

Penalty for violation.—Sec. 4. Any company, association or individual violating any provision of this act, whether such violation be in the giving or accepting of anything herein prohibited, shall be punished by a fine of not less than \$60 nor more than \$200.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved April 22. 1909.

CHAPTER 428—S. F. No. 231.

An Act to amend Sections 1735, 1739, 1740, 1741, 1743, 1744 and 1756 of the Revised Laws of 1905, and the several acts amendatory thereof, relating to the Dairy and Food Department.

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

Salary of dairy and food commissioner and assistants.—Section 1. Section 1735, of the Revised Laws of Minnesota of 1905, as amended by chapter 236 of the General Laws of 1907, is hereby amended so as to read as follows:

“1735. Assistant—Employee—Salaries.—He shall receive a salary of \$2,600 per annum and shall be allowed the expenses necessarily incurred by him in the discharge of his duties. He may appoint an assistant examiner at a salary of \$1,800 per annum; a secretary at a salary of \$1,500 per annum; one chief chemist at a salary of \$2,400 per annum; and, when needed, an assistant chemist or chemists each at a salary of not to exceed \$100 per month; and such number of inspectors as may be necessary at not to exceed \$100 per month. The expenses necessarily incurred by such subordinates shall be allowed and paid in addition to salary. He may employ necessary legal counsel. The expenses properly incurred by him and his appointees shall be paid by warrant of the state auditor upon itemized accounts thereof, approved by him or his assistant. The total expenses of the office, including salaries and compensation of all employees, shall not exceed in any fiscal year the appropriation made therefor plus the amount allowed by law to the commission from moneys received from licenses, fines and articles confiscated and sold under this chapter. The provisions of this section shall not be construed in any way to repeal the provisions of chapter 300, of the Laws of 1905.”

Impure milk and cream.—Sec. 2. Section 1739, of the Revised Laws of 1905, is hereby amended so as to read as follows:

"1739. Impure milk and cream.—No person shall sell unwholesome or adulterated milk or cream. Milk or cream that has not been well cooled and aerated, or to which preservatives of any kind have been added: milk drawn from cows kept in a crowded condition or in places not well ventilated or lighted, or which from any cause are filthy or unsanitary, or from unclean or diseased cows, or those fed with distillery waste, brewers' grains, waste of vinegar or sugar factories, garbage or decayed substances in any form, except ensilage from silos properly managed; milk drawn from cows within fifteen days before, or five days after giving birth to a calf; and milk or cream which has been kept in or near stables where any animal is housed, or in any building attached to such stable, or in any place where bad air exists, and cream taken from unwholesome or adulterated milk, shall be deemed unwholesome and adulterated within the meaning of this chapter. Milk from which any normal ingredient has been abstracted, or milk containing any substance not a normal constituent thereof, or containing more than eighty-seven per cent of water, or containing less than three and five-tenths per cent of butter fat, or containing less than thirteen per cent of total milk solids, and cream in which there is less than twenty per cent of butter fat, or which contains any foreign thickening or coloring substance, or any abnormal ingredient whatsoever, shall be deemed adulterated; nor shall any article of food be manufactured from unwholesome or adulterated milk or cream, except as hereinafter provided. No person producing milk or cream for market or exchange, or for manufacturing the same into articles of food shall feed milch cattle any distillery waste or brewers' grains or the waste of vinegar or sugar factories, or garbage, or any substance which is decayed and unhealthy."

Whey from cheese factories to be pasteurized.—Sec. 3. Section 1740, of the Revised Laws of 1905, is hereby amended so as to read as follows:

"1740. Skimmed milk.—Notwithstanding the provisions of section 1739, milk from which the cream has been removed, if such milk is otherwise wholesome and unadulterated, may be sold as such to makers of skim cheese, as hereinafter defined, and by licensed dealers; but in the latter case only from vessels legibly marked "skimmed milk" in plain, common, black letters upon a light colored background, each letter being at least one inch high and one-half inch wide, and said words being placed on the top or side of such vessel. These requirements, however shall not apply to skimmed or separated milk delivered to any patron of a creamery who furnishes milk thereto, but all skimmed milk from creameries and all whey from cheese factories so delivered to patrons shall first be pasteurized at a temperature of at least one hundred and eighty degrees Fahrenheit."

Persons exempted from provisions of act.—Sec. 4. Section 1741, of the Revised Laws of 1905, as amended by chapter 337, General Laws of 1907, is hereby amended by striking out the following words, the same being the concluding portion of said section 1741: "Any person keeping not more than three cows, and not selling any milk or cream except milk or cream produced by such three cows, shall be exempted from the provisions of this section."

Milk and cream to be purchased by weight and upon basis of butter fat.—Sec. 5. Section 1743, of the Revised Laws of 1905, is hereby amended so as to read as follows:

"1743. Standard measures and tests.—All milk or cream received or purchased for the purpose of manufacturing the same into butter or cheese shall be received or purchased by weight, and payment therefor shall be upon the basis of the butter fat contained therein. The standard pipette for measurement of milk shall have a capacity of seventeen and six-tenths cubic centimeters, and the standard pipette for the measurement of cream shall have a capacity of eighteen grams by weight. The standard test tube or bottle for milk shall have a capacity between zero and ten on the graduated scale, marked on the neck thereof, of two cubic centimeters of mercury, at a temperature of sixty degrees Fahrenheit, and for cream a capacity of six cubic centimeters of mercury, at the same temperature, between zero and thirty on the scale. Any person who shall use any other measure or test for milk or cream sold or purchased at prices determined by the proportion of butter fat contained therein; any person who shall manufacture or sell a cream or milk pipette or measure which is not correctly marked or graduated as herein provided; any person who shall use or employ any other appliance than the Babcock test for ascertaining the butter fat content of milk or cream; any person who shall underread, overread or otherwise falsify or manipulate the reading of such test, or who shall falsely state, certify or use in the purchase or sale of milk or cream a misreading of such test, whether the test or actual reading shall have been made by such person or by any other person, shall be deemed guilty of a misdemeanor."

Cans to be free from deleterious substances.—Sec. 6. Section 1744, of the Revised Laws of 1905, is hereby amended so as to read as follows:

"1744. Cans to be cleansed.—Every person delivering milk, cream or ice cream to creameries, cheese factories, common carriers or any other person, persons, firms, companies or corporations, in cans or other vessels, shall have such cans or vessels free from any deleterious substance, filth or rust, and in a wholesome condition for containing such milk, cream or ice cream. Every person receiving milk, cream or ice cream from a common carrier in cans or other vessels which are to be returned to the shipper,

shall cause such vessels to be promptly emptied and, before returning same, be thoroughly cleansed. No person shall ship or deliver to any manufacturer or dealer any milk or cream that has become sour, unless it be so labeled."

Violation a misdemeanor.—Sec. 7. Section 1756, of the Revised Laws of 1905, is hereby amended by adding at the end thereof the following: "Any person, firm or corporation violating the provisions of this section shall be deemed guilty of a misdemeanor, and on conviction thereof shall be subject to a fine of not less than fifteen dollars (\$15.00) nor more than twenty-five dollars (\$25.00) for each offense."

Sec. 8. All acts and parts of acts inconsistent herewith are hereby repealed.

Sec. 9. This act shall take effect and be in force from and after its passage and approval.

Approved April 22, 1909.

CHAPTER 429—S. F. No. 235.

An Act to amend Section 4535, Revised Laws of Minnesota, 1905, relating to bonds of public contractors and penalty therein provided for.

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

Bonds required for public works.—Section 1. That section 4535, Revised Laws of Minnesota for 1905, be and the same is hereby amended so as to read as follows:

"Section 4535. No contract with the state, or with any municipal corporation or other public board or body thereof, for the doing of any public work, shall be valid for any purpose, unless the contractor shall give bond to the state or other body contracted with, for the use of the obligee and of all persons doing work or furnishing skill, tools, machinery, or materials under, or for the purpose of, such contract, conditioned for the payment, as they become due, of all just claims for such work, tools, machinery, skill and materials, for the completion of the contract in accordance with its terms, for saving the obligee harmless from all costs and charges that may accrue on account of the doing of the work specified, and for compliance with the laws appertaining thereto. The penalty of such bond shall be not less than the contract price. *Provided*, that in contracts made by the state board of control on behalf of the state the penalty of the bond shall be in such amount as the state board of control may fix, but not less than three-quarters of the contract price."