

ceive aid as hereinafter provided for state rural schools, for each school building therein situated, wherein school shall have been maintained as hereinafter provided.

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

Approved April 21, 1903.

H. F. No. 350.

CHAPTER 362.

An act to amend section two hundred and twenty-nine (229) of chapter one (1) of title ten (10) of the penal code of the State of Minnesota.

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

SECTION 1. Section two hundred and twenty-nine (229) of the penal code of the State of Minnesota is hereby amended so as to read as follows:

Trading
on Sunday
prohibited.

Public Traffic—All manner of public selling or offering for sale of any property upon Sunday is prohibited, except that meals may be sold to be eaten on the premises where sold or served elsewhere by caterers; and prepared tobacco in places other than where spirituous or malt liquors or wines are kept or offered for sale, and fruits, confectionery, newspapers, drugs, medicines and surgical appliances may be sold in a quiet and orderly manner; *provided, however,* that nothing in this section shall be construed to allow or permit the public sale, or exposing for sale of uncooked meats, fresh or salt, or groceries, dry goods, clothing, wearing apparel of any kind, or boots or shoes.

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

Approved April 21, 1903.

H. F. No. 302.

CHAPTER 363.

Preservation
of forests.

An act to amend an act entitled "An act to provide for the preservation of forests of this state and for the prevention and suppression of forest and prairie fires."

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

Forest com-
missioner.

SECTION 1. The state auditor shall be forest commissioner of this state and his orders shall be supreme in all matters relating to the preservation of the forests of this

state to the prevention and suppression of forests and prairie fires as hereinafter provided. The supervisors of towns, mayors of cities and presidents of village councils are hereby constituted fire wardens of their respective towns, cities and villages in the state and the chief fire warden may appoint as fire wardens such other persons as he may deem necessary living in or near to unorganized territory in this state, whose districts, to be known as fire districts, he may determine.

SEC. 2. The aforesaid forest commissioner shall appoint a competent deputy to be known as chief fire warden, who, from personal experience, is familiar with the conditions of the forest and methods by which fires may be controlled. Said chief fire warden shall receive a salary of twelve hundred (\$1,200) dollars per year, to be paid out of the amount appropriated for forest preservation, and shall hold his office during the pleasure of the forest commissioner. He shall represent the authority of the forest commissioner and it shall be his duty to enforce the provisions of this act throughout the state.

Chief fire warden.

Compensation.

SEC. 3. The chief fire warden shall have general charge of the fire warden force of the state and shall have authority to mass such fire warden force as may be available at any special point to suppress fires. In case the fire warden force of any locality is deemed by said chief fire warden inadequate to prevent or suppress forest or prairie fires, he may appoint, temporarily, needed fire wardens, whose duties and authority shall be the same as herein given to town supervisors acting as fire wardens. He shall properly divide into fire districts all unorganized territory in this state and appoint competent fire wardens therein; he shall co-operate with any police or military force of the United States government which may be detailed to guard the national domain from fire; he shall investigate the extent of the forests in the state, together with the amounts and varieties of the wood and timber growing therein, the damages done to them from time to time by forest fires and the causes of such fires, the method used, if any, to promote the regrowth of timber, and any other important facts relating to forest interests, which may be required by the forest commissioner. The information so gathered with his suggestions relative thereto, shall be included in a report to be made by him annually to the forest commissioner.

Duties of chief fire warden.

Abstract
of penal
laws.

SEC. 4. The forest commissioner shall provide and officially sign an abstract of the penal laws of this act, with such rules and regulations in accord therewith as he may deem necessary, and on or before the first day of April of each year he shall forward as many copies as he considers needful to the chairman of each town board of supervisors and presidents of villages, to the forest fire wardens that he has appointed, and to all railroad companies and to the chairman of each board of county commissioners in this state, and it shall be the duty of said fire warden to post up such abstract as warning placards in conspicuous places in their respective districts, and it shall be the duty of the county commissioners of each county to cause the said abstract to be published in at least three issues of the official paper in their respective counties during the fire-dangerous season of each year, which shall be reckoned from the 15th day of April to the 1st of November.

Publication
of notice.

Expenses
paid by State.

SEC. 5. During a dry and dangerous season, when forest and prairie fires are prevailing or are liable to break out, the chief fire warden shall use such means under his command as he may deem necessary to prevent or suppress such fires, and his expenses shall be paid by the state, which expenditures in one year shall not exceed five thousand dollars, to be paid for out of the general revenue fund, upon the order of the forest commissioner.

Duties of
fire wardens.

SEC. 6. It shall be the duty of each fire warden to take precautions to prevent the setting of forest or prairie fires, to patrol his district in a dry season, or under the direction of the chief fire warden, to employ one or more patrols, to warn against careless use of fire any person he thinks is likely to be negligent therein, and when his district is suffering or threatened with fire, to go to the place of danger to control such fires, and each forest fire warden shall have authority to call to his assistance in emergencies any able-bodied male person over eighteen years of age, and if such person refuses, without reasonable justification or excuse, to assist, or if any fire warden refuses or neglects to perform the duties assigned him in this act, such officer or person shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be punished by a fine of not more than one hundred (\$100) dollars, or imprisonment in the county jail not to exceed three (3) months.

Penalty
for viola-
tion of
section.

SEC. 7. The chief fire warden and the several fire wardens created or appointed under this act shall have authority to enforce the provisions of this act, and it shall be their duty to co-operate with the fire warden of any adjoining district, and in the absence of such fire wardens to direct the work of control and extinguishment of forest or prairie fires in such district, and to arrest, without warrant, every person found violating any provisions of this act, and to forthwith take the offender before a magistrate and make complaint against such person. Any fire warden who knows or has information of facts and circumstances which he believes can be established, and which if so proven would show beyond reasonable doubt that any person has caused a fire in violation of this act, shall immediately go before a justice of the peace and make complaint thereof. The chairman of boards of township supervisors, presidents of villages and fire wardens appointed by the chief fire warden shall without delay inquire into the cause of each forest or prairie fire within their districts, and shall immediately report the same to the chief fire warden and the methods used to control or extinguish such fires and the amount and value of property destroyed and the number of lives lost, if any, and report such other facts in regard to said fires as said chief fire warden may require. During the more dangerous season of the year the chief fire warden may require frequent reports from the chairmen of township boards, or in unorganized towns from fire wardens appointed by the said chief fire warden as to condition of forest and prairie fires and as to what is being done to prevent and control the same. Fire wardens shall promptly comply with the instructions of the chief fire warden. Where local authorities neglect to duly prosecute violations of this act, the chief fire warden shall be authorized to ferret out and prosecute such violations, and his expenses therefor, not exceeding one thousand (\$1,000) dollars in any one year, shall be paid out of the general revenue on approval of the state auditor and attorney general.

Authority to enforce provisions of act.

Require frequent reports.

Pay of wardens.

SEC. 8. Each fire warden shall receive for his actual services rendered under this act two (\$2) dollars per day, together with payment for use of team when required in making a break to control or extinguish a fire, one-third of which shall be paid by the county where such service is performed, and two-thirds by the state; and any employe

engaged in like service shall receive at the rate of one and fifty one-hundredths (\$1.50) dollars per day, and said expense shall also be paid, one-third by the county where such service is rendered, and two-thirds by the state, as hereinafter provided, but no payment shall be made to any claimant under this act until he shall have presented an itemized account and made oath or affirmation before any officer qualified to administer oaths, or before any fire warden or town clerk, who are hereby authorized to administer such oaths, that said account is just and correct, which account shall be approved by the board of township supervisors, and shall be audited by the county commissioners, when satisfied of the justice of the claim, and left on file with the county auditor; in case of unorganized townships, the board of county commissioners alone shall approve and audit such accounts. Any account for services under this act which the county commissioners shall fail to audit within ninety days succeeding the second meeting of the board after the same shall have been presented shall be deemed to have been rejected and the claimant may then appeal to the district court or to the chief fire warden, and the decision of either shall be final. The appeal shall be taken in the manner as now provided for appeals from the decisions of county commissioners in respect of claim. The county auditor shall thereupon issue to each claimant his warrant upon the county treasurer for the entire sum to which such claimant is entitled, and the treasurer shall pay the same. Such county auditor shall transmit the original oath and copy of the warrant to the state auditor, who shall audit such claim, and two-thirds thereof shall be paid out of the state treasury from the general revenue fund by warrant issued by the state auditor upon the state treasurer in favor of the county thereof paying the same, and forward the same to the auditor of said county. *Provided*, that no fire warden shall be paid, in the aggregate, for more than fifteen (15) days' service, of whatever character, in any one year; nor shall any one person employed by fire wardens to assist in extinguishing or preventing forest or prairie fires be paid for more than ten (10) days of such service in any one year. No county shall expend more than five hundred (\$500) dollars of public money in any one year under this act on its own account.

Itemized
account
required.

County
auditor to
draw
warrant.

Amount
expended
by county
limited.

SEC. 9. Any person who willfully, negligently or care-

lessly sets on fire, or causes to be set on fire, any woods, prairie or other combustible material, whether or not on his own lands, by means whereof the property of another is injured or endangered, or any person who willfully, negligently or carelessly suffers any fire set by himself to damage the property of another, is guilty of a misdemeanor and shall be punished by a fine not exceeding one hundred (\$100) dollars, or by imprisonment in the county jail not exceeding three (3) months. Any person who maliciously sets on fire, or causes to be set on fire, any wood, prairies or other combustible material whereby the property of another is destroyed and life is sacrificed, shall be punished with a fine of not over five hundred (\$500) dollars, or be imprisoned in the state prison for a term of not over ten (10) years, or both such fine and imprisonment.

Penalty
for willful
negligence.

SEC. 10. Any person who shall kindle a fire on or dangerously near to forest or prairie land and leave it unquenched, or shall be a party thereto, and every person who shall use other than incombustible wads for firearms, or who shall carry a naked torch, fire brand or other exposed light in or dangerously near to forest land, causing risk of accidental fire, shall be punished by a fine not exceeding one hundred (\$100) dollars or imprisonment in the county jail not exceeding three (3) months.

SEC. 11. Every person who shall willfully or heedlessly deface, destroy or remove any warning placard posted under the requirements of this act shall be liable to a fine not exceeding one hundred (\$100) dollars for each such offense, or imprisonment in the county jail not exceeding three (3) months.

SEC. 12. It shall be the duty of all railroad companies operating any railroad within this state to use efficient spark arresters on all their engines and to keep their right of way to the width of fifty (50) feet on each side of the center of the main track cleared of all combustible materials and safely dispose of the same within said limits of their right of way between the fifteenth day of April and the first day of December. No railroad company shall permit its employes to leave a deposit of fire or live coals, or hot ashes, in the immediate vicinity of woodland, or lands liable to be overrun by fires, and where engineers, conductors or trainmen discover that fences or other material along the right of way or woodland adjacent to the

Duties of
railroad
companies.

Seasons of drouth.

railroad are burning or are in danger from fire, they shall report the same promptly at the next telegraph station that they may pass. In seasons of drouth railroad companies shall give particular instructions to their employes for the prevention and prompt extinguishment of fires and they shall cause warning placards furnished by the forest commissioner to be posted at their stations in the vicinity of forest and prairie grass lands, and where a fire occurs along the line of their road they shall concentrate such help and adopt such measures as shall be available to effectively extinguish it. Any railroad company violating the requirements of this act shall be deemed guilty of a misdemeanor and be punished by a fine not exceeding one hundred (\$100) dollars for each such offense, and railroad employes violating the requirements of this section shall be guilty of a misdemeanor and be punished by a fine of not less than five (\$5) dollars nor more than fifty (\$50) dollars. But this section shall not be construed to prohibit or prevent any railroad company from piling or keeping upon the right of way cross ties or other material necessary in the operation or maintenance of such railroad.

Portable steam engines.

SEC. 13. It shall be the duty of each and every owner of threshing or other portable steam engines to have efficient spark arresters on their engines at all times when in use, and no person in charge of any threshing engine shall deposit live coal or hot ashes from his engine in any place without putting them out or covering them with at least three inches of earth before leaving them. All persons violating the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not less than five (\$5) dollars nor more than fifty (\$50) dollars.

SEC. 14. Nothing in this act shall be construed as affecting any right of action for damages.

SEC. 15. Woodland territory within the terms of this act shall be construed to mean bodies of forest and brush land.

County fire fund.

SEC. 16. All moneys received as penalties for violating the provisions of this act shall be paid into the county treasury of the county wherein the offense occurred, to be known as the county fire fund, and used under the directions of the county board in defraying the expenses of enforcing the provisions of this act within such county.

SEC. 17. The sums mentioned in sections five (5) and seven (7) of this act, or so much thereof as shall be necessary are hereby annually appropriated out of any money in the treasury not otherwise appropriated.

SEC. 18. All acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 19. This act shall take effect and be in force from and after its passage.

Approved April 21, 1903.

CHAPTER 364.

H. F. No. 404.

An act to authorize and empower villages under certain circumstances to issue bonds for the payment of their outstanding indebtedness.

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

SECTION 1. That any village in this State whose indebtedness at the time of the passage and approval of this act exceeds the sum of three thousand (3,000) dollars besides its bonded indebtedness, may issue its bonds for an amount as nearly as may be equal to the amount of such indebtedness, which bonds shall bear interest at a rate to be determined by the village council of said village, not to exceed the rate of six (6) per cent per annum, payable semi-annually, and shall mature at such time as shall be determined by said village council, not to exceed fifteen years from the date of their issuance. Such bonds shall be sold by the village council of such village in such manner as they shall deem advisable, but shall not be sold for less than their par value, and the proceeds arising from the sale thereof shall be applied to the payment of the debts of said village not represented by its bonds.

Provides for payment of outstanding indebtedness of villages.

SEC. 2. Before any bonds shall be issued pursuant to the provisions of section one (1) of this act, the village council shall, by resolution, authorize the issuance thereof, subject to the approval of the legal voters of said village, and by such resolution such village council shall determine the amount of bonds to be issued, the rate of interest which they shall bear and the time of their maturity, and shall fix a time, either at an annual village election, or at a special election to be called for that purpose, when the voters of said village shall vote upon the

Authorization of bonds.