

Taxes a lien upon the property.

SEC. 7. For the purpose of securing to the state the payment of the aforesaid taxes or sums, the state shall have a lien upon each and all of the telegraph lines and telegraphs on account of which, or for and on account of the operation of which such tax, sum or percentum shall become payable, and upon all the property, estate and effects whatsoever, real, personal and mixed of the company, corporation, association, partnership [or person] by or from which any such tax or percentum shall be payable; which said lien, hereby created, shall have and take precedence of any and all other liens, demands, decrees and judgments upon or against said property or against the party by which said tax, sum or per centum shall be payable; and such lien hereby created may be enforced by the sale of any such property to which such lien may attach, by the state treasurer in the manner prescribed by section one hundred and thirty-one (131) of chapter eleven (11) of the general statutes of one thousand eight hundred and seventy-eight (1878), or by other process of law; *Provided*, This act shall not apply to "District Telegraph Companies" whose business and operation is wholly confined to one (1) city or town.

When act to take effect.

SEC. 8. This act shall take effect and be in force from and after its passage.

Approved March 7, A. D., 1887.

CHAPTER 140.

[H. F. No. 320.]

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AN ACT TO PREVENT DECEPTION IN THE SALE OF DAIRY PRODUCTS, AND TO PRESERVE THE PUBLIC HEALTH, BEING SUPPLEMENTARY TO AND IN AID OF CHAPTER ONE HUNDRED AND FORTY-NINE (149) OF THE LAWS OF ONE THOUSAND EIGHT HUNDRED AND EIGHTY-FIVE (1885), ENTITLED "AN ACT TO PROHIBIT AND PREVENT THE SALE OR MANUFACTURE OF UNHEALTHY OR ADULTERATED DAIRY PRODUCTS."

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

Dairy products

SECTION 1. No person or persons shall sell or exchange, or expose for sale or exchange any unclean, unhealthy, adulterated or unwholesome milk, or shall offer for sale any article of food made from the same, or of cream from the same. This provision shall not apply to pure skim cheese

made from milk which is pure, healthy, wholesome and unadulterated, except by skimming. Whoever violates the provisions of this section is guilty of a misdemeanor, and shall be punished by a fine of not less than twenty-five dollars (\$25) nor more than two hundred dollars (\$200), or by imprisonment of not less than one (1) month or more than six (6) months, or both such fine and imprisonment for the first offense, and by six (6) months imprisonment for each subsequent offense.

SEC. 2. No person shall keep cows for the production of milk for market, or for sale or exchange, or for manufacturing the same or cream from the same into articles of food, in a crowded or unhealthy condition, or feed the cows on food that is unhealthy, or that produces impure, unhealthy, diseased or unwholesome milk.

Care of cows.

No person shall manufacture from impure, unhealthy, diseased or unwholesome milk or of cream from the same, any article of food; whoever violates the provisions of this section is guilty of a misdemeanor, and shall be punished by a fine of not less than twenty-five dollars (\$25) nor more than two hundred dollars (\$200) or by imprisonment of not less than one (1) month or more than four (4) months, or by both such fine and imprisonment for the first offense, and by four (4) months imprisonment for each subsequent offense.

Penalty.

SEC. 3. No person or persons shall sell, supply, or bring to be manufactured, to any butter or cheese factory, any milk diluted with water or any unclean, impure, unhealthy, adulterated or unwholesome milk or milk from which any cream has been taken, (except pure skim milk to skim cheese factories), or shall keep back any part of the milk commonly known as "strippings," or shall or supply milk to any butter or cheese manufactory that is sour, (except pure skim milk to skim cheese factories.) No butter or cheese manufactories except those who buy all the milk they use, shall use for their own benefit or allow any of their employes or any other person to use, or the product thereof, brought to said manufactories without the consent of the owners thereof. Every butter or cheese manufacturer, except those who buy all the milk they use, shall keep a correct account of all the milk daily received, and the number of pounds and packages of butter, the number and aggregate weight of cheese made each day, the number of packages of cheese and butter disposed of which shall be open to inspection to any person who delivers milk to such manufacturer. Whoever violates the provisions of this section shall be guilty of a misdemeanor and shall be punished for each offense by a fine of not less than twenty-five (25) dollars or more than two hundred dollars (\$200), or not less than one (1) or more than six (6) months imprisonment or both such fine and imprisonment.

Adulteration of milk.

Penalty.

Oleaginous
butter.

SEC. 4. No person shall manufacture out of any oleaginous substance or substances, or any compound of the same, or any other compound other than that produced from unadulterated milk or of cream from the same, any article designed to take the place of butter or cheese produced from pure, unadulterated milk or cream from the same, or shall sell or offer for sale the same as an article of food: This shall not apply to pure skim milk cheese, made from pure skim milk. Whoever violates the provisions of this section shall be guilty of a misdemeanor, and be punished by a fine of not less than one hundred (\$100) or more than five hundred dollars (\$500), or not less than six (6) months or more than one (1) years imprisonment, or by both such fine and imprisonment for the first offense, and by imprisonment for one (1) year for each subsequent offense.

Penalty.

Adulterated
butter and
cheese.

SEC. 5. No person, by himself or his agents or servants, shall render or manufacture out of any animal fat, or animal or vegetable oils not produced from unadulterated milk or cream from the same, any article or product in imitation or semblance of, or designed to take the place of natural butter or cheese produced from pure unadulterated milk or cream of the same, nor shall he or they mix, compound with, or add to milk, cream or butter, any acids or other deleterious substance, or any animal fats or animal or vegetable oils not produced from milk or cream, with designs or intent to render, make or produce, any article or substance, or human food in imitation or semblance of natural butter or cheese, nor shall he sell, keep for sale, or offer for sale any article, substance or compound made, manufactured or produced in violation of the provisions of this section, whether such article, substance or compound shall be made or produced in this state or any other state or country. Whoever violates the provisions of this section shall be guilty of a misdemeanor, and be punished by a fine of not less than one hundred dollars (\$100), nor more than five hundred dollars (\$500), or less than six (6) months or more than one (1) years imprisonment for the first offense, and by imprisonment for one (1) year for each subsequent offense.

Penalty for
violation.

Nothing in this section shall impair the provisions of section four (4) of this act.

SEC. 6. No person shall manufacture, mix or compound with or add to, natural milk, cream or butter, any animal fats or animal or vegetable oils, nor shall he make or manufacture any oleaginous substance not produced from milk or cream, with intent to sell the same for butter or cheese made from unadulterated milk or cream, or have the same in his possession, or offer the same for sale with such intent, nor shall any article or substance or compound so made or

produced be sold for butter or cheese, the product of the dairy. If any person shall coat, powder or color with annatto or any coloring matter whatever, butterine or oleomargarine or any compounds of the same, or any product or manufacture made in whole or part from animal fats, or animal or vegetable oils not produced from unadulterated milk or cream whereby the said product, manufacture, or compound shall be made to resemble butter or cheese, the product of the dairy, or shall have the same in his possession, or sell or offer for sale, or have in his possession any of said products which shall be colored or coated in semblance of or to resemble butter or cheese, it shall be conclusive evidence of an intent to sell the same for butter or cheese, the product of the dairy. Whoever violates any of the provisions of this section shall be guilty of a misdemeanor, and be punished by a fine of not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1000). This section shall not be construed to impair or effect the prohibitions of sections four (4) and five (5) of this act.

SEC. 7. No person shall offer, sell or expose for sale, butter or cheese branded or labeled with a false brand or labeled as to the quality of the article, or to the county or state in which the article is made. The Minnesota state dairy commissioner is hereby authorized and directed to procure and issue to the cheese manufacturers of the state, upon proper application therefor, and under such regulations as to the custody and use thereof as he may prescribe, a uniform stencil brand bearing a suitable device or motto, and the words "Minnesota State Full Cream Cheese."

Stencil or
brand furnish-
ed by dairy
commissioner.

Every brand issued shall be used upon the outside of the cheese, and also upon the package containing the same, and shall bear a different number for each separate manufactory, and the commissioner shall keep a book in which shall be registered the name, location and number of each manufactory using the said brand, and the name or names of the persons at each manufactory authorized to use the same. It shall be unlawful to use or permit such stencil brand to be used upon any other than full cream cheese, or packages containing the same. Whoever violates the provisions of this section shall be guilty of a misdemeanor, and for each and every cheese or package so falsely branded, shall be punished by a fine of not less than twenty-five (25) or more than fifty (50) dollars, or imprisonment of not less than fifteen (15) or more than thirty (30) days.

Stencil—how
to be used.

SEC. 8. The governor shall appoint a commissioner who shall be known as the State Dairy Commissioner, who shall be a citizen of this state, and who shall hold his office for the term of two (2) years, or until his successor is appointed, and shall receive a salary of eighteen hundred

State dairy
commissioner.

Salaries and
appropriations

dollars (\$1800) per annum, and his necessary expenses incurred in the discharge of his duties under this act, and shall be charged, under the direction of the governor, with the enforcement of the various provisions thereof; said commissioner may be removed from office at the pleasure of the governor, and his successor appointed as above provided for. The said commissioner is hereby authorized and empowered to appoint a clerk, whose salary shall be twelve hundred dollars (\$1200) per year, and such assistant commissioners, and to employ such experts, chemists, agents and such counsel as may be deemed by him necessary for the proper enforcement of this law, their compensation to be fixed by the commissioner. The sum of fifteen thousand dollars (\$15,000) annually is hereby appropriated to be paid for such purposes out of any moneys in the treasury not otherwise appropriated. All charges, accounts and expenses authorized by this act shall be paid by the treasurer of the state upon the warrant of the state auditor. The entire expenses of said commissioner shall not exceed the sum appropriated for the purpose of this act.

Biennial
reports.

The said commissioner shall make biennial reports to the legislature, not later than the the fifteenth (15th) day of January, of his work and proceedings, and shall report in detail the number of assistant commissioners, experts, chemists, agents, and counsel he has employed, with their expenses and disbursements. The said commissioner shall have a room in the capitol to be set apart for his use by the governor. This section shall not affect the tenure of office of the present commissioner, nor be construed to impair or affect any of the provisions in section seven (7) of chapter one hundred and forty-nine (149) of the law of one thousand eight hundred and eighty-five (1885) except in the sum of money appropriated.

Powers of
commissioner
and assistants.

SEC. 9. The said commissioner and assistant commissioners, and such experts, chemists, agents and counsel as they shall duly authorize for the purpose, shall have access, ingress and egress to all places of business, factories, farms, buildings, carriages, cars, vessels and cans used in the manufacture and sale of any dairy products or any imitation thereof. They shall also have power and authority to open any package, car or vessel containing such articles which may be manufactured, sold or exposed for sale in violation of the provisions of this act, and may inspect the contents therein, and may take samples therefrom for analysis.

Clerks, etc., to
furnish
information.

All clerks, bookkeepers, express agents, railroad officials, employes or common carriers shall render to them all the assistance in their power, when so requested, in tracing, finding, or discovering the presence of any prohibited article named in this act.

Any refusal or neglect on the part of such clerks, book-keepers, express agents, railroad officials, employes or common carriers to render such friendly aid, shall be deemed a misdemeanor and be punished by a fine of not less than fifty dollars (\$50) nor more than one hundred dollars (\$100) for each and every offense.

Penalty for neglect or refusal.

SEC. 10. The commissioner shall provide blanks which shall be furnished to all proprietors or managers of creameries, cheese factories or milk dairies that ship milk to the cities, and all venders or peddlers of milk in the cities within the state, for the purpose of making a report of the amount of milk and dairy goods handled, and all owners or managers of such creameries and cheese factories shall, on the first (1) day of November of each year, send to the dairy commissioner a full and accurate report of the the amount of business done during the year, and all milk dairies, milk venders, or milk peddlers shall send to the State Dairy Commissioner quarterly reports of all the business done by each and every such person, firm or company in handling dairy products during the last three (3) months past, as designated under the different headings of such printed blanks. Any neglect or failure, or false statement on the part of any proprietor or manager of such creamery cheese factory, dairy, or any milk vendor or milk peddler, shall be considered guilty of a misdemeanor, and to be punished by a fine of not less than ten dollars (\$10) nor more than one hundred dollars (\$100).

Creameries, etc. must report to dairy commissioner.

SEC. 11. No person shall sell or offer for sale any cream taken from impure or diseased milk, or cream that contains less than thirty-five (35) per centum of fat. Whoever violates the provisions of this section is guilty of a misdemeanor and shall be punished by a fine of not less than twenty-five dollars (\$25) nor more than two hundred dollars (\$200).

Impure cream.

SEC. 12. In all prosecutions under this act relating to the sale and manufacture of unclean, impure, unhealthy, adulterated or unwholesome milk, if the milk be shown to contain more than eighty-seven (87) per centum of water fluids, or less than thirteen (13) per centum milk solids, which shall contain not less than three and one half (3½) per centum of fat, it shall be declared adulterated, and milk drawn from cows within fifteen (15) days before, and four (4) days after parturition, or from animals fed on distillery waste, or brewers malt, or any substance in a state of putrefaction or fermentation, or upon any unhealthy food whatever, shall be declared unclean, impure, unhealthy and unwholesome milk.

Adulterated milk.

This section shall not prevent the feeding of ensilage from silos.

SEC. 13. The having in possession, by any person or

Prohibited articles found in possession *prima facie* evidence.

firm, of any of the articles or substances prohibited by this act, shall be considered *prima facie* evidence that the same is kept by such person or firm in violation of the provisions of this act, and the commissioner shall be authorized to seize upon and take possession of such articles or substances, and upon the order of any court which has jurisdiction under this act, he shall sell the same for any purpose other than to be used for food, the proceeds to be placed to the credit of the state dairy commissioner's fund.

Jurisdiction of courts.

SEC. 14. The district and municipal courts of this state shall have jurisdiction of all cases arising under this act, and their jurisdiction is hereby extended, so as to enable them to enforce the penalties imposed by any or all of the sections hereof.

Costs—how paid.

SEC. 15. In all prosecutions under this act the cost thereof shall be paid out of the fine, if one is collected, if not the same shall be paid in the manner now provided by law, and the rest of the fine shall be paid into the state treasury.

Violations.

SEC. 16. The doing of anything prohibited being done, and the not-doing of anything directed to be done in this act, shall be presumptive evidence of a willful intent to violate the different sections and provisions thereof. If any person shall suffer any violation of the provisions of this act by his agent, servant, or in any room or building occupied or controlled by him, he shall be deemed a principal in such violation and punished accordingly.

When act to take effect.

SEC. 17. This act shall take effect and be in force from and after its passage.

Approved March 2d, 1887.

CHAPTER 141.

[S. F. No. 657½.]

AN ACT TO PREVENT FRAUD IN DAIRY PRODUCTS AND TO PRESERVE HEALTH.

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

Patent butter.

SECTION 1. Any person or firm who shall make or manufacture imitation butter, or butter made of part cream and part caseine and other ingredients under what is known as the "Quinness patent" or process, or any other similar process, whereby the caseine of milk and other ingredients are made to imitate and resemble genuine butter made