

a religious corporation.

Sec. 4. Association to be governed by Chap. 95, G. L. 1915.—Every religious corporation which shall avail itself of the provisions of this act, and shall establish a "Permanent Care and Improvement Fund" shall as to such fund be subject so far as not inconsistent herewith to the provisions of Chapter 95 of the General Laws of Minnesota for 1917.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved April 21, 1921.

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#### CHAPTER 423—H. F. No. 1186.

*An act to amend Sections 59, 60, 61, 62, 63 and 64 of Chapter 82, Laws 1921, entitled "An act prescribing the liability of an employer to make compensation by way of damages for injuries due to accident or occupational disease received by an employe arising out of and in the course of employment, modifying common law and statutory remedies, in such cases; establishing an alternative elective schedule of compensation, regulating procedure for the determination of liability and compensation thereunder in certain cases, repealing Chapter 467, General Laws of Minnesota for 1913, and acts amendatory thereof; and all acts and parts of acts inconsistent with this act and defining terms used therein and prescribing penalties and forfeitures for the violation thereof."*

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

Section 1. New hearing may be granted.—That section 59, chapter 82, Laws 1921, be and the same hereby is amended to read as follows:

Section 59. At any time after an award has been made and before the same has been reduced to judgment or writ of certiorari issued by the Supreme Court, the Commission may for cause upon application of either party and not less than five days' notice in writing to all interested parties, set the award aside and grant a new hearing and thereon determine the matter on its merits and make such findings of fact, conclusions of law, and award or disallowance of compensation or other order, as the pleadings and the evidence produced before it and the provisions of this act shall in its judgment require.

Sec. 2. May be reviewed on writ of certiorari.—That section 60, chapter 82, Laws 1921, be and the same hereby is amended to read as follows:

Section 60. Any party in interest may, within thirty days after the service of notice on him of any award or disallowance of compensation or order involving the merits of the case or any part

thereof made by the commission, *have the same reviewed on certiorari* by the supreme court on any of the following grounds: (1) That the award or disallowance of compensation or other order *sought to be reviewed* is not in conformity with the terms of the act, or that the Commission committed any other error of law: (2) That the findings of fact and award or disallowance of compensation or other order *sought to be reviewed* was unwarranted by the evidence. The Supreme Court may, upon cause shown, extend the time provided in this section for *review on certiorari* or for filing any paper required to be filed in such court. To render *certiorari* effective the *petitioner or relator* shall, within thirty days after notice of such final award or disallowance or other order, *serve upon* the Industrial Commission a *writ of certiorari* showing that a review is to be had in the Supreme Court of the proceedings of the Commission, on which such final award or disallowance of compensation is based, together with a bond with such surety or sureties, and in such amount as the Commission or a commissioner shall direct and approve, conditioned to pay the cost of such *review*. The *petitioner or relator* shall, also, pay to the secretary of the Industrial Commission \$10. to be paid, in turn, by such secretary to the clerk of the Supreme Court as the filing fee provided by chapter 177 of Laws 1915. On the *setting of such writ of certiorari and filing* bond and the payment of the amount aforesaid, the secretary of the Commission shall immediately transmit to such clerk the filing fee aforesaid, together with *the return to such writ of certiorari* and bond. The receipt by the clerk of such fee and the filing of such *return* shall vest the Supreme Court with jurisdiction of the *matter*. Within thirty days from receipt of the amount aforesaid and filing with the commission of the *return to writ of certiorari* and bond, the secretary shall transmit to the clerk of the Supreme Court a true and complete *return* of the proceedings of the Commission in the cause *sought to be reviewed*, or such parts thereof as may be necessary to enable the Supreme Court properly to review the questions presented to it. Such *return* shall be certified to by the secretary under the seal of the commission, and the *petitioner or relator* shall pay to the secretary the reasonable expense of preparing the *return*. On the *filing of the return* in the Supreme Court, *the matter* shall be heard and disposed of in accordance with the laws and rules of the court governing civil appeals. The Supreme Court may adopt such rules not inconsistent with the provisions of this act as may be deemed necessary or convenient for the impartial and speedy disposition of *such matters*.

Sec. 3. Supreme court to have original jurisdiction.—That section 61, chapter 82, Laws 1921, be and the same hereby is amended to read as follows:

Section 61. The Supreme Court, on *review* taken under the preceding section *shall have and take original jurisdiction* and may

reverse, affirm, or modify the award or order of disallowance *reviewed* and enter such judgment as may be just and proper; and where necessary may remand the cause to the Industrial Commission for a new hearing or for further proceedings, with such directions as the court may deem proper.

Sec. 4. **Writ to stay proceedings.**—That section 62, chapter 82, Laws 1921, be and the same hereby is amended to read as follows:

Section 62. *A writ perfected* under the provisions of this act shall stay all proceedings for the enforcement of collection of the award *sought to be reviewed*, or any part thereof, until the final disposition of the cause in the Supreme Court or before the Industrial Commission when the cause is remanded for a new hearing or further proceedings.

Sec. 5. **Attorney general to appear for commission.**—That section 63, chapter 82, Laws 1921, be and the same hereby is amended to read as follows:

Section 63. On all such *reviews* the attorney general shall, unless otherwise directed by the Commission, appear as attorney for the Industrial Commission, and he shall prepare and present to the Supreme Court such papers, briefs, and arguments as he shall deem proper and necessary to a fair presentation of the questions involved, in support of the award or order of disallowance *sought to be reviewed*.

Sec. 6. **Costs not allowed—Prevailing party may be allowed expenses.**—That section 64, chapter 82, Laws 1921, be and the same hereby is amended to read as follows:

Section 64. No costs shall be awarded against either party in hearings before the Commission, commissioner or referee, except as specially provided by this act, but in the discretion of the Industrial Commission, commissioner, or referee conducting a hearing, or in the discretion of the Commission in an appeal to it, the prevailing party may be awarded reimbursement for actual necessary disbursements, to be taxed and allowed by the Commission, commissioner, or referee on five days' notice in writing to the adverse party. The Commission in affirming or modifying and affirming or reversing a disallowance and allowing an award may include in such award reasonable attorney's fees incident to *review on certiorari*. On *writs of certiorari* the Supreme Court costs and disbursements shall be taxed the same as on civil appeals. Provided, that if upon such review by the Supreme Court any award in favor of the injured employe or his dependents is affirmed or modified and affirmed or if the disallowance is reversed, the court may allow reasonable attorney's fees incident to *such review*, which shall be included as a part of the judgment order of the Supreme Court.

Sec. 7. This act shall take effect and be in force from and after its passage.

Approved April 21, 1921.

CHAPTER 424—H. F. No. 232.

*An act to regulate the occupation of barbering to create a board of examiners for the licensing of persons to carry on such practice and fixing the fees to be charged therefor to regulate the education of such practitioners, to provide rules regulating the sanitation of barber shops, schools and colleges, to prevent the spreading of contagious and infectious diseases, to promote the health and safety of the general public and providing penalties for the violation thereof.*

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

Section 1. **Barbers must be registered.**—It shall be unlawful for any person to follow the occupation of a barber in this State unless he or she shall have first obtained a certificate of registration as provided in this act; provided, however, that nothing in this act contained shall apply to or affect any person who is now actually engaged in such occupation except as hereinafter provided.

Sec. 2. **Board of examiners—Appointment.**—A Board of Examiners, to consist of three persons, is hereby created to carry out the purposes and enforce the provisions of this act. Said Board shall be appointed by the Governor, the appointees to be chosen from practical barbers, one from among persons recommended by a union of journeyman barbers, which shall have existed at least two years, one who has been for at least three years an employing barber in the State, and one who has been for at least five years a journeyman barber therein. Each member of said Board shall serve for a term of three years and until his successor is appointed and qualified, except in the case of the first board, who shall serve one, two and three years respectively.

Sec. 3. **May appoint deputies.**—Said Board shall have power to appoint deputies to assist in carrying out the provisions of this act.

Sec. 4. **Officers—Quorum—Seal.**—Said Board shall elect a president, secretary and treasurer; shall have its headquarters at the State Capitol; shall have a common seal; shall have the power to administer oaths. A majority of said Board may, in meeting duly assembled, perform the duties and exercise the powers devolving upon said Board under the provisions of this act.

Sec. 5. **Bond.**—Each member of said Board shall give a bond in the sum of Five Thousand Dollars (\$5,000.00), with sureties.