

CHAPTER 266—S. F. No. 752

An act to amend Mason's Minnesota Statutes of 1927, Section 4031-27, as amended by Laws 1929, Chapter 349, relating to the construction, equipment, and operation of locomotives and other steam engines and boilers in forest areas and to fire prevention devices thereon and to the duties and powers of the commissioner of forestry and fire prevention and other officers in connection therewith.

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

Section 1. Locomotive ash pans and spark arrestors.—That paragraph (a) of subsection (1) of Mason's Minnesota Statutes of 1927, Section 4031-27, be and the same hereby is amended so as to read as follows:

“(a) Except when the ash pan is being cleaned, the hopper opening for removal of cinders on ash pans constructed with hoppers shall be kept closed while the engine is in use by a cast slide supported by cast guides; and there shall be no opening greater than 5/16 of an inch between the slide and hopper; or such openings in hoppers for removal of cinders may be closed by what is known as the “radial type of hopper bottom”, the general design of which shall be approved in writing by the forester.”

Sec. 2. Openings to be screened.—That paragraph (c) of subsection (1) of Mason's Minnesota Statutes of 1927, Section 4031-27, as amended by Laws 1929, Chapter 349, be and the same hereby is amended so as to read as follows:

“(c) Openings in ash pans for draught purposes shall be protected by screens bolted firmly and securely over such openings, or by the use of deflector plates in place of screens, provided that any deflector plate used for such purpose shall extend above or below (as the case may be) the opening to be protected a distance at last equal to the width of such opening, and provided further, that any such deflector plate so used shall be closed in at each end thereof. All screens so used and the bolting in place thereof shall conform to the specifications for spark arrestors, as contained in this act.”

Sec. 3. Construction of ash pans.—That paragraph (d) of subsection (1) of Mason's Minnesota Statutes of 1927, Section 4031-27, as amended by Laws 1929, Chapter 349, be and the same hereby is amended so as to read as follows:

“(d) On locomotive engines where there is an opening between ash pan and the foundation ring, protection shall be furnished by flaring the ash pan and bringing the flare up level with the bottom of the foundation ring, and the opening between the bottom of the foundation ring and flare of pan, measured horizontally, shall not be greater than eight (8) inches at any point, provided, however, that for any distance the flare of pan extends above the bottom of foundation ring, the flare may be extended out horizontally an equal distance in excess of eight (8) inches. Or such opening between ash pan and foundation ring may be protected by deflector plates, provided that any deflector plates used for such purposes shall extend above or below (as the case may be) the opening to be protected a distance at least equal to the width of such opening, and provided further that any such deflector plate so used shall be closed in at each end thereof.

Sec. 4. **Same.**—That paragraph (e) of subsection (1) of subsection (1) of Mason’s Minnesota Statutes of 1927, Section 4031-27, be and the same hereby is amended so as to read as follows:

“(e) Openings in ash pans for entry of grate connections must be fully protected; and the openings around the rods where they enter the ash pan must not be greater than 5/16 of an inch in width, or the grate connections outside the ash pan must be boxed in for their full length so that no sparks or cinders can possibly escape.”

Sec. 5. **Same.**—That paragraph (f) of subsection (1) of Mason’s Minnesota Statutes of 1927, Section 4031-27, as amended by Laws 1929, Chapter 349, be and the same hereby is amended so as to read as follows:

“(f) Plates and angle irons used in ash pans, including all fire protective devices attached thereto, shall not be less than one-fourth of an inch in thickness, and the ash pans, including all fire protective devices attached thereto, shall be so constructed, and maintained in such condition, that there shall be no opening in excess of five sixteenths (5/16) of an inch in width.

Material used in construction or repair of ash pans shall be of iron or steel securely bolted or riveted or welded in place. No cement, putty, asbestos, or other material or substance other than iron and/or steel shall be applied to, laid on, attached to or used in any way in connection with or made a part of ash pans.

From and after May 1, 1933, the spacing of bolts, rivets, studs and other fastening devices in sheet iron and steel plates whether fastened to other plates, castings, forgings or other parts and when used in the construction or repair of ash pans and all fire protective appliances attached thereto, shall not be greater than three and three fourths ($3\frac{3}{4}$) inches center to center.

The spacing of bolts, rivets, studs and other fastening devices in castings, used in the construction of ash pans and all fire protective appliances attached thereto, shall be such as to hold the casting securely in place."

Sec. 6. **Equipment of ash pans.**—That paragraph (g) of subsection (1) of Mason's Minnesota Statutes of 1927, Section 4031-27, be and the same hereby is amended so as to read as follows:

"(g) Such ash pans shall be equipped with swipes, injector overflow or other sprinkling devices, and ashes and coals therein shall be kept extinguished and dampened at all times between April 15 and October 31, both dates inclusive, of each year, and during such additional period, in any particular territory, as may be specified in writing by the forester."

Sec. 7. **Spark arrestor screens.**—That paragraph (h) of subsection (1) of Mason's Minnesota Statutes of 1927, Section 4031-27, be and the same hereby is amended so as to read as follows:

"(h) Spark arrestor screens shall be either square mesh wire screen or oblong mesh wire screen or perforated plate. and shall conform to the following specifications:

SQUARE MESH WIRE SCREEN

<i>Mesh per lineal inch in either direction</i>	<i>Least diameter of wire when new</i>	<i>Condemning limit of opening in mesh in either direction</i>
$2\frac{1}{2}$ by $2\frac{1}{2}$	0.134 inch	$19/64$ inch
$2\frac{2}{3}$ by $2\frac{2}{3}$	0.134 "	$19/64$ "
3 by 3	0.105 "	$17/64$ "
4 by 4	0.092 "	0.204 "
5 by 5	0.072 "	0.164 "
6 by 6	0.063 "	0.1355 "
7 by 7	0.063 "	0.1115 "

Fractional mesh shall not be used except as above specified.

OBLONG MESH WIRE SCREENS

Size of opening in mesh	Least diameter of wire when new	Condemning limit of opening in mesh
3/16 by 3/4 inch	0.134 inch	3/4 by 13/16 inch
1/8 by 3/4 inch	0.134 "	3/16 by 13/16 : "

The openings in perforated plates *when new* shall, be oblong not exceeding 3/16 of an inch in width nor 3/4 of an inch in length, and there shall not be less than 1/8 of an inch in width of plate between the meshes, and such plate shall not be less than 0.085 of an inch in thickness. The condemning limit of the *openings* in perforated plate shall be 3/4 of an inch in width and 13/16 of an inch in length."

Sec. 8. **Different devices may be used on application.**—That there is hereby added to subsection (1) of Mason's Minnesota Statutes of 1927, Section 4031-27, as amended by Laws 1929, Chapter 349, at the end of said subsection and immediately following paragraph (k) thereof, a new paragraph to read as follows:

"(l) *Devices and appliances differing from those specified in this subsection may be used for experimental purposes only by written permission of the commissioner of forestry and fire prevention during such limited periods and upon such terms and conditions as he may prescribe. Such written permission shall be subject to revocation by the commissioner at any time, and such experimental devices or appliances shall not be permanently adopted unless authorized by law.*"

Sec. 9. **To report to commissioner.**—That subsection (9) of Mason's Minnesota Statutes of 1927, Section 4031-27, be and the same hereby is amended so as to read as follows:

"Subsection (9) Any person operating a railroad for any purpose shall make *written* report to the *commissioner of forestry and fire prevention, in such form as the commissioner may prescribe, covering each fire in the open* on or adjacent to the right of way of such railroad—*within one week after the occurrence of such fire, unless such time shall be extended by written permission of the commissioner; provided, that the provisions of this subsection shall not be construed to relieve any person from the duty of reporting such fire as required by any other law.*"

Sec. 10. **Master mechanic to be responsible.**—That subsection (3) of Mason's Minnesota Statutes of 1927, Section 4031-27, be and the same hereby is amended so as to read as follows:

"Subsection (3) (a) The master mechanic or corresponding employe shall be held responsible for the good condition of the ash pan and spark arrestor device, but without relieving the person owning or operating such locomotive engine from his responsibility hereunder. The word person in this subsection shall not be construed to mean engine crew."

"(b) Any locomotive inspector appointed by the forester, is authorized to inspect any locomotive engine operated in the vicinity of forest, brush, peat or grass lands, and to enter upon any property for such purpose whenever he may deem it necessary in order to see that all the provisions of this act and of other acts relating to the subject matter hereof are duly complied with. Such inspector shall have access to the records of every person operating a railroad for any purpose, and authority to make copies thereof, showing the locations and movements of all locomotive engines within this state, and is authorized to use such methods as he may deem advisable in making up his records and substantiating his findings. No locomotive shall be operated in the vicinity of forest, brush, peat or grass lands after being found defective by such inspector and after notice of such condition has been given to the person in charge thereof, until the repairs specified by the inspector have been made, except where locomotive is found defective on line it may proceed to the first terminal or point where repairs can be made.

"(c) *Any violation of the provisions of this subsection shall be a gross misdemeanor; provided, that the provisions of this subsection shall not relieve anyone from any duty or liability under any provision of this act or any other statute.*"

Sec. 11. **Violations—penalties.**—That paragraph (d) of subsection (6) of Mason's Minnesota Statutes of 1927, Section 4031-27, be and the same hereby is amended so as to read as follows:

"(d) No donkey engine, tractor engine, saw mill engine, threshing engine, steam shovel, railroad ditcher, railroad wrecker, or portable engine or other engine or boiler shall be operated in vicinity of forest, brush, peat or grass lands, and no gas tractor or internal combustion engine shall be operated in the vicinity of peat roads or loose peat lands, after being found defective by such in-

spector and after notice of such condition has been given to the person in charge thereof, until the repairs specified by the inspector have been made. *Any violation of the provisions of this paragraph shall be a gross misdemeanor; provided, that the provisions of this paragraph shall not relieve anyone of any duty or liability under any other provision of this act or any other statute.*"

Approved April 20, 1931.

CHAPTER 267—S. F. No. 840

An act authorizing the organization of state banks with a capital of not less than \$50,000.00 under a corporate name which may include the words "trust" or "trust company" and need not contain the word "state"; authorizing such state bank to exercise fiduciary powers and privileges; and prescribing the conditions upon compliance with which such bank may commence business and exercise such powers and privileges.

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

Section 1. Banks may be organized as trust company.—Hereafter state banks which may be organized in the manner now provided by law may be organized with the additional authority to exercise the fiduciary powers and privileges set out in Mason's Minnesota Statutes of 1927, Section 7663, provided that the capital of any such bank shall not be less than \$50,000 if its principal place of business is to be located in a municipality of less than 25,000 inhabitants, and that the capital of any such bank shall not be less than \$75,000 if its principal place of business is to be located in a municipality of 25,000 or more but less than 100,000 inhabitants, and that the capital of any such bank shall not be less than \$100,000 if its principal place of business is to be located in a municipality of 100,000 or more but less than 200,000 inhabitants, and that the capital of any such bank shall not be less than \$200,000 if its principal place of business is to be located in a municipality of 200,000 or more inhabitants.

Sec. 2. Corporate names.—Any such bank may be organized with a corporate name which may include the words "trust" or