

THE
GENERAL STATUTES

OF THE
STATE OF MINNESOTA

As Amended by Subsequent Legislation, with which are Incorporated
All General Laws of the State in Force December 31, 1894

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[CHAPTER 128.]

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[TITLE 1.]

[PRACTICE OF MEDICINE.]¹

§ 7891. "State board of medical examiners"—Appointment—Term.

The governor of this state shall appoint a board of examiners, to be known as the "State Board of Medical Examiners," consisting of nine members, who shall hold their office for three years after such appointment, and until their successors are appointed: *provided*, that the members thereof first appointed under this act shall be divided into three classes, each class to consist of three. The first class shall hold office under said appointment for the period of one year, the second class for two years, and the third class for three years from the date of their appointment. It is further provided that no member thereof shall be appointed to serve for more than two terms in succession, and no member of any college or university having a medical department shall be appointed to serve as member of said board, two of which shall be homeopathic physicians.

(1887, c. 9, § 1; G. S. 1878, v. 2, c. 124, § 135.)

As to the constitutionality of this act (Laws 1887, c. 9), see *State v. Fleischer*, cited in note to § 7893.

§ 7892. Same—Officers—Meetings—Record.

Said board of medical examiners shall elect a president, secretary, and treasurer; shall have a common seal. The president and secretary shall have the power to administer oaths. Said board of medical examiners shall hold meetings for examination at the capitol of this state on the first Tuesday of January, April, July, and October of each year, and such other meetings as said board may from time to time appoint. Said board shall keep a record of all the proceedings thereof, and also a record or register of all applicants for a

¹An act to regulate the practice of medicine in the state of Minnesota, and to license physicians and surgeons, and to punish persons violating the provisions of this act. Approved February 28, 1887; took effect from and after July 1, 1887. The act of 1889 (c. 125) repealed (post, § 7897).

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license, together with his or her age, time spent in the study of medicine, and the name and locations of all institutions granting to such applicants degrees or certificates of lectures in medicine or surgery. Said register shall also show whether such applicant was rejected or licensed under this act. Said books and register shall be *prima facie* evidence of all of the matters therein recorded.

(1887, c. 9, § 2; G. S. 1878, v. 2, c. 124, § 136.)

§ 7893. Applications for license—Examination—Fee—Revoking license.

All persons hereafter commencing the practice of medicine and surgery in any of its branches, in this state, shall apply to said board for a license so to do, and such applicant, at the time and place designated by said board, or at the regular meeting of said board, shall submit to an examination in the following branches, to-wit: Anatomy, physiology, chemistry, histology, *materia medica*, therapeutics, preventive medicines, practice of medicine, surgery, obstetrics, diseases of women and children, diseases of the nervous system, diseases of the eye and ear, medical jurisprudence, and such other branches as the board shall deem advisable,—and present evidence of having attended three courses of lectures of at least six months each. Said board shall cause such examination to be both scientific and practical, but of sufficient severity to test the candidate's fitness to practice medicine and surgery. When desired, said examination may be conducted in the presence of the dean of any medical school, or the president of any medical society of this state. After examination said board shall grant a license to such applicant to practice medicine and surgery in the state of Minnesota, which said license can only be granted by the consent of not less than seven members of said board, and which said license shall be signed by the president and secretary of said board, and attested by the seal thereof. The fee of such examination shall be the sum of ten dollars, and shall be paid by the applicant to the treasurer of said board, to be applied by said board towards defraying the expenses thereof; and such board may refuse or revoke a license for unprofessional, dishonorable, or immoral conduct. In all cases of refusal or revocation the applicant may appeal to appointing power of said board.

(1887, c. 9, § 3; G. S. 1878, v. 2, c. 124, § 137.)

That part of this section which provides how the license shall be granted does not confer arbitrary power on the board, and therefore the act is not, for that reason, unconstitutional. *State v. Fleischer*, 41 Minn. 69, 42 N. W. Rep. 696.

See *Stewart v. Raab* (Minn.) 56 N. W. Rep. 256.

§ 7894. Filing license—Records—Report of clerk.

The person so receiving said license shall file the same, or a certified copy thereof, with the clerk of the district court in and for the county where he or she resides, and said clerk of the court shall file said certificate or copy thereof, and enter a memorandum thereof, giving the date of said license and name of the person to whom the same is issued, and the date of such filing, in a book to be provided and kept for that purpose; and said clerk of the court shall each year furnish to the secretary of said board a list of all certificates on file in his office, and upon notice to him of the change of location or death of a person so licensed, or of the revocation of the license granted to such person, said clerk shall enter at the appropriate places in the record so kept by him a memorandum of said fact; so that the records so kept by said clerk of the court shall correspond with the records of said board as kept by the secretary thereof. In case a person so licensed shall move into another county of this state, he or she shall procure from the clerk of the court a certified copy of said license, and file the same with the clerk of the district court in the county to which he or she shall so remove. Said clerk shall file and enter the same with like effect as if the same was the original license.

(1887, c. 9, § 4; G. S. 1878, v. 2, c. 124, § 138.)

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§ 7895. Application of act.

This act shall not apply to commissioned surgeons of the United States army or navy, to physicians or surgeons in actual consultation from other states or territories, or to actual medical students practicing medicine under the direct supervision of a preceptor.

(1887, c. 9, § 5; G. S. 1878, v. 2, c. 124, § 139.)

§ 7896. Practicing without license—Penalty.

Any person practicing medicine or surgery within this state without first having obtained the license herein provided for, or contrary to the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than fifty nor more than one hundred dollars, or by imprisonment in the county jail not less than ten days, nor more than ninety days, or both fine and imprisonment. Any person shall be regarded as practicing, within the meaning of this act, who shall append the letters "M. D." or "M. B." to his or her name, or for a fee prescribe, direct, or recommend for the use of any person any drug or medicine, or other agency for the treatment, care, or relief of any wound, fracture, or bodily injury, infirmity, or disease: *provided, however*, this act shall not apply to dentists. Justices of the peace, and the respective municipal courts, shall have jurisdiction over violations of the provisions of this act. It shall be the duty of the respective county attorneys to prosecute violations of this act.

(1887, c. 9, § 6; G. S. 1878, v. 2, c. 124, § 140.)

§ 7897. Repeal—Licenses previously granted.

Chapter one hundred and twenty-five of the General Laws of eighteen hundred and eighty-three is hereby repealed. It is however provided that all persons licensed under said act shall be taken and considered as licensed under this act. And the secretary of the board herein provided for shall enter the names of such persons upon the register so kept by him as licensed physicians and surgeons, without application or fee upon the part of the persons so licensed.

(1887, c. 9, § 7; G. S. 1878, v. 2, c. 124, § 141.)

[TITLE 2.]

[PRACTICE OF MIDWIFERY.]

§ 7898. New practitioners to be licensed by state medical board, when.

That every person practicing midwifery in any of its branches shall possess the qualifications required by this act. Every person hereafter beginning the practice of midwifery in this state, if a graduate in midwifery, shall present his or her diploma to the state medical examining board for verification of its genuineness. If the diploma is found to be genuine, and the person named therein be the person claiming and presenting the same, the board, on payment of the fee of one dollar, shall issue a license to that effect signed by the president and secretary of said board, and bearing the seal of said board, and such license shall be conclusive as to the right of the person named therein to practice midwifery in this state for the period of one year; if not a graduate, such person shall appear before the board and submit to such examination in midwifery as the board shall require; and if the said examination be satisfactory to the examiners, the said board shall issue its license in accordance therewith, on payment of a fee of two dollars, and the person named therein shall be entitled to all the privileges and rights hereinafter mentioned for the period of one year.

(1891, c. 30, § 1.2)

²An act to regulate the practice of midwifery in the state of Minnesota. Approved April 20, 1891.

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§ 7899. Others must register—License.

All persons heretofore practicing midwifery in any of its branches in the state of Minnesota shall register their names with the secretary of the state medical examining board, with an affidavit duly executed before a notary public, or with a written certificate from some legally authorized practitioner of medicine, setting forth the time and places in which such person has been engaged in the practice of midwifery in the state of Minnesota, and upon the filing of such certificate and the payment of a fee of one dollar to the secretary of said board, the board shall issue to such person a license, signed by the president and secretary of said board, and bearing the seal of said board, which license shall entitle the person named therein to all rights and privileges hereinafter mentioned for the period of one year.

(Id. § 2.)

§ 7900. Same—Must register annually.

Every person so licensed shall each year subsequently register his or her name with the secretary of said board, and shall pay to the secretary of said board a fee of one dollar, and the secretary shall issue a license to such person in accordance therewith.

(Id. § 3.)

§ 7901. Examinations.

The state board of medical examiners are hereby authorized and empowered to execute the provisions of this act, and shall hold examinations of candidates for licenses in midwifery, at the capitol, on the first Tuesday of January, April, July and October, and at such other times and places as may be deemed expedient.

(Id. § 4.)

§ 7902. Licenses may be revoked, etc.

The state board of medical examiners may refuse licenses to persons guilty of unprofessional or dishonorable conduct, and may revoke licenses for like causes, or for neglect to make proper returns to the various health officers of births, deaths, and of cases of puerperal fever and other contagious disease occurring in their practice.

(Id. § 5.)

§ 7903. Definition of "practitioner."

Any person shall be regarded as practicing midwifery within the meaning of this act, who shall publicly profess to be a midwife, or who shall for a fee attend to women in childbirth; but nothing in this act shall be construed to prohibit students of medicine or midwifery practicing under the direct supervision of a preceptor, or to prohibit gratuitous services in cases of emergency. This act shall not apply to physicians and surgeons duly authorized by the state board of medical examiners, or to commissioned surgeons of the United States army or navy.

(Id. § 6.)

§ 7904. Penalty for violation of act.

Any person practicing midwifery in this state without first complying with the provisions of this act shall be punished by a fine of not less than ten dollars nor more than fifty dollars, or by imprisonment in the county jail for a period of not less than ten nor more than thirty days.

(Id. § 7.)

§ 7905. Repeal clause.

All acts or parts of acts [inconsistent] herewith are hereby repealed. This act shall take effect from and after its passage.

(Id. § 8.)

[TITLE 3.]

[PRACTICE OF DENTISTRY.]

§ 7906. Unauthorized practice of dentistry unlawful.

From and after September first, eighteen hundred and eighty-nine, it shall be unlawful for any person to practice dentistry in this state, unless he shall

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first 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.

(1889, c. 19, § 1.)

Laws 1889, c. 19, is constitutional. *State v. Vandersluis*, 42 Minn. 129, 43 N. W. Rep. 789.

§ 7907. Board of Examiners—Appointment—Vacancies—Term.

A board of examiners to consist of five 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 board under the provisions of this act shall consist of the members of the present board of dental examiners, existing under chapter one hundred and ninety-nine of the general laws of eighteen hundred and eighty-five, 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 years, and until their successors shall be duly appointed. It is also hereby provided that no person shall serve to exceed two 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 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, eighteen hundred and eighty-nine, annually prior to August tenth, 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, in the following year. All appointments by the governor shall be made within twenty 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 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 members of said board from among the resident practicing dentists not members of said Minnesota State Dental association, if the governor shall so elect.

(1889, c. 19, § 2.)

§ 7908. Same—Officers—Meetings—Quorum.

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, one thousand eight hundred and eighty-nine, said board shall meet regularly at least twice in each year, to-wit: On the first 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 of its regular meetings consecutively, the board shall declare a vacancy to exist, which vacancy shall be filled by the means hereinbefore provided.

(Id. § 3.)

§ 7909. Same—First meeting.

It shall be the duty of the first board hereinbefore provided for to meet at the city of Duluth, in said state, on the second Tuesday in July, one thousand eight hundred and eighty-nine, and elect officers, and within ten days

²An act to regulate the practice of dentistry in the state of Minnesota. Approved April 24, 1889.

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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 Wednesday in July, one thousand eight hundred and eighty-nine, and pursuant to an act of the legislature of the state of Minnesota, approved March third, one thousand eight hundred and eighty-five, 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, one thousand eight hundred and eighty-five. No certificates of license to practice dentistry shall be issued after the second Wednesday in July, one thousand eight hundred and eighty-nine, under said act of March third, one thousand eight hundred and eighty-five. It shall be the duty of the said secretary of the first board hereby created to send to each person as registered prior to August fifth, one thousand eight hundred and eighty-nine, a certificate of his enregistration, signed by the president and secretary of such board of examiners.

(Id. § 4.)

§ 7910. Same—Examination—Certificate.

Any person or persons who shall desire to begin the practice of dentistry in the state of Minnesota on and after September first, one thousand eight hundred and eighty-nine, 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 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, 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.

(Id. § 5.)

See State v. Vandersluis, 42 Minn. 129, 132, 43 N. W. Rep. 789.

§ 7911. Same — Recording certificate — Removal from county.

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 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 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 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 months from the issuance thereof, shall forfeit the same. Such board shall be entitled to a

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fee of one 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 dollar for making and certifying a copy of the record of any such certificate.

(1889, c. 19, § 6.)

§ 7912. Same—"Practicing dentist" defined.

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.

(Id. § 7.)

See State v. Vandersluis, 42 Minn. 129, 134, 43 N. W. Rep. 739.

§ 7913. Compensation of board—Annual report.

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

(1889, c. 19, § 8.)

See § 284.

§ 7914. Penalty for violation of act.

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 dollars, nor more than one hundred dollars, or to be confined not less than one month, nor more than three 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.

(1889, c. 19, § 9.)

§ 7915. False pretense as to certificate, etc.

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 of this act.

(Id. § 10.)

§ 7916. Prosecutions—Jurisdiction.

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.

(Id. § 11.)

§ 7917. License may be revoked, when.

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 days' notice of such

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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.

(Id. § 12.)

§ 7918. License fee—Penalty for non-payment—Collection.

Every registered dentist shall, in each and every year after one thousand eight hundred and eighty-nine pay to said board of examiners the sum of one dollar as a license fee for such year. Such payment shall be made prior to May first, 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 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 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.

(Id. § 13.)

§ 7919. Name of board—May sue and be sued.

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.

(Id. § 14.)

§ 7920. Laws 1885, c. 199, repealed.

Chapter one hundred and ninety-nine of the general laws of one thousand eight hundred and eighty-five, 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, one thousand eight hundred and eighty-five, is hereby repealed, such repeal to take effect September first, one thousand eight hundred and eighty-nine.

(Id. § 15.)

§ 7921. Property of former board to vest in present board.

All effects and property whatsoever of the board of dental examiners created by said act of March third, one thousand eight hundred and eighty-five, shall, on said first day of September, one thousand eight hundred and eighty-nine, 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, one thousand eight hundred and eighty-five.

(Id. § 16.)

[TITLE 4.]

[PRACTICE OF PHARMACY, SALE OF POISONS.]

§ 7922. Unauthorized practice of pharmacy unlawful.

That, except as in this act provided, it shall hereafter be unlawful for any person to retail, compound or dispense drugs, medicines or poisons, or to institute or conduct any pharmacy, store or shop for retailing, compounding or dispensing drugs, medicines or poisons, unless such person shall be a registered pharmacist, or shall employ, place and keep in active charge and con-

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trol of said pharmacy, store or shop, a registered pharmacist, within the full meaning of this act.

(1885, c. 147, § 1; G. S. 1878, v. 2, c. 124, § 151; as amended 1891, c. 104, § 1.4)

The title of Laws 1885, c. 147, "An act to regulate the practice of pharmacy, the licensing of persons to carry on such practice, and the sale of poisons in the state of Minnesota," sufficiently expressed the subject of regulating the sale of drugs and medicines not poisons. *State v. Donaldson*, 41 Minn. 74, 42 N. W. Rep. 781.

§ 7923. Qualifications for registration—Prior registration valid.

To be entitled to registration as a pharmacist within the full meaning of this act, the applicant must be a graduate in pharmacy, or a graduate in medicine, within the requirements of this act, or he must be not less than twenty-one years of age, and have had four years' practical experience in drug stores where prescriptions of medical practitioners have been usually compounded, and have sustained a satisfactory examination before the board of pharmacy of the state of Minnesota, or he must be at the time of the passage of this act a registered assistant. Nothing in this section contained shall impair the validity of any registration heretofore granted by said board. But notwithstanding anything in this section hereinbefore contained, any person who was on the fifth day of March, one thousand eight hundred and eighty-five, entitled to registration as a registered pharmacist, and who is at the time of the passage of this act engaged in the business of a dispensing pharmacist in the state of Minnesota, and who shall within thirty days after the passage of this act, or within thirty days after the passage of this amendment, file with the secretary of said board an application for registration, accompanied with his affidavit that he was on the fifth day of March aforesaid, as well as at the time of the passage of this act, so engaged, shall be granted a certificate of registration without examination.

(1885, c. 147, § 2, as amended 1887, c. 29; G. S. 1878, v. 2, c. 124, § 152; 1891, c. 104, § 2; 1893, c. 131, § 1.)

§ 7924. "Graduates in pharmacy" defined.

A graduate in pharmacy or in medicine must, in order to be so registered, have had four years' practical experience in drug stores where prescriptions of medical practitioners have been usually compounded, and have a diploma from a college or school of pharmacy or medicine, satisfactory to said board of pharmacy, as sufficient guarantee of his attainments and proficiency, or he shall be legally entitled to practice medicine in the state of Minnesota.

(1885, c. 147, § 3; G. S. 1878, v. 2, c. 124, § 153; as amended 1891, c. 104, § 3.)

§ 7925. License to foreign pharmacists—Assistant's certificates.

The said board of pharmacy may at their discretion grant registration and a certificate thereof to any pharmacist licensed or registered by the board of pharmacy of any other state, either after or without further examination. It shall be the duty of said board to grant an assistant's certificate to any person not less than eighteen years of age who shall have had two years' practical experience in drug stores where prescriptions of medical practitioners have been usually compounded, and who shall have passed a satisfactory examination before said board of pharmacy of Minnesota; which certificate shall entitle such person to act only as an assistant to a registered pharmacist personally conducting his own business as such, and shall not entitle such assistant to engage in business on his own account, or as manager to conduct a drug store, or to transact a pharmacy business for another party.

(1885, c. 147, § 4; G. S. 1878, v. 2, c. 124, § 154; as amended 1891, c. 104, § 4.)

⁴An act to amend chapter one hundred and forty-seven of the General Laws of One Thousand Eight Hundred and Eighty-Five, entitled "An act to regulate the practice of pharmacy, the licensing of persons to carry on such practice, and the sale of poisons in the state of Minnesota," and to repeal chapter twenty-nine of the General Laws of One Thousand Eight Hundred and Eighty-Seven, amendatory thereof. Approved April 17, 1891.

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Tit. 4] PRACTICE OF PHARMACY, SALE OF POISONS. §§ 7926-7928

§ 7926. State board of pharmacy—Appointment—Term—Vacancies.

Immediately upon the passage of this act the Minnesota State Pharmaceutical Association shall elect fifteen reputable and practicing pharmacists doing business in the state, from which number the governor shall appoint five. The said five pharmacists, duly elected and appointed, shall constitute the board of pharmacy of the state of Minnesota, and shall hold office, as respectively designated in their appointments, for the term of one, two, three, four, and five years, respectively, as hereinafter provided, and until their successors have been duly elected and appointed. The Minnesota State Pharmaceutical Association shall annually thereafter elect five pharmacists, from which number the governor of the state shall appoint one, to fill the vacancy annually occurring in said board. The term of office shall be five years. In case of resignation or removal from the state of any member of said board, or of a vacancy occurring from any cause, the governor shall fill the vacancy by appointing a pharmacist from the names last submitted, to serve as a member of the board for the remainder of the term.

(1885, c. 147, § 5; G. S. 1878, v. 2, c. 124, § 155.)

§ 7927. Same—Meetings—Officers—Duties.

The said board shall, within sixty days after its appointment, meet and organize by the selection of a president and secretary from the number of its own members, who shall be elected for the term of one year, and shall perform the duties prescribed by the board. It shall be the duty of the board to examine all applications for registration submitted in proper form; to grant certificates of registration to such persons as may be entitled to the same under the provisions of this act; to cause the prosecution of all persons violating its provisions; to report annually to the governor and to the Minnesota State Pharmaceutical Association, upon the condition of pharmacy in the state, which said report shall also furnish a record of the proceedings of the said board for the year, as well as the names of all pharmacists duly registered under this act. The board shall hold meetings for the examination of applicants for registration, and transaction of such other business as shall pertain to its duties, at least once in three months. And the said board shall give thirty days' public notice of the time and place of such meeting. The said board shall also have power to make by-laws for the proper execution of its duties under this act, and shall keep a book of registration in which shall be entered the names and places of business of all persons registered under this act, which registration book shall also contain such facts as such persons claim to justify their registration. Three members of said board shall constitute a quorum.

(1885, c. 147, § 6; G. S. 1878, v. 2, c. 124, § 156.)

§ 7928. Registration of practitioners.

Every person claiming the right of registration under this act, who shall, within three months after the passage of this act, forward to the board of pharmacy satisfactory proof, supported by his affidavit, that he was engaged in the business of dispensing pharmacist on his own account in the state of Minnesota at the time of the passage of this act, as provided in section two, shall, upon the payment of the fee hereinafter mentioned, be granted a certificate of registration: *provided*, that in case of failure or neglect to register as herein specified, then such person shall, in order to be registered, comply with the requirements provided for registration as graduates in pharmacy or licentiates in pharmacy within the meaning of this act.

(1885, c. 147, § 7; G. S. 1878, v. 2, c. 124, § 157.)

See Laws 1885, c. 147, § 4 (ante, § 7925).

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§ 7929. "Registered assistants" — Applicants of seven years' experience.

Any person engaged in the position of assistant in a pharmacy at the time this act takes effect, not less than eighteen years of age, who shall have had at least three years' practical experience in drug stores where the prescriptions of medical practitioners are compounded, and who shall furnish satisfactory evidence to that effect to the state board of pharmacy, shall, upon making application for registration, and upon payment to the secretary of said board of a fee of one dollar, within ninety days after this act takes effect, be entitled to a certificate as "registered assistant," which certificate shall entitle him to continue in such duties as clerk or assistant; but shall not entitle him to engage in business on his own account. Thereafter he shall pay annually to the said secretary the sum of fifty cents during the time he shall continue in such duties, in return for which sum he shall receive a renewal of said certificate: *provided*, any applicant who has had seven years' experience in compounding and dispensing medicines, immediately prior to the passage of this act, may receive a certificate of "registered pharmacist."

(1885, c. 147, § 8; G. S. 1878, v. 2, c. 124, § 158.)

§ 7930. Fees—Certificate revocable.

Every person claiming registration as a registered pharmacist under this act shall, before a certificate is granted, pay to the secretary of the board of pharmacy the sum of two dollars; and every applicant for registration upon examination, whether as a pharmacist or as an assistant, shall pay to said secretary the sum of five dollars before such examination shall be attempted; Provided, That in case the applicant fails to sustain a satisfactory examination by the said board, the said five dollars shall be refunded to him. Every certificate hereafter issued under this act shall have plainly written, printed or stamped upon the face thereof the words 'Revocable for the causes specified by law.'

(1885, c. 147, § 9; G. S. 1878, v. 2, c. 124, § 159; as amended 1891, c. 104, § 5.)

§ 7931. Annual renewal fee.

Every registered pharmacist and every registered assistant who desires to continue the practice of his profession, shall annually, during the time he shall continue such practice, on such date as the board of pharmacy may prescribe, pay to said secretary a registration renewal fee, the amount of which shall be fixed by said board, and shall in no case exceed two dollars for a pharmacist and one dollar for an assistant; in return for which payment he shall receive a renewal of his registration.

(1885, c. 147, § 10; G. S. 1878, v. 2, c. 124, § 160; as amended 1891, c. 104, § 6.)

§ 7932. Salaries and expenses—Disposition of fees, etc.

The secretary of the board of pharmacy shall receive a salary which shall be determined by said board. He shall also receive his traveling and other expenses incurred in the performance of his official duties. The other members of said board shall receive the sum of five dollars for each day actually engaged in such service, and all the legitimate and necessary expenses incurred in attending the meetings of said board. Said expenses shall be paid from the fees, fines, and penalties received by said board under the provisions of this act; and no part of the salary or other expenses of said board shall be paid out of the public treasury. All moneys received by said board in excess of said allowances and other expenses hereinbefore provided for, shall be held by the secretary of said board as a special fund for meeting the expenses of said board, said secretary giving such bonds as the said board shall from time to time direct. The said board shall, in its annual report to the governor and to the Minnesota State Pharmaceutical Association, render an account of all moneys received and disbursed by them pursuant to this act.

(1885, c. 147, § 11; G. S. 1878, v. 2, c. 124, § 161; as amended 1891, c. 104, § 7.)

MINNESOTA STATUTES 1894

Tit. 4] PRACTICE OF PHARMACY, SALE OF POISONS. §§ 7933-7934

§ 7933. Penalties — “Drugs, medicines, and poisons” defined—Exemptions.

Any person not being or not having in his employ a registered pharmacist within the full meaning of this act, who shall, after this act shall take effect, retail, compound or dispense drugs, medicines or poisons, or who shall take, use or exhibit the title of a registered pharmacist, shall for each and every such offense be liable to a penalty of fifty dollars. Any registered pharmacist or other person who shall permit the compounding or dispensing of prescriptions or the vending of drugs, medicines or poisons in his store or place of business, except under the supervision of a registered pharmacist or by a registered assistant, and any pharmacist or registered assistant, who, while continuing in business, shall fail or neglect to procure annual registration, and any person who shall willfully make any false representation to procure registration for himself or any other person, or who shall violate any other provision of this act, shall, except as otherwise provided, for each and every such offense be liable to a penalty of fifty dollars. Except as in this section hereafter provided, drugs, medicines and poisons shall, for all purposes of this act, be construed to include all substances, animal, vegetable or mineral, commonly kept in stock in drug stores or apothecary shops and used in compounding medicines or sold for medical purposes.

It is provided, however, That nothing in this act shall in any manner interfere with the regular practice of any physician as such, or prevent him as a physician from supplying to his patients such articles as may seem to him proper, or shall interfere with the making or vending of proprietary medicines, or with the sale by general retail dealers of any of the following articles, that is to say:

Alum,	Copperas,	Logwood,
Blue Vitriol,	Epsom Salts,	Rollad Sulphur,
Borax,	Glauber Salts,	Saltpetre,
Carbonate of Ammonia,	Glycerine,	Senna Leaves,
Carbonate of Soda,	Gum Arabic,	Sublimed Sulphur,
Castor Oil,	Gum Camphor,	Water of Ammonia,
	Licorice,	

or with the sale by such retail dealers of Paris green kept in stock in sealed packages and so sold, distinctly labeled “Paris Green, Poison,” or shall prevent a shopkeeper whose place of business is more than one mile from a drug store or apothecary shop, from dealing in and selling the commonly used medicines and poisons, if put up for such sale by a registered pharmacist; or interfere with the exclusively wholesale business of any dealers, except as hereinbefore provided.

(1885, c. 145, § 12; G. S. 1878, v. 2, c. 124, § 162; as amended 1891, c. 104, § 8.)

Laws 1885, c. 147, “regulating the practice of pharmacy,” etc., held not invalid as discriminating against shopkeepers doing business within one mile of a drug store. *State v. Fleischer*, 41 Minn. 69, 42 N. W. Rep. 696.

The owner of a drug store is not liable, under Laws 1885, c. 147, § 12, as amended by Laws 1891, c. 104, for a sale by an employe not a registered pharmacist or assistant, without his knowledge or consent. *State v. Robinson* (Minn.) 56 N. W. Rep. 594.

§ 7934. Adulteration, etc.—Penalty.

Every proprietor or conductor of a drug store shall be held responsible for the quality of all drugs, chemicals, and medicines sold or dispensed by him, except those sold in the original package of the manufacturer, and except those articles or preparations known as patent or proprietary medicines. Any person who shall knowingly, willfully, or fraudulently falsify or adulterate, or cause to be falsified or adulterated, any drug or medicinal substance, or any preparation authorized or recognized by the pharmacopœia of the United States, or used or intended to be used in medical practice; or shall mix or cause to be mixed, with any such drug or medicinal substance, any foreign or inert substance whatsoever, for the purpose of destroying or weakening its medicinal power and effect, or of lessening its cost, and shall willfully, knowingly, or fraudulently, sell or cause the same to be sold, for medicinal purposes, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall pay a

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fine not exceeding five hundred dollars, and shall forfeit to the state of Minnesota all articles so adulterated; and any person so convicted may also, at the discretion of the court before which such conviction occurs, be further adjudged and sentenced to forfeit his registration and the certificate thereof. (1885, c. 147, § 13; G. S. 1878, v. 2, c. 124, § 163; as amended 1891, c. 104, § 9.)

§ 7935. Sale of poisons—Penalty for violation of this section.

No person shall sell at retail any poisons commonly recognized as such, and especially aconite, arsenic, belladonna, biniodide of mercury, carbolic acid, chloral hydrate, chloroform, conium, corrosive sublimate, creasote, croton oil, cyanide of potassium, digitalis, hydrocyanic acid, laudanum, morphine, nuxvomica, oil of bitter-almonds, oil tansy, opium, oxalic acid, strychnine, sugar of lead, sulphate of zinc, white precipitate, red precipitate, without affixing to the box, bottle, vessel, or package containing the same, and to the wrapper or cover thereof, a label bearing the name "poison" distinctly shown, together with the name and place of business of the seller. Nor shall he deliver any of the said poison to any person without satisfying himself that such poison is to be used for legitimate purposes: *provided*, that nothing herein contained shall apply to the dispensing of physicians' prescriptions specifying any of the poisons aforesaid. Every person omitting to comply with any requirement of this section shall be deemed guilty of a misdemeanor, and shall upon conviction thereof pay a fine not less than five dollars for each such omission. (1885, c. 147, § 14; G. S. 1878, v. 2, c. 124, § 164; as amended 1891, c. 104, § 10.)

See *Osborne v. McMasters*, 40 Minn. 103, 41 N. W. Rep. 543.

§ 7936. Prosecutions—Costs and disbursements—Disposition of fines, etc.

All suits for the recovery of the several penalties prescribed in this act shall be prosecuted in the name of the state of Minnesota, in any court having jurisdiction; and it shall be the duty of the county attorney of the county wherein such offense is committed to prosecute all persons violating the provisions of this act, upon proper complaint being made. If in any such case the county attorney omit or refuse to act, the board, may employ some other attorney for such purpose. Costs and disbursements shall be adjudged in favor of the state whenever it recovers judgment in such suit. All fines and penalties paid or collected under the provisions of this act shall inure one-half to the board of pharmacy, and the remainder to the school fund of the county in which the conviction was had or the judgment obtained. If any person adjudged liable to any penalty or penalties imposed by this act shall not pay the judgment therefor within sixty days after the rendition thereof, or, in case of appeal, within thirty days after the affirmation of such judgment, his registration and certificate thereof may be by the board of pharmacy summarily revoked and canceled, and such person shall not be entitled to registration within one year thence next to ensue or without paying such judgment in full.

(1885, c. 147, § 15; G. S. 1878, v. 2, c. 124, § 165; as amended 1891, c. 104, § 11.)

§ 7937. Repeal of certain acts—Renewal of membership.

All acts or portions of acts regulating the practice of pharmacy and the sale of poisons, or the adulteration of drugs, within this state, enacted prior to the passage of this act, are hereby repealed: *provided*, that nothing in this act shall be so construed as to prevent any person who has once been a registered member, and may have forfeited his membership by non-payment of dues or fees, from renewing his membership within two years by paying the required dues or fees, without examination.

(1885, c. 147, § 16; G. S. 1878, v. 2, c. 124, § 166.)

§ 7938. Exemption from jury duty.

All persons registered under this act shall be exempt from jury duty in the state of Minnesota.

(1885, c. 147, § 17; G. S. 1878, v. 2, c. 124, § 167.)

MINNESOTA STATUTES 1894

Tit. 5]

PRACTICE OF VETERINARY MEDICINE.

§§ 7939-7945

§ 7939. Certificate to be displayed—Change of location.

Every person receiving a certificate under this act shall keep the same conspicuously exposed in his place of business. Every registered pharmacist or registered assistant shall, within ten days after changing his place of business or employment, notify the secretary of the board of his new place of business; he shall thereupon be entitled to receive from the secretary a notice in writing that his address has been changed on the book of registration. Without such notice from said secretary, such pharmacist or assistant shall not act as such longer than ten days after his aforesaid notice of change. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of ten dollars and the costs of prosecution.

(Added 1891, c. 104, § 12.)

§ 7940. False representation—Revocation of license.

Any registration obtained by false representation shall be void, and the board of pharmacy may, after hearing complaint and evidence, revoke any certificate which it may determine to have been so obtained.

(Id.)

§ 7941. Appointment of secretary.

The board may hereafter appoint a secretary who is not a member of the board.

(Id.)

[TITLE 5.]

[PRACTICE OF VETERINARY MEDICINE.]

§ 7942. Qualifications of practitioners.

That every person practicing veterinary medicine, surgery or dentistry in any of its departments in this state shall possess the qualifications required by this act.

(1893, c. 31, § 1.5)

§ 7943. Practitioners of three years' experience eligible for registration, when.

Any person who has practiced the profession of veterinary medicine, surgery or dentistry as a livelihood in this state for three years, immediately preceding the passage of this act, may be deemed eligible to registration, and shall receive a certificate upon presentation, to the secretary of the board, his sworn affidavit and letters of recommendation from ten reputable free holders and stock owners in his locality, or upon presentation of a diploma from a legally authorized veterinary college or university, if made within six months after the passage of this act.

(Id. § 2.)

§ 7944. State board of veterinary medical examiners—Appointment—Term.

The governor of the state shall appoint a board of examiners within thirty days after the passage of this act, said board to be known as the state board of veterinary medical examiners. This board shall consist of five qualified veterinarians, who shall hold office for two years after such appointment, or until their successors are appointed.

(Id. § 3.)

§ 7945. Same—Officers—Seal—Examinations—Diploma.

Said board of veterinary medical examiners shall elect a president, secretary and treasurer. They shall have a common seal, and the president and secretary shall have power to administer oaths. Said board shall hold

⁵An act to regulate the practice of veterinary medicine, surgery and dentistry in the state of Minnesota.

meetings for examination at the state capitol on the second Wednesdays of April and October of each year, and such other meetings as may be deemed necessary, each session not to exceed three days. Said board shall issue a certificate of qualification to all applicants who pass the required examinations and to all applicants who are eligible to registration under section two of this act, signed by the president and secretary of the board. Such certificate or diploma shall be conclusive as to the rights of the lawful holder of the same to practice veterinary medicine, surgery or dentistry in this state.

(Id. § 4.)

§ 7946. Same—Records—Evidence.

Said board shall keep a record of all proceedings thereof, and also a record or register of all applicants for a license, together with his age, name and time spent in the study and practice of veterinary medicine, surgery or dentistry, and, if a graduate, the name and location of the college or university granting such diploma. Said books and records shall be prima facie evidence of all matters therein recorded.

(Id. § 5.)

§ 7947. Fee for registration.

Persons presenting diplomas or candidates for registration shall pay to the secretary of the board a fee of five dollars in advance, and the fees received by the said board shall defray the expenses of the same.

(Id. § 6.)

§ 7948. Penalty for violation of act—Exception.

Any person practicing veterinary medicine, surgery or dentistry in this state for compensation without compliance with the provisions of this act shall be deemed guilty of a misdemeanor, and, upon conviction, shall be punished by a fine of not less than fifty dollars nor more than one hundred dollars, or by imprisonment in the county jail for a period of not more than ninety days for each and every such offense. All fines received under this act shall be paid into the common school fund of the county in which such conviction takes place. Provided, that nothing herein contained shall prohibit any person from rendering needful help or assistance in the treatment of any domestic animal, when the attendance of a registered veterinary surgeon cannot be procured without great inconvenience or risk.

(Id. § 7.)

§ 7949. New practitioners must be graduates of authorized school.

All persons commencing the practice of veterinary medicine, surgery or dentistry in this state after the passage of this act shall be graduates of a legally authorized veterinary college or university.

(Id. § 8.)

§ 7950. Certificate to be recorded—Removal to another county.

Every person holding a certificate from the board of examiners shall have it recorded in the office of the clerk of court in the county in which he resides within thirty days after the date of said certificate, and the record shall be indorsed thereon. Any person removing to another county to practice shall record the certificate in a like manner in the county to which he removes, and the holder of the certificate shall pay to the clerk of the court a fee of one dollar for making the record.

(Id. § 9.)

§ 7951. Dehorning and castration excepted.

Dehorning of cattle and castration of animals shall not be construed as coming within the meaning of this act.

(Id. § 10.)

MINNESOTA STATUTES 1894

Tit. 6] LIVE-STOCK DETECTIVES OF OTHER STATES. §§ 7952-7955

[TITLE 6.]

[LIVE-STOCK DETECTIVES OF OTHER STATES.]

§ 7952. Have authority to act in Minnesota, when.

Whenever the governor or chief executive officer of another state shall appoint and commission one or more persons as agents of that state to detect and recover, on behalf of the true owner or owners thereof, being citizens of that state, the possession of animals strayed or stolen in such other states and unlawfully shipped or driven into this state, such person is hereby authorized to act in this state in accordance with the terms of his appointment.

(1893, c. 26, § 1.0)

§ 7953. Same—Commission and bond to be filed—Certificate.

Before any person shall be authorized to act as such agent in this state, he shall file with the secretary of state a copy of his commission as such agent, duly certified to by the secretary of state from which he shall receive his appointment; and he shall also execute and file with the secretary of this state a bond to the state of Minnesota, for the use of any person interested, in the sum of two thousand dollars with sureties, to be approved by the secretary of state, who shall be residents and freeholders of the state of Minnesota, conditioned for the faithful discharge of his duties as such agent and that he will pay and discharge any and all costs and damages that any person may sustain by reason of the wrongful seizure of any property by him as such agent, and that he will pay and satisfy any and all judgments that may be recovered against him on account of any unlawful conduct; and such bond may be sued upon by any person interested. Upon complying with the provisions of this act, the secretary of state shall issue to such person a certificate authorizing him to act as such agent in this state.

(Id. § 2.)

§ 7954. Term of commission—Deputies.

It shall be lawful for the person so appointed and commissioned to act as such agent in the state for and during the period named in such commission only; and, if no person shall be named therein, then only until a revocation of such commission shall be filed with the secretary of state of this state. Such agent shall be authorized to appoint in writing one or more persons not exceeding three to assist him in the duties of his office, and may remove such at pleasure. For the acts of such deputies he shall be responsible.

(Id. § 3.)

§ 7955. Powers.

Any such agent is hereby authorized to select and remove from any herd or drove of animals shipped or driven into this state from the state from which such agent holds his commission or cause to be selected and removed therefrom, while in transit or being loaded or unloaded for shipment or slaughter or in yards awaiting shipment or slaughter, all and singular the animals known by him, by the brands they bear, to be strayed or stolen from that state, or which he shall have good reason to believe to be strayed or stolen from that state and unlawfully shipped or driven into this state, on such terms and conditions, and in such manner as may be authorized by the provisions of his commission and not inconsistent with the terms and conditions of said bond.

(Id. § 4.)

*An act to provide for the appointment of agents in this state by the authorities of other states as stock detectives. Approved April 14, 1893.