

person or individual as to the correctness of any account rendered and the state auditor is further empowered to subpoena such witnesses, to administer oath and to examine them under oath in any transaction entered into between the state of Minnesota and any person, co-partnership or corporation.

Approved April 20, 1917.

CHAPTER 499—H. F. No. 488.

An act to amend Sections 1, 2, and 3, Chapter 263, General Laws of 1907, being an act regulating employment and removals in public departments and upon public works in the State of Minnesota, and the counties, cities and towns thereof, relating to state, judicial, county, township, city and town officers.

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

Section 1. Preference in appointments and promotions extended to Spanish American and Philippine insurrection wars and China relief expedition.—That sections 1, 2, and 3 of the General Laws of the state of Minnesota for 1907, chapter 263, be and the same are hereby amended so as to read as follows:

Section 1. That in every public department and upon all public works in the state of Minnesota and the counties, cities and towns thereof, honorably discharged soldiers, sailors and marines from the army and navy of the United States in the late Civil and Spanish-American and Philippine Insurrection Wars and the China relief expedition, who are citizens and residents of this state, shall be entitled to preference in appointments, employment and promotion over other applicants therefor, and the persons thus preferred shall not be disqualified from holding any position hereinbefore mentioned on account of his age or by reason of any physical disability, provided such age or disability does not render him incompetent to perform properly the duties of the position applied for and when such soldier, sailor or marine shall apply for appointment or employment under this act, the officer, board or person whose duty it is or may be to appoint or employ such person to fill such position or place, shall before appointing or employing anyone to fill such position or place, make an investigation as to the qualifications of said soldier, sailor or marine for such place or position, and if he is a man of good moral character, and can perform the duties of said position applied for by him, as hereinbefore provided, said officer, board or person shall appoint said soldier, sailor or marine to such position or place of employment.

A refusal to allow the preference provided for in this and the next succeeding section to any honorably discharged soldier,

sailor, or a reduction of his compensation intended to bring about his resignation or discharge, entitled such honorably discharged soldier, sailor or marine to a right of action therefor in any court of competent jurisdiction for damages, and also for a remedy for mandamus for righting the wrong.

Sec. 2. Writ of mandamus for removal.—Any person whose rights may be in any way prejudiced contrary to any of the provisions of this section, shall be entitled to a writ of mandamus to remedy the wrong. No person holding a position by appointment or employment in the state of Minnesota or in the several counties, cities or towns thereof, who is an honorably discharged soldier, sailor or marine having served as such in the army and navy of the United States in the late civil and *Spanish and Philippine insurrection wars, and the China relief expedition* shall be removed from such position or employment except for incompetency or misconduct shown after a hearing, upon due notice, upon stated charges, and with the right of such employe or appointee to review by writ of certiorari. The burden of proving incompetency or misconduct shall rest upon the party alleging the same. Nothing in this act shall be construed to apply to the position of private secretary or deputy of any official or department, or to any person holding a strictly confidential relation to the appointing officer.

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

Approved April 21, 1917.

CHAPTER 500—H. F. No. 597.

An act to prohibit hunting or killing game by foreign born residents who are not citizens of the United States, or who have not legally declared their intention of becoming citizens, except in lawful defense of person or property, making it unlawful for any such foreign born resident to either own or be possessed of a shot-gun or rifle or other firearms of any make; providing that any person who has not become a citizen of the United States or who does not declare his intention in accordance with law, of becoming a citizen of the United States, may hunt for or capture or kill game animals and game birds subject to the same laws and regulations as govern the taking of game animals or game birds in this state; declaring that each and every person violating the provisions of this act shall be guilty of a misdemeanor and providing penalties for the violation thereof.

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

Section 1. Foreign born residents prohibited to own or be possessed of shot gun, rifle or other fire arms, and punishment