, and the state fire marshal or one of his deputies under his direction, whenever he shall deem it necessary, may examine any operator of a motion picture machine as to his fitness to operate such a machine and if he shall find any such operator incompetent, he shall notify such operator thereof, in writing, and thereafter such operator shall not be permitted to operate any such machine in this state until such incompetency shall have been removed to the satisfaction of the state fire marshal.

Sec. 11. **Wiring to be brought in metal conduits.**—All electrical wiring shall be brought into the booth in metal conduits. All lights within the booth shall be provided with wire guards and reinforced cord shall be used for pendant purposes. If the house lights are controlled from within the booth, an additional emergency control must be provided near the main exit and kept at all times in good condition.

Sec. 12. **Where sections are not to apply.**—The foregoing sections of this act shall not apply to the use and operation of any miniature motion picture apparatus which uses only an enclosed incandescent electric lamp and approved acetate of cellulose or slow burning films, and is of such construction that films ordinarily used on full sized commercial picture apparatus, cannot be used therewith.

Sec. 13. **Exits for audience room.**—Every audience room open to the public in which moving picture exhibitions are given, shall be provided with at least two exits on the main floor, one of which shall be in the front and the other in the rear of such room, both leading by safe passage to unobstructed outlets in a street or alley. Where balconies or galleries are used by the audience, one exit therefrom to the street or alley must be provided for each two hundred seats or fraction thereof installed. All exit openings shall be not less than three feet in width and six feet and eight inches in height. Exit doors must open outward and shall be so arranged that they can be readily opened from the inside without any keys or special effort and shall never be locked when the room is open to the public. Exits must be of easy and safe access to a street or alley, and passageways, stairways and inclines leading from exits to streets or alleys must be kept well lighted at all times and be not less than five feet wide.

Sec. 14. **Electrical exit signs.**—Each exit shall have over it on the auditorium side an illuminated sign bearing the word "Exit" in letters not less than six inches high. Lights used in marking exits or lighting passageways or stairways or inclines leading from them, shall be on a separate circuit or ahead of the main line switch and cutout. Such lights shall not depend upon or be exclusively controlled by wires, switches or fuses located in the booth or enclosure containing the motion picture machine but shall be controlled from the ticket office or from some point of easy access on the main floor. All exit, passage and stairway lights shall be kept lighted during all times when such audience room is open to the public.

Sec. 15. **Style of seats.**—All seats occupied by the audience, except in lounges and boxes shall be fixed and immovable; provided, however, that in public halls used only partially for moving picture theatre or assembly purposes, they may be fastened

together in rows of not less than four seats without being fastened to the floor. In buildings hereafter equipped as moving picture theatres and in theatres wherein the seats are renewed or re-arranged there shall not be more than seven seats in any one row opening upon one main aisle and not more than fourteen seats in any one row opening upon two main aisles and all rows of seats shall be separated by a space not less than thirty inches from back to back.

Sec. 16. Size of aisles and to be free from obstruction.—All aisles shall lead directly to exits without steps or obstructions and shall be not less than three feet in width, and in buildings hereafter built or equipped as moving picture theatres such aisles shall be not less than three feet in width at the point most distant from the exit and shall increase in width toward the exit at least two inches to each ten running feet of length. All exits and all aisles must be kept clear and unobstructed at all times during the performance.

Sec. 17. Hand fire extinguishers to be provided.—Every such audience room shall be supplied with at least two approved hand fire extinguishers one of which shall be inside the booth and within easy reach of the operator, and one of which shall be in an accessible place near the main entrance to such room. In addition thereto there shall be at least one such extinguisher in each balcony or gallery used by the audience and at least one such extinguisher in the room where the furnace or heating plant is located when such plant is in the same building with the theatre.

Sec. 18. Machines to be above level of grade of street.—No motion picture machine shall be installed, maintained or operated in any audience room open to the public, which is below the grade of the street on which it is located or above the second floor above the street level.

Sec. 19. Certain sections not to apply to churches, schools, clubs or halls.—The provisions of sections 13, 14, 15, 16, 17, and 18 of this act shall not apply to churches, schools, clubs or halls where moving picture exhibitions are given only upon occasions and solely for religious, benevolent, educational or scientific demonstrative purposes. Provided, however, that no exhibitions shall be given where said sections are not complied with unless there shall be present a duly authorized member of the local fire department whose duty it shall be to keep all exits and aisles free from obstructions and to procure compliance with all laws for the prevention of fire; and it shall be the duty of the chief of the local fire department to direct the attendance of some member of his department upon request of any person intending to give such an exhibition.

Sec. 20. **Power of state fire marshal.**—Whenever the provisions of this act are not conformed to, or where defects of installation exist, the state fire marshal, or his deputy under his direction, is hereby empowered to cut off all electric current from said room or building at once, and no person shall restore the supply of electric current to such room or building until the defects are remedied and until all provisions of this law are complied with.

Sec. 21. **State fire marshal to issue license and fees for same, and investigation to occur before issuing of license.**—On and after the first day of September, 1917, it shall be unlawful for any person to operate a moving picture machine or to exhibit moving pictures in any building, theatre or hall to which the public is admitted or in any other place of public entertainment or amusement within this state unless the owner, lessee, occupant or agent of said place has been licensed by the state fire marshal to use such place for such purpose. The application shall be made and presented at least thirty days prior to the date when the license is desired to go into effect, to the end that the fire marshal may make the necessary investigation and inspection before the license issues. The license fee shall be five dollars for the year and each application shall be accompanied by the license fee. Every license shall expire one year from the date of its issuance. The state fire marshal upon application therefor shall furnish to any person desiring a license an application blank upon which the applicant shall state the full name and address of the applicant or applicants and if it be a corporation, the names and addresses of the principal officers thereof, whether such applicant be the owner, lessee, occupant or agent of the building for which a license is desired, the location and a full description of the property and the building and the room within the building to be used or proposed to be used for the exhibition of moving pictures, and such other information as may be required to be contained therein by the state fire marshal. Every application shall be verified by the applicant for such license and such verified application shall be prima facie proof of the facts therein stated.

Upon receipt of such application, the state fire marshal shall make such investigation as he shall deem necessary and shall grant a license to such applicant unless it appears to him that the provisions of this act are being violated or are about to be violated. The license thus granted shall not be transferable to any other building, room or place than that stated in the license. The state fire marshal, in his discretion and under such regulations and conditions as he may prescribe therefor, may grant a permit for the exhibition of moving pictures in an unlicensed building, and without a formal license therefor, for not more

than seven consecutive days when such exhibitions are to be given solely for religious, benevolent, educational or scientific purposes. No license shall be granted except after examination by the state fire marshal or his authorized deputy or agent, provided, however, that the state fire marshal may issue a temporary license upon the verified application herein provided for, which shall be good until revoked for cause or until a permanent license is substituted therefor. There shall be deducted from the fee for such permanent license a part thereof proportionate to the unexpired portion of the year for which the temporary license was granted.

Sec. 22. Posting of license.—Such license shall be posted in a conspicuous place within the theatre and a picture thereof shall be exhibited upon the screen at the commencement of each performance.

Sec. 23. Penalty for violation.—Any person who shall operate a moving picture machine or who shall cause moving pictures to be exhibited in violation of any of the provisions of this act, and the owner, lessee, occupant or agent of any building who permits it to be used for the exhibition of moving pictures in violation of any of the provisions of this act, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished for the first offense, by a fine not exceeding twenty-five dollars and costs of prosecution, or if such fine be not paid, then by imprisonment in the county jail for a period not exceeding ten days; for the second offense, he shall be punished by a fine not exceeding fifty dollars and cost of prosecution, or if such fine be not paid, then by imprisonment in the county jail for a period not exceeding thirty days, and for a third offense or any subsequent offense he shall be punished by a fine not exceeding one hundred dollars and cost of prosecution, or by imprisonment in the county jail for a period not exceeding ninety days, or by both such fine and imprisonment.

Sec. 24. Fire marshal to enforce provisions.—It shall be the duty of the state fire marshal to enforce the provisions of this act and to inspect and examine all moving picture shows within this state, at least, once a year.

Sec. 25. Fire marshal and deputies permitted to inspect during reasonable hours.—The state fire marshal or his deputy under his direction may enter any moving picture theatre or show or place where moving pictures are being exhibited, at any reasonable time for the purpose of determining whether the provisions of this act are being complied with. If he shall find that any provisions hereof are being violated, he shall notify the licensee in writing, stating wherein such licensee is at fault and if such violations continue beyond a time within which

such violations can be reasonably corrected he shall cause such license to be revoked and cancelled.

Sec. 26. To report to county attorney for prosecution.—Whenever the state fire marshal shall find a moving picture show which is being operated without a license, he shall communicate such fact, together with any evidence he may have, to the county attorney of the county in which such moving picture show is located, and it shall thereupon be the duty of such attorney to cause the arrest and prosecution of the offender.

Sec. 27. License fees and fines to be paid into state treasury.—All money collected under this act, whether in license fees or penalties, shall be paid into the state treasury for the benefit of the state fire marshal fund and may be used in the prosecution of the work of the department.

Sec. 28. Local regulations not to be abrogated.—Provided, however, that in municipalities having ordinances relating to the regulation and installation and operation of moving picture machines, and containing additional regulations for the safe and proper installation and operation of such machines, nothing herein shall be construed to abrogate such local regulations, but the jurisdiction of the local authorities in such cases shall be additional and subordinate to the jurisdiction and authority of the state fire marshal as hereby prescribed.

Sec. 29. Declaration for public safety.—It is hereby declared that this act is necessary for the public safety, health, peace and welfare, is remedial in nature, and shall be construed liberally, and shall not be declared void for the reason that any particular section or provision thereof may be in contravention of the constitution.

Sec. 30. This act shall take effect and be in force on and after September 1st, 1917.

Approved April 20, 1917.

CHAPTER 467—H. F. No. 1119.

An act forbidding the drawing by state officers and other state employes of salary or compensation upon more than one voucher or warrant, providing for the form of pay voucher, and fixing penalties for the violation of the act.

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

Section 1. Salaries of state officials, etc., to be paid on only one voucher or warrant.—No officer or employe of the state of Minnesota, or of the University, or of any state institution or state school, shall be paid, upon more than one voucher, payroll or warrant, for any stated pay period, nor for any part there-