

6. From an order or judgment made or rendered in proceedings supplementary to execution.

7. From a final order, affecting a substantial right, made in a special proceeding, or upon a summary application in an action after judgment.

*When an appeal is perfected under subdivisions 2 or 7 of this section, and notice and bond on appeal is filed with the clerk of the supreme court, the party appealing or the respondent, may apply to the supreme court, upon ten days' notice, for an order fixing the time and manner of the hearing of the appeal; and the court may, in its discretion, if it be of opinion that the substantial interests of the parties involved, or of the public, require a speedy hearing, summarily fix the time of hearing, whether the court be then in session or in vacation, and may summarily determine the time for filing paper books and briefs, and the method of submission."*

Sec. 2. This act shall take effect and be in force from and after July 1, 1913.

Approved April 24, 1913.

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#### CHAPTER 475—H. F. No. 148.

*An Act to regulate the manufacture, use and sale of oleomargarine and prevent deception and fraud therein, and to prescribe penalties and punishment for violations of the provisions hereof.*

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

**Section 1. Manufacture and sale of oleomargarine, etc., prohibited—Penalty for violation.**—No person, firm or corporation, by himself, or by his or their agents or employees, shall produce or manufacture out of or from any animal fats or animal or vegetable oils not produced from adulterated milk or cream from the same, the articles known as oleomargarine or any article or product in imitation or semblance of natural butter produced from pure unadulterated milk or cream of the same; or 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, so as to produce any article or substance or any human food in imitation or in semblance of natural butter, nor 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 elsewhere. Any person manufacturing, selling, offering or exposing for sale any commodity or substance in imitation or semblance of butter, the product of the dairy, shall be deemed guilty of a violation of this section whether he sells such

commodity or substance as butter, oleomargarine or under any other name or designation whatsoever and irrespective of any representations he may make relative to such commodity or substance.

Any person, firm or corporation, and any officer, agent, servant or employee of such person, firm or corporation, who violates any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished for the first offense by a fine of not less than fifty dollars nor more than one hundred dollars, or by imprisonment in the county jail for not more than thirty days; and upon conviction of any subsequent offense, shall be punished by a fine of not less than one hundred dollars or imprisonment in the county jail for not less than sixty days.

**Sec. 2. Not to imitate butter of any shade of yellow.**—No person, firm or corporation, or any officer or agent, servant or employee of any person, firm or corporation shall manufacture, sell, ship, consign, offer for sale, expose for sale, or have in possession with intent to sell oleomargarine which shall be manufactured in intentional imitation of, or in semblance of, butter of any shade of yellow, with an intent to deceive or defraud the consumer or purchaser thereof.

If in the manufacture of any oleomargarine, fats, oils, or other ingredients are intentionally selected and used in such proportions as to cause the oleomargarine so manufactured to resemble butter of any shade of yellow, such facts shall be prima facie evidence in any prosecution under this section that such oleomargarine was manufactured with an intent to deceive or defraud the consumer or purchaser thereof.

Any person, firm or corporation, and any officer, agent, servant or employee of such person, firm or corporation who violates any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished for the first offense by a fine of not less than fifty dollars nor more than one hundred dollars, or by imprisonment in the county jail for not more than thirty days; and upon conviction of any subsequent offense, shall be punished by a fine of not less than one hundred dollars or imprisonment in the county jail for not less than sixty days.

**Sec. 3. Percentage to be 55 per cent of white.**—No person, firm or corporation, or any officer, agent, servant or employee of any person, firm or corporation, shall manufacture, sell, ship, consign, offer for sale, expose for sale, or have in possession with intent to sell, oleomargarine the color of which is less than fifty-five (55) per cent of white. The percentage of white shall be determined by the color analysis, methods and measurements used to determine color quantity by the bureau of standards of the United States government.

Any person, firm or corporation, and any officer, agent, servant or employee of such person, firm or corporation who violates any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished for the first offense by a fine of not less than fifty dollars nor more than one hundred dollars, or by imprisonment in the county jail for not more than thirty days; and upon conviction of any subsequent offense, shall be punished by a fine of not less than one hundred dollars or imprisonment in the county jail for not less than sixty days.

**Sec. 4. Label to be used on package.**—It shall be unlawful for any person, firm or corporation to manufacture, sell, ship, consign, offer for sale, expose for sale or have in possession with intent to sell oleomargarine made wholly or partly out of fats, oils, or oleaginous substance or compound thereof unless each receptacle and package in which the same is kept for sale or sold has securely affixed upon the side thereof, a white or light colored label which shall be printed in the English language with black ink in type not smaller than 36 point bold faced Gothic capitals the word "OLEOMARGARINE," and immediately thereafter upon the same label in the same colors there shall be printed in the English language in 8 point bold faced Gothic capitals the name and, with substantial accuracy, the percentage of each ingredient contained in such oleomargarine, giving the name of each animal or vegetable from which such fats or oils are derived.

**Sec. 5. Tubs to be properly labeled and to contain descriptive matter.**—It shall be unlawful for any person, firm or corporation, or any agent thereof, to sell or offer or expose for sale, or have in possession with intent to sell, any oleomargarine which is not marked and distinguished on the outside of each tub, package or parcel thereof, in a conspicuous place, by a placard with the word "oleomargarine" printed in English thereon; such placard to be placed in a conspicuous position in full view of the purchaser; and the said word "oleomargarine" on such placard shall be printed in plain, uncondensed Gothic letters, each letter not less than one inch in height, and such placard shall contain no other words thereon; and there shall also be displayed upon each tub, package or parcel containing such oleomargarine in the same manner and in a conspicuous position, a placard with the word "oleomargarine" printed thereon in the same form as above described in this section; and when oleomargarine is sold from such package or tub, or otherwise at retail, in print, roll or other form, before being delivered to the purchaser it shall be wrapped in wrappers plainly stamped on the outside thereof with the word "oleomargarine" printed or stamped thereon in English in letters one-fourth inch square; and said wrapper shall also contain the name and address of

the seller and the quantity sold, and immediately following there shall appear upon the wrapper the name and address of the manufacturer.

Descriptive matter upon the label shall be free from any statement, design or device that is in itself misleading or that conveys or tends to convey information that the product is derived from other than the ingredients of which it is composed; and it shall be unlawful to label oleomargarine "Dairy Rolls," "Country Rolls," "Guernsey," "Jersey," "Holstein," or other labeling that would indicate that said product is of dairy or creamery origin.

The use of any false or misleading statement, design or device shall not be justified by any statement given as the opinion of an expert or other person appearing on the label, nor by any descriptive matter explaining the use of the false or misleading statement, design or device.

**Sec. 6. Hotel proprietors, etc., serving same, must give notice.**—It shall be unlawful for the proprietor of any hotel, dining room, dining car, drinking place, cafe, bakery, boat, lumber camp, mining camp, railroad camp, boarding house or hospital, or any place where guests, boarders or patients are served with food for pay, or for any managing agent or servant of such proprietor, to serve as or for butter, or as a substitute therefor, any oleaginous substance or compound other than that produced wholly from pure, unadulterated milk or cream, unless he or they shall cause to be plainly printed in English upon every bill of fare, if one be used, and in letters not smaller than eighty point bold faced Gothic capitals, the words "Oleomargarine used in place of butter," and in case no bill of fare be used, the manager or person in charge of such establishment shall cause to be posted upon each side of the dining or eating room, in a conspicuous position and in letters large enough to be distinctly seen and read from all parts of said room, placards containing on the face thereof the words in the English language "Oleomargarine used in place of butter," and such person shall keep said placards continuously posted as aforesaid so long as such butter substitute be kept or used.

**Sec. 7. Dairy commissioner to enforce act.**—The state dairy and food commissioner, his assistant, inspectors, agents and employees shall enforce the provisions of this act, and in so doing shall have all the powers conferred upon them and each of them by the provisions of Chapter 21, Revised Laws of 1905.

**Sec. 8. Given access to all places.**—For the purpose of obtaining information regarding suspected violations of this act, the dairy and food commissioner and his several assistants, agent, inspectors and employees shall have access to all places where any of the above mentioned article is manufactured, kept, sold or served, the manufacture, sale or serving of which is reg-

ulated, restricted or forbidden by this act. They may inspect any package or receptacle found therein apparently containing any of the aforementioned articles and may take samples therefrom for analysis. Any person obstructing such entry or inspection, or failing upon request to assist therein, shall be guilty of a misdemeanor, and shall be punished as provided by the laws of this state.

The words "sell" and "sale," as used herein, shall be construed as including the offering or exposing for sale or exchange of the forbidden or regulated article, the having of any such article in possession with intent to sell or exchange the same, and the storing, carrying or handling thereof in aid of traffic therein, whether done in person or permitted to be done through others.

**Sec. 9. Inconsistent acts repealed.**—All acts or parts of acts inconsistent with the provisions of this act are hereby repealed, but repeal of any such act shall not in any way interfere with or prevent the prosecution to final termination of any actions, civil or criminal, now pending or which may hereafter be commenced for any violation of said acts which has already been committed.

**Sec. 10. Remaining sections to stand, in case one or more sections held unconstitutional.**—In event that any section, provision, paragraph, or part of this act, shall be questioned in any court and shall be held to be invalid, the remainder of the act shall not be invalidated but shall remain in full force and effect.

**Sec. 11. Penalty for violation.**—Any person, firm or corporation, and any officer, agent, servant or employee of such person, firm or corporation who violates any of the provisions of Sections Four, Five, Six, Seven and Eight of this act shall be punished for the first offense by a fine of not less than fifty dollars nor more than one hundred dollars, or by imprisonment in the county jail for not more than thirty days; and upon conviction of any subsequent offense, shall be punished by a fine of not less than one hundred dollars or imprisonment in the county jail for not less than sixty days.

**Sec. 12.** This act shall take effect and be in force from and after August 1st, 1913.

Approved April 24, 1913.

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#### CHAPTER 476—H. F. No. 185.

*An Act to make school officers peace officers in certain cases.*

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

**Section 1. School board members made peace officers.**—Members of school boards in common or consolidated school districts shall be peace officers, and may suppress disorder and make