

CHAPTER 18.

[H. F. No. 873.]

AN ACT TO PUNISH THE WILFUL AND FRAUDULENT
USE AND WEARING OF BADGES, EMBLEMS AND INSIG-
NIA OF SECRET ORDERS AND SOCIETIES.

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

Secret society
badges, to
punish fraudu-
lent use of.

SECTION 1. Any person who shall wilfully wear any badge, emblem or insignia, pertaining to the order of Odd Fellows, Masons, Knights of Pythias, or any other secret order or society, or any similitude of either of the same, or shall use the same to obtain aid or assistance, within the state, unless he shall be entitled to wear or use the same under the constitution, by-laws, rules and regulations of any one of such orders, as the case may be, shall be guilty of a misdemeanor, and, upon conviction, shall be punished by imprisonment for a term not exceeding twenty (20) days or a fine not exceeding twenty-five (25) dollars, or by both fine and imprisonment.

When act to
take effect

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 24, 1889.

CHAPTER 19.

[H. F. No. 935.]

AN ACT TO REGULATE THE PRACTICE OF DENTISTRY IN
THE STATE OF MINNESOTA.

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

Dentistry,
practice of.

SECTION 1. From and after September first (1st), eighteen hundred and eighty-nine (1889), it shall be unlawful for any person to practice dentistry in this state, unless he shall first (1st) have obtained a certificate of registration thereto, and filed the same, or a certified copy thereof with the clerk of the district court of the county of his residence, all as hereinafter provided.

Board of
examiners.

SEC. 2. A board of examiners to consist of five (5) resident practicing dentists is hereby created whose duty it shall be to carry out the purposes and enforce the provisions of this act. The members of the first (1st) board under the provisions of this act shall consist of the members of the present board of dental examiners, existing under chap-

ter one hundred and ninety-nine (199) of the general laws of eighteen hundred and eighty-five (1885), who shall hold their offices as members of such new board for the term for which they were appointed under said former act, and until their successors are duly appointed. All vacancies in said board shall be filled by appointment by the governor as hereinafter provided. The term for which members of said board shall be appointed shall be three (3) years, and until their successors shall be duly appointed. It is also hereby provided that no person shall serve to exceed two (2) terms in succession. In case of any vacancy occurring in said board in the term of any member of said board, such vacancy shall be filled for such unexpired term by the governor from names to be presented to him within two (2) months of the occurrence of such vacancy, by the Minnesota State Dental association in the same manner as hereinafter provided. It shall be the duty of said Minnesota State Dental association after September first (1st), eighteen hundred and eighty-nine (1889), annually prior to August tenth (10th), to present to the governor the names of twice as many practicing dentists resident in this state as there are regular members to be appointed of said board prior to September first (1st), in the following year. All appointments by the governor shall be made within twenty (20) days of the submission of such names to him, and if such names shall not be submitted to him within the allotted time, he shall make his appointments within twenty (20) days from the expiration of the time allotted for such presentation of names from among the resident practicing dentists. Provided that [nothing] in this act shall prevent the appointment of two (2) members of said board from among the resident practicing dentists not members of said Minnesota State Dental association, if the governor shall so elect.

Terms of.

Appointment
of

SEC. 3. Said board shall choose, at its first regular meeting annually, one of its members president and one secretary thereof, who severally shall have the power, during their term of office, to administer oaths and take affidavits, certifying thereto under their hand and the seal of the said board. And after September first (1st), one thousand eight hundred and eighty-nine (1889), said board shall meet regularly at least twice in each year, to-wit: On the first (1st) Tuesday in April and October, and at such other times as may be deemed necessary by the board; such meeting shall be held at the medical department of the university of the state of Minnesota. A majority of said board shall at all times constitute a quorum, and the proceedings thereof shall at all reasonable times be open to public inspection. And it is furthermore provided that, in the event of any member of said board absenting himself from two (2) of its regular meetings consecutively,

Officers of
board.

the board shall declare a vacancy to exist, which vacancy shall be filled by the means hereinbefore provided.

First meeting
of board.

SEC. 4. It shall be the duty of the first (1st) board hereinbefore provided for to meet at the city of Duluth, in said state, on the second (2d) Tuesday in July, one thousand eight hundred and eighty-nine (1889), and elect officers, and within ten (10) days thereafter to transfer to a register to be provided by them for that purpose, the name, residence and place of business of each and every person who, on the second (2d) Wednesday in July, one thousand eight hundred and eighty-nine (1889), and pursuant to an act of the legislature of the state of Minnesota, approved March third (3d), one thousand eight hundred and eighty-five (1885), shall be qualified to practice dentistry in the state of Minnesota, and who shall then be duly registered on the books of the board created by said act of March third (3d), one thousand eight hundred and eighty-five (1885). No certificates of license to practice dentistry shall be issued after the second (2d) Wednesday in July, one thousand eight hundred and eighty-nine (1889), under said act of March third (3d), one thousand eight hundred and eighty-five (1885). It shall be the duty of the said secretary of the first (1st) board hereby created to send to each person as registered prior to August fifth (5th), one thousand eight hundred and eighty-nine (1889), a certificate of his enregistration, signed by the president and secretary of such board of examiners.

Applications
for
examination

SEC. 5. Any person or persons who shall desire to begin the practice of dentistry in the state of Minnesota on and after September first (1st) one thousand eight hundred and eighty-nine (1889), shall file his name together with an application for examination, with the secretary of the state board of dental examiners, and at the time of making such application shall pay to the secretary of said board a fee of ten (10) dollars, and shall present himself at the first regular meeting thereafter of said board, to undergo examination before that body. In order to be eligible for such examination such person shall present to said board his diploma from some dental college in good standing, and shall give satisfactory evidence of his rightful possession of the same; *Provided, also*, that the board may in its discretion admit to examination such other persons as shall give satisfactory evidence of having been engaged in the practice of dentistry ten years prior to the date of passage of this act.

Said board shall have the power to determine the good standing of any college or colleges from which such diplomas may have been granted. The examinations shall be elementary and practical in character, but sufficiently thorough to test the fitness of the candidate to practice dentistry. It shall include, written in the English language, questions on the following subjects: anatomy, physiology,

chemistry, materia medica, therapeutics, metallurgy, histology, pathology, operative and surgical dentistry, mechanical dentistry, and also demonstrations of their skill in operative and mechanical dentistry. All persons successfully passing such examinations shall be registered as licensed dentists in the board register provided for in section four (4), and shall also receive a certificate of such enregistration, said certificate to be signed by the president and secretary of the board. The examination fee shall in no case be refunded.

SEC. 6. Recipients of said certificate of enregistration shall present the same for record to the clerk of the district court of the county in which they reside, and shall pay a fee of fifty (50) cents to said clerk for the registration of the same. Said clerk shall record said certificate in a book to be provided by him for that purpose. Any person so licensed removing his residence from one (1) county to another in this state before engaging in the practice of dentistry in such other county, shall obtain from the clerk of the district court of the county in which said certificate of registration is recorded a certified copy of such record, or else obtain a new certificate of registration from the board of examiners, and shall, before commencing practice in such county, file the same for record with the clerk of the court of the county to which he removes, and pay the clerk for recording the same the fee of fifty (50) cents. Any failure, neglect or refusal on the part of any person holding such certificate or copy of record to file the same for record, as hereinbefore provided, for six (6) months from the issuance thereof, shall forfeit the same. Such board shall be entitled to a fee of one (1) dollar for the reissue of any certificate, and the clerk of the district court for any county shall be entitled to a fee of one (1) dollar for making and certifying a copy of the record of any such certificate.

Certificates of registration to be recorded.

SEC. 7. All persons shall be said to be practicing dentistry within the meaning of this act who shall for a fee or salary, or other reward paid either to himself or to another person for operations or parts [of] operations of any kind, treat diseases or lesions of the human teeth or jaws, or correct mal-positions thereof. But nothing in this act contained shall be taken to apply to acts of bona fide students of dentistry done in the pursuit of clinical advantages under the direct supervision of a preceptor or a licensed dentist in this state during the period of their enrollment in a dental college and attendance upon a regular uninterrupted course in such college.

Dentists defined.

SEC. 8. Out of the funds coming into the possession of the board, the members of said board may receive, as compensation, the sum of five (5) dollars for each day actually engaged in the duties of their office, and mileage at three (3) cents per mile for all distance necessarily traveled in going to and coming from meetings of the board. Said

Compensation

expenses shall be paid from the fees and assessments received by the board under the provisions of this act, and no part of the salary or other expenses of the board shall ever be paid out of the state treasury. All moneys received in excess of said per diem allowance and mileage as above provided for shall be held by the secretary of said board as special fund for meeting expenses of said board and carrying out the provisions of this act, he giving such bond as the board shall from time to time direct. And said board shall make an annual report of the proceedings to the governor by the 15th of December of each year, which report shall contain an account of all moneys received and disbursed by them pursuant to this act.

Penalty for violation.

SEC. 9. Any person who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction may be fined not less than twenty (20) dollars, nor more than one hundred (100) dollars, or to be confined not less than one (1) month, nor more than three (3) months in the county jail, or both. And all fines thus received shall be paid into the common school fund of the county in which such conviction takes place.

Fraud.

SEC. 10. Any person who shall knowingly or falsely claim or pretend to have or hold a certificate of enregistration, diploma or degree granted by a society or by said board, or who shall falsely and with the intent to deceive the public, claim or pretend to be a graduate from any incorporated dental college, not being such graduate, shall be deemed guilty of a misdemeanor, and shall be liable to the penalties provided in section nine (9) of this act.

Courts having jurisdiction.

SEC. 11. Justice of the peace and the respective municipal courts shall have jurisdiction over violations of this act. It shall be the duty of the respective county attorneys to prosecute all violations of this act.

License may be revoked for fraud and deception.

SEC. 12. Any person who shall be licensed under the provisions of this act, and who shall practice dentistry under a false name with intent to deceive the public, shall be liable to have said license revoked upon twenty (20) days' notice of such proposed revocation, and of the time and place of considering such revocation by order of the state board of dental examiners. And any person who, after revocation of his license shall continue to practice dentistry in the state of Minnesota, shall be deemed guilty of a violation of the provisions of this act and shall be subject to the penalties provided therein. Nor shall a certificate to a person under one name be any defence to an action brought against him for practicing without a certificate under another, unless it be shown that such practice under such other name was done without intent to defraud or deceive.

License fee.

SEC. 13. Every registered dentist shall, in each and every year after one thousand eight hundred and eighty-nine (1889) pay to said board of examiners the sum of one (1) dollar as a license fee for such year. Such payment

shall be made prior to May first (1st), in each and every year, and in case of default in such payment by any person, his certificate may be revoked by the board of examiners upon twenty (20) days' notice of the time and place of considering such revocation. But no license shall be revoked for such non-payment if the person so notified shall pay before or at such consideration his fee and such penalty as may be imposed by said board, *provided*, that said board may impose a penalty of five (5) dollars and no more on any one so notified as a condition of allowing his license to stand. *Provided*, further, that said board of examiners may collect any such dues by suit.

SEC. 14. The board of examiners created by this act, may sue or be sued, and in all actions brought by, or against it, it shall be made a party under the name of the board of dental examiners of the state of Minnesota. And no suit shall abate by reason of any change in the membership of said board.

Board may sue or be sued.

SEC. 15. Chapter one hundred and ninety-nine (199) of the general laws of one thousand eight hundred and eighty-five (1885), being an act entitled, "An act to insure the better education of the practitioners of dental surgery, and to regulate the practice of dentistry in the state of Minnesota," approved March third (3d), one thousand eight hundred and eighty-five (1885), is hereby repealed, such repeal to take effect September first (1st), one thousand eight hundred and eighty-nine (1889).

Former act repealed.

SEC. 16. All effects and property whatsoever of the board of dental examiners created by said act of March third (3d), one thousand eight hundred and eighty-five (1885), shall, on said first (1st) day of September, one thousand eight hundred and eighty-nine (1889), be and become the property of the board of examiners created by this act, and said board hereby created is hereby declared to be the legal successor of the board created by said act of March third (3d), one thousand eight hundred and eighty-five (1885).

Property of board.

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

When act to take effect.

Approved April 24, 1889.