

CHAPTER 294.

H. F. No. 527.

An act to amend section two thousand nine hundred and twenty-two (2922), General Statutes of Minnesota, eighteen hundred and ninety-four (1894), relating to the property of corporations not organized for pecuniary profit.

Corporations
not for pecu-
niary profit.

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

SECTION 1. That section two thousand nine hundred and twenty-two (2922), General Statutes of eighteen hundred and ninety-four (1894), be and the same is hereby amended by adding thereto the following proviso:

Sec. 2922,
G. S. 1894,
amended.

Provided, further, that no street, road or alley shall hereafter be established, opened or extended through or upon the lands, not exceeding ten (10) acres in area, upon which is situated a building used as a hospital and belonging to any corporation heretofore organized and incorporated as a hospital pursuant to the provisions of title three (3), chapter thirty-four (34), General Statutes of Minnesota eighteen hundred and seventy-eight (1878), and the amendments thereto, or pursuant to any re-enactment of said title, except by and with the consent of the managing board of such hospital.

Streets, etc.,
not to be
opened
through prop-
erty of.

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

Approved April 19th, 1899.

CHAPTER 295.

H. F. No. 490.

An act to prevent fraud in the sale of dairy products, their imitations or substitutes, to prohibit and prevent the manufacture or sale of unhealthy or adulterated dairy products, and to preserve the public health.

Public health;
fraudulent
sale of dairy
products.

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

SECTION 1. The governor shall appoint a commissioner who shall be known as the state dairy and food commissioner, who shall be a citizen of this state, and who shall hold his office for a term of two (2) years, or until his successor is appointed, and who shall receive a salary of eighteen hundred (1,800) dollars per annum and his nec-

Governor to
appoint state
dairy and food
commissioner.

essary expenses incurred in the discharge of the duties required of him by law, and shall be charged with the enforcement of the various laws coming under his department. It shall be the duty of the said commissioner to enforce all laws that now exist or that hereafter may be enacted in this state regarding the production, manufacture and sale of dairy products, their imitations and substitutes and food prepared therefrom, the production, manufacture, sale or adulteration of which is made subject to this or other laws, and to prosecute or cause to be prosecuted any person, firm or corporation or agent thereof engaged in the manufacture or sale of any impure, adulterated or counterfeit dairy products that are produced, offered for sale or sold contrary to the laws of this state. Said commissioner may be removed from office at the pleasure of the governor and a successor appointed in his stead. The said commissioner is hereby authorized and empowered to appoint a secretary, whose salary shall be twelve hundred (1,200) dollars per annum; one assistant commissioner, whose salary shall be fifteen hundred (1,500) dollars per annum; one chemist, whose salary shall be fifteen hundred (1,500) dollars per annum; one assistant chemist when needed, to be paid not to exceed one hundred (100) dollars per month, and such number of inspectors as may by him be deemed necessary, to be paid at the rate of one hundred (100) dollars per month and the necessary expenses incurred in the performance of their duties, and to employ such counsel as may be deemed necessary. The sum of fifteen thousand (15,000) dollars annually is hereby appropriated to be paid for the execution of the dairy laws, out of any money in the state 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 said commissioner shall make biennial reports to the legislature not later than the fifteenth (15th) day of January of his work and proceedings, and shall report in detail the number of inspectors he has appointed and employed, with their expenses and disbursements, and the amount of salary paid the same, and he may from time to time issue bulletins of information, when in his judgment the interests of the state would be promoted thereby. The said commissioner shall have rooms in the capitol, to be set apart for his use by the governor, and a laboratory in the capitol where all chemical analysis for the department shall be conducted. This section shall not affect the tenure of office of the present commissioner, and he shall be regarded as having been appointed under the provisions of this act.

Duty of commissioner, removal of, etc.

Powers of, appointment of secretary, etc.

To make reports to legislature.

To have office at capitol.

SEC. 2. The said commissioner and assistant commissioner, and such inspectors, agents, experts, chemists 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 and cars used in the manufacture and sale or transport of any dairy product or any substitute therefor, or imitation thereof, and also into all restaurants, dining halls, cafés, hotels and all rooms thereof, and all other places wherein food is prepared, stored or served to patrons. They shall also have power and authority to open any package, can or vessel containing such article which may be manufactured, sold or exposed for sale in violation of the provisions of this act, or laws that now exist or that may hereafter be enacted in this state, and may inspect the contents thereof, and may take samples therefrom for analysis. All dealers, clerks, bookkeepers, express agents, railroad officials, employes or common carriers shall render to them all the assistance in their power when so required in tracing, finding or discovering the presence of any article prohibited by law.

To have access to all places and buildings, etc.

Aid to be given to.

SEC. 3. Any refusal or neglect on the part of such dealers, clerks, bookkeepers, express agents, railroad officials, employes or common carriers to render such friendly aid shall be deemed a misdemeanor and shall be punished as hereinafter provided.

Refusal to aid commissioner, penalty.

MILK.

SEC. 4. No person, firm or corporation shall offer or expose for sale, or sell or deliver for sale or consumption, or have in his possession with intent to sell, any unclean, impure, unhealthy, unwholesome or adulterated milk, or cream from the same, or any milk, or cream from the same, which has not been well cooled, aerated, or to which preservatives of any kind have been added.

Unwholesome food not to be sold.

SEC. 5. No person, firm or corporation 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 condition, or in stables which are not perfectly ventilated, or which are filthy from an accumulation of animal refuse or from any other cause. Nor shall milk for such purposes be drawn from cows which are themselves in a condition of filth or uncleanness, or from cows which are affected with tuberculosis, ulcers, running sores, or any other form of disease, or from cows which are fed, either wholly or in part, upon distillery waste, or brewery grains, or the waste of vinegar, or that of sugar factories, not properly preserved in silos, or upon any other form of food

Keeping of cows in unhealthy places prohibited.

Milk from unclean cows not to be used.

which will produce milk which is unhealthful or unwholesome; or from cows within fifteen (15) days before and five (5) days after parturition; and all milk thus produced is hereby declared to be unclean, impure, unhealthful and unwholesome milk, and any milk which is shown by analysis to contain any substance or substances of any character whatever not natural or normal constituents of milk, or to have been deprived either wholly or in part of any constituent naturally or normally contained in milk, or which is shown to contain more than eighty-seven (87) per centum of water fluids, or less than thirteen (13) per centum of milk solids, of which not less than three and one-half ($3\frac{1}{2}$) per centum shall be fat, is hereby declared to be adulterated milk. This section shall not be construed to prevent the feeding of ensilage from silos. The having in possession by any person, firm or corporation producing milk for market or for sale or exchange, or for manufacturing the same, or cream from the same into articles of food, of distillery waste or brewery grains, or the waste of vinegar, or that of sugar factories not preserved as aforesaid, or any other form of food which will produce milk which is unhealthy or unwholesome, shall be considered for the purposes of this act as prima facie evidence of an intent to use the same contrary to the provisions of this act.

SEC. 6. No person, firm or corporation shall manufacture from unclean, impure, unhealthful or unwholesome milk, or of cream from the same, any article of food.

SEC. 7. No person, firm or corporation shall sell or offer for sale or have in his possession with intent to sell, any cream taken from impure, unwholesome or diseased milk, or cream that contains less than twenty (20) per centum of fat.

SEC. 8. No person, firm or corporation shall sell or expose for sale, or have in his possession, with intent to sell, in any store or place of business, or on any wagon or other vehicle used in transporting or selling milk from which cream has been removed, or milk commonly called "skimmed milk," without first marking the can, vessel or package containing said milk with the words "skimmed milk," in large, plain, black letters upon a light colored background, each letter being at least one (1) inch high and one-half ($\frac{1}{2}$) inch wide; said words shall be on the top or side of said can, vessel or package where they can be easily seen.

SEC. 9. The state standard milk measures or pipettes shall have for milk a capacity of seventeen and six-tenths (17 $\frac{6}{10}$) cubic centimeters, and for cream shall have a capacity of eighteen (18) cubic centimeters, and the state standard test tubes or bottles for milk shall have a

Adulterated milk, what is.

Possession of unclean food for cows prima facie proof of intent to use it

Manufacture of food from unclean materials prohibited.

Cream from impure milk not to be sold.

Skim milk not to be sold unless vessels are labeled.

Standard tests for milk.

capacity for two (2) cubic centimeters of mercury at a temperature of sixty (60) degrees Fahrenheit between "zero" and ten (10) on the graduated scale marked on the necks thereof, and the standard test tubes or bottles for cream shall have a capacity of six (6) cubic centimeters of mercury at a temperature of sixty (60) degrees Fahrenheit between "zero" and thirty (30) on the graduated scale marked on the necks thereof, and it is hereby made a misdemeanor to use any other size of milk measure, pipette, test tube or bottle to determine the per cent. of butter fat, where milk or cream is purchased by, or furnished to, creameries or cheese factories, and where the value of said milk or cream is determined by the per cent. of butter fat contained in the same. Any manufacturer, merchant, dealer or agent in this state who shall offer for sale or sell, a cream or milk pipette or measure, test tube or bottle which is not correctly marked or graduated as herein provided shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as provided in section thirty (30) of this act.

Sale of test instruments improperly graduated prohibited. Penalty.

SEC. 10. It shall be unlawful for the owner, manager, agent or any employe of a creamery or cheese factory to manipulate or underread the Babcock test, or any other contrivance used for determining the quality or value of milk.

Employe of creamery not to misuse Babcock test, etc.

SEC. 11. No person, firm or corporation shall manufacture for sale, advertise, offer or expose for sale or sell any mixture or compound intended for use as an adulterant or of preservative of milk, butter or cheese, nor shall any person, firm or corporation add to milk or butter or cheese, or during the process of their manufacture, any borax, boric acid, salicylic acid, formaldehyde, formalin, or any other substance or substances in the nature of adulterants, anti-ferments or preservatives.

Sale of adulterant or preservative for dairy products prohibited.

Provided, however, that this section shall not apply to pure salt added to butter and cheese.

LICENSES.

SEC. 12. Whoever by himself or his agents conveys milk in carriages, carts or other vehicles, or in any manner, for the purpose of selling the same, in any city or town of one thousand (1,000) inhabitants or more, shall annually on the first day of May, or within thirty (30) days thereafter, be licensed by the state dairy and food commissioner to sell milk within the limits of said city or town, and shall pay to the said state dairy and food commissioner the sum of one (1) dollar for each and every carriage, cart or other vehicle thus employed to the use

License to be obtained for sale of milk in cities of 1,000.

Terms of
licenses.

of said dairy and food commissioner. Licenses shall be used only in the names of the owners of carriages, carts or other vehicles, and shall for the purpose of this act be prima facie evidence of ownership. All licenses shall terminate on the first day of May of each and every year. No license shall be sold, assigned or transferred. Each license shall record the name, residence, place of business, number of carriages, carts or other vehicles used (where more than one is employed), the name and residence of any driver, or other person engaged in selling or delivering said milk, the number of the carriage, cart or other vehicle, where he has more than one, and the number of license. Each licensee shall, before engaging in the sale of milk, cause his name, the number of his license, and the number of the carriage, cart or other vehicle, where he has more than one, and his place of business to be legibly placed on each outer side of all carriages, carts or other vehicles used by him in the conveyance or sale of milk, and he shall report to the state dairy and food commissioner any change of driver or other person employed by him which may occur during the term of his license. Any person keeping not more than one cow shall be exempted from the provisions of this section.

Carts, wagons,
etc., to be
marked with
number of
license.

SEC. 13. Every person, firm or corporation, before selling milk or offering it for sale, or having it in his possession, with intent to sell in a store, booth, stand, creamery, cheese factory, or any other place, in the respective towns or cities, as designated in section thirteen (13) of this act, shall procure a license from the state dairy and food commissioner, or his authorized agents, and shall pay therefor the sum of one (1) dollar. Every such license shall terminate on the first day of May in each and every year. No license shall be sold or transferred.

BUTTER AND CHEESE.

Bringing im-
pure milk to
creameries
Prohibited.

SEC. 14. No person by himself or his agents or servants shall sell, supply or bring to be manufactured, to any butter or cheese manufactory, any milk diluted with water or any other substance whatever, 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 bring or supply milk which is sour, to any butter or cheese manufactory (except pure skim milk to skim cheese factories). No butter or cheese manufactories except those which buy all the milk they use shall use for their own benefit or allow any of their employes or any

other person to use any of the milk or cream brought to said manufactories, or the product thereof, without the consent of the owners thereof. Every butter and cheese manufacturer, except those who buy all the milk they use, shall keep a correct record of all the milk daily received, and of 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 record shall be open to inspection to every person who delivers milk to such manufacturer.

Butter and cheese manufacturers to keep record of milk, etc.

SEC. 15. No person by himself or his agents or servants shall manufacture for sale, have in his possession with intent to sell, offer or expose for sale, or sell as butter or as cheese any substance not the exclusive and legitimate product of milk or cream.

Sale of bogus butter and cheese prohibited.

SEC. 16. No person by himself or his agents or servants shall manufacture for sale, have in his possession with intent to sell, expose or offer for sale, or sell as butter or as cheese, or as substitutes for butter or cheese, or as imitations of butter or cheese, under any name or title whatsoever, any mixture or compound, which is designed to take the place of butter or of cheese, and which is made from animal or vegetable oils or fats, or by the mixing or compounding of the same, or any mixture or compound consisting in part of butter or of cheese in mixture or combination with animal or vegetable oils or fats, nor shall any person mix, compound with or add to milk, cream, butter or cheese any animal or vegetable oils or fats, with design or intent to make or produce any article or substance in imitation of butter or cheese, nor shall any person coat, powder or color with annatto or with any other coloring matter whatever, butterine or oleomargarine or any mixture or compound of the same, or any article or compound made wholly or in part from animal or vegetable oils or fats not produced from milk or cream, whereby the said article or compound shall be made to resemble butter or cheese, nor shall any person offer or expose for sale or sell any article, substance or compound made, manufactured or produced in violation of the provisions of this section, whether such article, substance or compound shall have been made, manufactured or produced within this state or in any other state or country; and the having in possession by any person, firm or corporation of any article, substance or compound made, manufactured or produced in violation of the provisions of this section shall be considered as prima facie evidence of an intent to sell the same as butter or as cheese contrary to the provisions of this section.

Imitation butter and cheese prohibited.

State brand to be furnished by commissioners.

SEC. 17. The Minnesota state dairy and food commissioner is hereby authorized and directed to procure and issue to the cheese manufacturers of the state, 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." 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.

Contents of "Minnesota full cream cheese."

All cheese branded as "Minnesota State Full Cream Cheese" shall contain not less than forty-five (45) per centum of fats to total solids, and all cheese purporting to be full cream cheese which contains less than forty-five (45) per centum of fats to total solids, shall be deemed, for the purpose of this act, to be adulterated.

Skim cheese, contents of and how marked.

SEC. 18. All cheese which contains less than forty-five (45) per centum of fats to total solids is hereby declared to be "skim cheese," and it is hereby required and directed that the same shall be marked with a stencil or brand with the words "skim cheese," in plain black letters, not less than one and one-half ($1\frac{1}{2}$) inches in length and of proportionate width, upon the circumference of the cheese, and upon the outer surface of the box or package containing the same; and any dealer or trader who, by himself, or as the servant or agent of another person, has in his possession with intent to sell, offers or exposes for sale, or sells any skim cheese as hereinbefore defined, which is not stenciled or branded as hereinbefore required and directed, shall be deemed to be guilty of a misdemeanor, and shall be subject to the penalties provided in this act.

Dealers selling skim cheese to keep notice posted.

Every dealer or trader who offers or exposes for sale or sells skim cheese as hereinbefore defined shall cause to be kept continuously posted, in a conspicuous position upon the walls of the room wherein such skim cheese is offered or exposed for sale or sold, cards upon the face of which is distinctly and legibly printed in the English language, and in letters of sufficient size to be visible from all parts of the room, the words "Skim Cheese Sold Here."

Unlawful to sell article with false brand.

SEC. 19. No person by himself or agent shall sell or offer or expose for sale, or have in his possession with intent to sell, cheese branded or labeled with a false

brand or label as to the quality of the article, or as to the county or state in which the article is made.

SEC. 20. Every proprietor, keeper, landlord or steward of any hotel, restaurant, dining car, eating house, boarding house or lumber camp, either public or private, who shall supply the guests or boarders of such hotel, restaurant, dining car, eating house, boarding house or lumber camp with 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, or any article designed to take the place of butter, shall cause to be plainly printed upon every bill of fare used in said hotel, restaurant, eating house, boarding house, or lumber camp, when such adulterated compound is used immediately under the title thereof and before the naming of any article of food thereon, in capital letters, no smaller than those known as nonpareil Celtic, in the English language, the words "Oleomargarine (or butterine) used as a substitute for butter." In case no bill of fare is used in said hotel, restaurant, dining car, eating house, boarding house or lumber camp, then the proprietor or keeper thereof shall cause to be posted upon each and every side of the dining room or eating room, in a position where the same can be seen from any part of said room, and in letters large enough to be distinctly seen and read from any part of said room, a card containing the words in the English language "Oleomargarine (or butterine) used as a substitute for butter," and shall keep the same continuously posted as aforesaid, so long as said compounds, or either of them, are kept and used. The provisions of this section shall not be construed as in any wise amending or invalidating any of the provisions of sections fifteen (15) or sixteen (16) of this act.

SEC. 21. The commissioner shall provide blanks, which shall be furnished to all proprietors or managers of creameries and cheese factories within the state, for the purpose of making a report of the amount of milk and dairy goods handled, and embodying such other statistical information as the commissioner may require, and all owners or managers of said creameries and cheese factories shall, on the first (1st) day of November of each year, send to the dairy and food commissioner a full and accurate report of the amount of business done during the year, including the statistical information required by said commissioner.

SEC. 22. It shall be the duty of said commissioner, assistant commissioners, inspectors and agents at any and all times to seize and take possession of any and all food and dairy products, or substitutes therefor, or imitations

Use of imitation butter to be made known on bill of fare and posted, etc.

Commissioners to provide blanks for creamery reports.

Duty of commissioner to seize all fraudulent products.

thereof, kept for sale or for a purpose, or held in possession or under control, contrary to the provisions of this act, or other laws which now exist, or may be hereafter enacted. Such seizure may be had without a warrant, and said commissioner, assistant commissioners, and all inspectors and agents appointed pursuant to law are hereby given full power and authority of constables. Any court having jurisdiction, upon receiving proof of probable cause for believing in the concealment of any food or dairy products or substitutes therefor, or imitations thereof, kept for sale or for a purpose, or had in possession or under control, contrary to the provisions of this act, or other laws which now exist or may be hereafter enacted, shall issue a search warrant and cause a search to be made in any place therefor, and to that end may cause any building, enclosure, wagon or car to be entered, and any apartment, chest, box, locker, tub, jar, crate, basket or package to be broken open and the contents thereof examined.

Search warrant, when to issue.

Search warrants, how enforced.

SEC. 23. All such warrants shall be directed to said commissioner, or assistant commissioner, or any inspector or agent appointed pursuant to law, or the sheriff or constable, commanding such commissioner, assistant commissioner, inspector, agent or officer to search the house or place where such food or dairy product or substitute therefor or imitation thereof for which he is required to search is believed to be concealed, which place and the property to be searched for shall be designated in the warrant, and to bring such food or dairy product, or substitutes therefor or imitations thereof, when found, and the person in whose possession the same is found, before the magistrate who issued the warrant, or before some other court or magistrate having jurisdiction of the case.

Property seized to be kept as evidence.

SEC. 24. When the officer in the execution of any search warrant issued under this act finds and seizes any food or dairy product, or substitute therefor or imitation thereof, all the property or things so seized shall be safely kept by the direction of the court or magistrate so long as is necessary for the purpose of being produced in evidence in any trial, and on such trial, it being found that such food or dairy product, or any substitute therefor or imitation thereof, is being kept for sale or for a purpose, or held in possession or under control, contrary to the provisions of this act, or other laws which now exist or may be hereafter enacted, the court shall, in addition to the other penalties prescribed by this act, order that said property be forfeited to the State of Minnesota, and shall order the same sold for any purpose other than to be used for food, and the proceeds thereof paid into the state treasury and placed to the credit of the state dairy and

food commissioner's fund. The dairy and food commissioner, his agent or inspector is authorized to take samples from products seized for the purpose of analysis.

SEC. 25. No person shall efface, erase, cancel or remove any mark, statement of label provided for by this act with the intent to mislead, deceive or to violate any provisions of this act.

Effacement of labels prohibited.

SEC. 26. No action shall be maintained on account of any sale or other contract made in violation of or with intent to violate any provisions of this act.

Action not maintainable for acts violating this act.

SEC. 27. The doing of anything prohibited, and the not doing of anything directed to be done, by this act shall be prima facie evidence of a willful intent to violate the different sections and provisions hereof.

Evidence of intent to violate this act.

SEC. 28. In all prosecutions arising under this act the certificate of the chemist making the analysis, when duly sworn to by such analyst, shall be prima facie evidence of the fact or facts therein certified.

Certificate of chemist to be prima facie proof.

SEC. 29. All moneys received from license fees, all fines collected for the violation of laws relating to food or dairy products, their imitations or substitutes, and the proceeds from all goods confiscated and sold under the provisions of this act and other laws relating to dairy or food products, their imitations or substitutes, shall be paid into the state treasury and placed to the credit of the dairy and food commissioner's fund.

All fines, fees, etc., to be paid into state treasury.

SEC. 30. Whoever violates any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be punished for each offense by a fine of not less than twenty-five (25) nor more than one hundred (100) dollars, or by imprisonment of not less than thirty (30) days, nor more than ninety (90) days.

Penalty for violation of act.

SEC. 31. Chapter eleven (11), General Laws of eighteen hundred and ninety-one (1891), and all acts and parts of acts inconsistent with the provisions hereof are hereby repealed.

C. 11, Laws 1891, repealed.

SEC. 32. This act shall take effect and be in force from and after its passage.

Approved April 19th, 1899.

CHAPTER 296.

S. F. No. 840.

An act to authorize cities containing less than ten thousand inhabitants to issue bonds for the purchase of lands for a site for state institutions.

Cities empowered to issue bonds to purchase lands for state institutions.

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