

# REVISED LAWS

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## CHAPTER 35

## EMPLOYMENTS LICENSED BY STATE BOARDS

## ATTORNEYS AT LAW

**2278. Board of law examiners—Examinations—**The state board of law examiners shall consist of not less than five nor more than seven attorneys at law, as the justices of the supreme court may from time to time determine, who shall be appointed by said justices each for the term of three years and until his successor qualifies. The justices may fill any vacancy in said board for the unexpired term, and in their discretion may remove any member thereof. The board shall have a seal, and shall elect a president, a secretary, and a treasurer; but the offices of secretary and treasurer may be held by the same person. The secretary shall keep a record of the proceedings of the board, of all applications made to it for examination, and of the names of all persons admitted to the bar upon its recommendation. At least three times a year the board shall hold public examinations, both oral and written, and report the result thereof, with its recommendations, to the supreme court. Upon consideration of such report the court shall enter an order, in the case of each person examined, authorizing or directing the board to reject him or to issue to him a certificate of admission. The fee for examination shall be fifteen dollars, payable to the treasurer in advance. From money so received the treasurer shall pay the necessary expenses of the board, and of the several members, incurred in attending examinations, and ten dollars a day to each member for his actual services as such. (6172-6177)

**2279. Prohibition—Admission of law graduates—**Except as hereinafter provided, no person shall be admitted to practice as an attorney, or permitted to commence, conduct, or defend any action or proceeding in a court of record to which he is not a party, either in his own name or in that of another, otherwise than under rules prescribed by the supreme court. A graduate from the college of law of the state university shall be so admitted, without fee or examination, upon production of his diploma within two years from the date thereof, and upon proof that he is an adult citizen and resident of the state, of good moral character. Upon the same terms and conditions a graduate from any college of law incorporated in this state or established by authority of its laws, and located therein, shall be admitted to such practice, provided such college receives as students only those having the equivalent of a high school education, affords a three years' course of tuition under a corps of ten competent instructors, and operates under the written approval of the supreme court. Such approval shall be by certificate, filed with the clerk, to the effect that such college meets the foregoing requirements. When, in the opinion of the court, any such college shall have ceased to merit such approval, the court may revoke the same, and thereafter the diploma shall no longer have the effect above provided. (6178; '99 c. 60; '01 c. 100)

**2280. Unauthorized practice—**Every person not duly admitted to practice, who shall appear as an attorney at law in any action or proceeding in a court of record, except in his own behalf when a party thereto, or who for any consideration shall give legal advice, or in any manner hold himself out as qualified to give it or as being an attorney at law, shall be guilty of a gross misdemeanor, of which the district court shall have sole original jurisdiction, and which the county attorney shall prosecute; but an attorney admitted to practice and residing in another state, who shall attend any term of court here for the purpose of trying or assisting in the trial or conduct of an action or proceeding therein pending, may be permitted to do so without being subject to such penalty. (6179; '01 c. 282)

**2281. General duties—**Every attorney at law shall:

1. Observe and carry out the terms of his oath.

2. Maintain the respect due to courts of justice and judicial officers.
3. Counsel or maintain such causes only as appear to him legal and just; but he shall not refuse to defend any person accused of a public offence.
4. Employ, for the maintenance of causes confided to him, such means only as are consistent with truth, and never seek to mislead the judges by any artifice or false statement of fact or law.
5. Keep inviolate the confidences of his client, abstain from offensive personalities, and advance no fact prejudicial to the honor or reputation of a party or witness, unless the justice of his cause requires it.
6. Encourage the commencement or continuation of no action or proceeding from motives of passion or interest; nor shall he, for any consideration personal to himself, reject the cause of the defenceless or oppressed. (6180)

Subd. 5 (75-366, 77+987).

**2282. Penalties for deceit, etc.**—An attorney who, with intent to deceive a court or a party to an action or judicial proceeding, is guilty of or consents to any deceit or collusion, shall be guilty of a misdemeanor; and, in addition to the punishment prescribed therefor, he shall be liable to the party injured in treble damages. If he permit any person not his general law partner to begin, prosecute, or defend an action or proceeding in his name, the attorney giving such permission, and every person so using his name, shall forfeit fifty dollars to the party against whom the action or proceeding is prosecuted or defended, recoverable in a civil action. (6181, 6182)

**2283. Authority**—An attorney may bind his client, at any stage of an action or proceeding, by agreement made in open court or in presence of the clerk, and entered in the minutes by such clerk, or made in writing and signed by such attorney. During any proceeding or action the attorney may receive money claimed therein by his client, and within two years after judgment, upon payment thereof, may discharge the claim or acknowledge satisfaction of the judgment; but all such authority shall cease upon the substitution of another attorney. (6184)

Authority to stipulate that action shall abide event of another action (48-53, 50+933); to waive verification of pleading (2-319, 273); to waive defences (6-136, 82); to stipulate for judgment against client (70-66, 72+816); to waive right to second trial in ejectment (39-355, 40+262); to satisfy judgment within two years of entry (21-51; 94-418, 103+215); to issue execution and receive money paid thereon (39-373, 40+254); to make admissions in conduct of litigation (14-333, 256); to protect judgment (23-518; 29-367, 13+194). No implied authority to compromise claim (See 49-528, 52+140; 25-267; 6-526, 365), or judgment (94-418, 103+215); to stipulate that client's property taken on execution be sold at private sale by person other than sheriff (21-56); to consent to an amendment of a complaint whereby a client sued in a representative capacity is rendered liable individually (60-485, 62+1130). Agreements out of court to be in writing (33-87, 22+4). Authority to bind infant client (48-53, 50+933). Effect of assignment of judgment (39-373, 40+254). Notices to be served on (23-518; 79-476, 82+990). Foreclosure of a mortgage not a "proceeding" within statute (53-346, 55+557). Authority ceases on entry of judgment against client (21-51; 23-518). Unauthorized acts of attorney acquiesced in by client binding on client (63-272, 65+459; 25-267; 6-526, 365; 17-45, 27). A stipulation improvidently, fraudulently or collusively made may be set aside in the discretion of the court (6-136, 82; 14-333, 256; 39-355, 40+262; 48-53, 50+933; 70-66, 72+816). An unauthorized stipulation may likewise be set aside (94-490, 103+501).

**2284. Proof of authority**—A court, upon motion and hearing, and when reasonable grounds are shown, may require any attorney to prove his authority to appear, and, until such proof is made, may stay all proceedings by him on behalf of the party he assumes to represent. At any stage of the proceedings the court may relieve a party from the consequences of the unauthorized acts of an attorney, and, upon motion, may summarily compel such attorney to repair any injury resulting therefrom. (6185, 6186)

1-241, 191; 19-174, 137.

**2285. Consultation with persons restrained**—All officers or persons having in their custody a person restrained of his liberty upon any charge or cause alleged, except in cases where imminent danger of escape exists, shall admit any resident attorney retained by or in behalf of the person restrained, or whom he may desire to consult, to a private interview at the place of custody. Such custodians, upon request of the person restrained, as soon as practicable,

and before other proceeding shall be had, shall notify any attorney residing in the county of the request for a consultation with him. Every officer or person who shall violate any provision of this section shall be guilty of a misdemeanor, and, in addition to the punishment prescribed therefor, shall forfeit one hundred dollars to the person aggrieved, to be recovered in a civil action. (6187-6189)

**2286. Change of attorney**—The attorney in an action or proceeding may be changed at any time upon his consent, or, by order of the court, upon the application of the client for cause; but no change can be made on application of the client unless the charges of the attorney be paid. When such change is made, written notice of the substitution of a new attorney shall be given to adverse parties; until such notice, they shall recognize the former attorney. (6190, 6191)

11-72, 42; 21-51; 24-479, 495.

**2287. Same—Disability—Non-resident clients**—When the sole attorney of a party to any action or proceeding in any court of record dies, becomes insane, or is removed or suspended, the party for whom he appears shall appoint another attorney within ten days after the disability arises, and give immediate written notice of the substitution to the adverse party. If he fail to make substitution within such time, the adverse party, at least twenty days before taking further proceedings against him, shall give him written notice to appoint another attorney. Whenever, for any reason, the attorney for a party ceases to act, and the party has no known residence within the state, such notice may be served upon the clerk of the court. In case such party fails either to comply with the notice or appear in person within thirty days, he shall not be entitled to notice of subsequent proceedings in the case. (6192, 6193; '95 c. 26)

21-51, 55; 64-243, 66+988.

**2288. Lien**—An attorney has a lien for his compensation, whether the agreement therefor be express or implied:

1. Upon the papers of his client coming into his possession in the course of his employment.

2. Upon money in his hands belonging to his client.

3. Upon the cause of action from the time of the service of the summons therein.

4. Upon money in the hands of the adverse party to the action or proceeding in which the attorney was employed, from the time such party is given notice of the lien.

5. Upon a judgment, to the extent of the costs included therein; and, if there be a special agreement as to compensation, the lien shall extend to the amount thereof from the time of giving notice of his claim to the judgment debtor. But this lien is subordinate to the rights existing between the parties to the action or proceeding. (6194)

Subd. 2 (83-512, 86+775). Subd. 3 (New. See 53-249, 54+1108; 86-480, 91+12; *Boogren v. St. Paul City Ry. Co.* Filed Jan. 5, 1906). Subd. 4 (8-303, 267; 21-412; 86-271, 30+402; 86-480, 91+12). Subd. 5 (1-270, 205; 8-303, 267; 31-201, 17+337; 39-373, 40+254; 42-234, 44+11; 51-73, 52+970; 64-46, 65+931; 68-328, 332, 71+395, 72+71; 79-390, 82+653).

**2289. Refusal to surrender property to clients**—Whenever an attorney shall refuse to deliver money or papers to a person from or for whom he has received them in the course of his professional employment, he may be required to do so by an order of court. Such order may be granted by the court in which the action was prosecuted, or, if no action was prosecuted, by the district court of the county where he resides, or by the supreme court, and may require him to make delivery within a time specified, or show cause why he should not be punished for contempt. If the attorney claims a lien upon the property, the court may:

1. As a condition of making the order, require the client to give security, in form and amount as directed, to satisfy the lien when determined in an action; or

2288 (3)  
102-M - 307  
113-NW 701

2288 (5)  
102-M - 307  
113-NW 701

2. Summarily inquire into and determine the facts upon which the lien claim is founded; or

3. Direct a trial of the controversy by a jury, or refer it, and determine the same upon the verdict or report as in other cases. (6195, 6196)

86-271, 274, 90+402; 94-418, 103+215.

**2290. Removal or suspension**—An attorney at law may be removed or suspended by the supreme court for any one of the following causes arising after his admission to practice:

2290  
104-M - 112

1. Upon his being convicted of felony, or of a misdemeanor involving moral turpitude; in either of which cases the record of conviction shall be conclusive evidence.

2. Upon a showing that he has knowingly signed a frivolous pleading, or been guilty of any deceit or wilful misconduct in his profession.

3. For wilful disobedience of an order of court requiring him to do or forbear an act connected with or in the course of his profession.

4. For a wilful violation of his oath, or of any duty imposed upon an attorney by law.

Proceedings in such cases may be taken by the court on its own motion, for matter within its knowledge, or upon accusation as hereinafter provided. (6197, 6198)

Subd. 1 (66-9, 68+1102). Subd. 2 (26-25, 1+43; 33-343, 23+463; 73-292, 76+38; 88-31, 92+466; 93-131, 100+645; 93-160, 100+684). Subd. 4 (3-274, 188; 93-425, 101+613).

**2291. Accusation**—Any person having knowledge that an attorney has rendered himself liable to removal or suspension shall report the facts constituting such alleged liability, and give the names of witnesses thereto, to a member of the board of examiners. If such member be satisfied that the accusation, if true, constitutes sufficient ground for removal or suspension, and that the same is probably true, he shall refer it to the secretary of the board. Such secretary, or some member of the board designated by him, shall investigate the facts upon which the charge is based, and if he find reasonable grounds for believing the attorney guilty of the act charged, or that any grounds for his removal or suspension exist, and that his guilt can be proved, he shall make or cause to be made to the court a verified accusation thereof. The member who investigated the case, or such other attorney as the court may designate, shall conduct the prosecution. ('01 c. 62 s. 1)

**2292. Order to appear—Proceedings**—The court shall make an order requiring the accused to appear and answer at a specified time, and shall cause a copy of the accusation and order to be served upon him within a prescribed time before the day therein appointed. The accused shall appear at the appointed time and answer the accusation, either by objecting to its sufficiency or denying its truth. The objection to sufficiency shall be in writing, and shall be sufficient if it present intelligibly the grounds of objection. The denial of truth may be oral and unsworn, and shall be entered in the minutes. If the objection to sufficiency be not sustained, he shall answer forthwith. If he plead guilty or refuse to answer, the court shall proceed to judgment of removal or suspension. If he deny the charge, the court shall hear the evidence, or appoint a referee to take and report the same. If he fail to appear, the court may determine the accusation in his absence. (6201-6206)

**2293. Suspension by lower courts**—Between terms of the supreme court any court of record may suspend an attorney from practicing therein upon any of the grounds mentioned in this subdivision. The order of suspension shall state the grounds therefor and be filed with the clerk. A certified copy thereof shall be transmitted forthwith by the clerk to the secretary of the board of examiners, who shall present the matter to the supreme court at the opening of the term next ensuing, either by accusation as in other cases, or by recommendation that the suspension be annulled. Thereafter such court shall have jurisdiction, and, in case accusation is made, may relieve the accused from suspension, or permit the same to continue until final hearing. (6209)

**2294. Compensation in proceedings against attorneys**—Members of the board of examiners, referees, and attorneys required to investigate, prosecute,

or report upon charges against an attorney, shall be paid their necessary expenses and ten dollars each per day for time necessarily employed. Officers and witnesses necessarily employed or called by the prosecution shall receive the fees and mileage allowed by law, and the supreme court shall fix a reasonable compensation for the reporter; all of which shall be paid by the state, out of any money in the general revenue fund not otherwise appropriated, upon itemized vouchers approved by one of the justices of the court. ('01 c. 62 s. 2)

### PHYSICIANS AND SURGEONS

**2295. Board of medical examiners**—The state board of medical examiners shall consist of nine qualified resident physicians, appointed by the governor each for the term of three years and until his successor qualifies. No member thereof shall serve for more than two successive terms, nor shall any instructor or person financially interested in a medical school be appointed thereto; and it shall at all times include three homeopathic physicians. Vacancies shall be filled by like appointment for the unexpired term. The board shall elect from among their number a president, a secretary, and a treasurer, and shall adopt a seal. It shall hold examinations at the seat of government on the first Tuesday in January, April, June, and October of each year, and at such other times as it shall deem best. The secretary shall keep a record of all its proceedings, including a register of all applicants for license, giving their ages, a description of their education in medicine, and the result of their examination. Said books and register shall be prima facie evidence of all of the matters therein recorded. (7891, 7892; '95 c. 89 ss. 1, 2)

**2296. Examination and license**—A person not already authorized to practice medicine in the state, and desiring so to do, shall apply to the secretary of the board for examination, and pay a fee of ten dollars for the use of the board, which in no case shall be refunded. At a time appointed, or at the next regular examination, he shall prove that he has completed four entire sessions of twenty-six weeks each at a medical school recognized by the board, no two sessions having been held in one year; or, if such attendance was prior to the year 1899, three sessions shall suffice. He shall be examined in anatomy, chemistry, histology, obstetrics, pathology, physiology, preventive medicine, the diagnosis and treatment of medical and surgical diseases, and such other branches as the board shall deem advisable. After such examination the board, if seven members thereof consent, shall grant him a license to practice medicine. The examination shall be both scientific and practical, and shall thoroughly test the fitness of the candidate. All answers concerning the treatment peculiar to any school of medicine shall be examined, and their sufficiency passed upon, by the members of the board belonging to that school, and their recommendations thereon shall be final. The board may refuse to grant a license to, or may revoke the license of, any person guilty of immoral, dishonorable, or unprofessional conduct, but subject to the right of the applicant to appeal to the governor. (7893; '95 c. 89 s. 3)

41-69, 42+696; 55-20, 56+256.

**2297. Physicians from other states, how licensed**—The board, either with or without examination, upon receipt of a fee of ten dollars, may grant a license to any physician licensed to practice by the similar board of another state.

See 1905 c. 236

**2298. Record of licenses—Report to secretary**—Before engaging in practice, the holder of a license shall file the same for record with the clerk of the district court in the county where he resides. Upon removal to another county, he shall there file his license in like manner before engaging in practice therein. Such clerk shall keep, in the record book of such licenses, an index thereof, showing the date and page of record, and in January of each year shall furnish to the secretary of the board a list of licenses so filed. Upon notice to the clerk of the death or removal of a licensee, or of the revocation of a license, he shall note the same upon the record of such license. (7894)

**2299. Exemptions**—This subdivision shall not apply to commissioned surgeons of the United States army or navy, to physicians from other states in

actual consultation here, or to students practicing under the direct supervision of a preceptor while they are enrolled in and regularly attending a recognized medical school. (7895)

**2300. Practicing without license**—Every person not heretofore authorized by law so to do who shall practice medicine in the state without having obtained the license herein provided for, and every person who shall so practice contrary to any provision of this subdivision, shall be guilty of a misdemeanor, the minimum punishment whereof shall be a fine of fifty dollars, or imprisonment for ten days. Any person shall be regarded as practicing within the meaning of this subdivision, who shall append the letters "M. D." or "M. B." to his 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 or relief of any wound, fracture or bodily injury, infirmity or disease: Provided that this section shall not apply to dentists. (7896)

### MIDWIVES

**2301. Midwifery defined**—Within the meaning of this subdivision, a person who shall publicly profess to be a midwife, or who for a fee shall attend to women in childbirth, shall be regarded as practicing midwifery. But nothing herein shall apply to gratuitous emergency services, or to authorized medical practitioners. (7901, 7903)

**2302. Midwifery licenses**—A person desiring to practice midwifery in the state, if not already authorized so to do, shall apply to the state board of medical examiners for a license. Such license shall be granted upon the production of a diploma from a school of midwifery recognized by the board, or, after examination of the applicant, upon the consent of seven members thereof. Examinations shall be held concurrently with those provided for applicants for physicians' licenses. The fee for a license granted on diploma shall be one dollar, and on examination two dollars. (7898, 7901)

**2303. Renewal, revocation, and refusal**—All licenses to practice midwifery, heretofore or hereafter issued by the board must be annually renewed, and a fee of one dollar be paid for each renewal. Licenses may be revoked or renewals thereof refused by the board for unprofessional or dishonorable conduct, or neglect to make proper returns to health officers of births, deaths, puerperal fever, and other contagious diseases. (7900, 7902)

**2304. Lying-in houses, permits, reports**—No person shall receive into her premises more than one woman in six months to be cared for during childbirth, for pay, without first obtaining a permit so to do from the local health officer, or, if there be none, from the county physician, and filing the same with the clerk of the town or municipality. No such permit shall be issued unless the premises are in fit sanitary condition. The permit shall state that the holder is a licensed midwife, and known to the officer issuing the same to be of good moral character, and shall describe the premises, and limit the number of women who may be cared for therein at any one time. Within ten days after its issuance, he shall file a duplicate thereof with the secretary of the state board of health. Such officer shall be entitled to a fee of two dollars for issuing the permit and duplicate. The permit shall be good for one year, and but one permit shall issue for the same premises. The officer may at any time inspect the premises, and if he becomes satisfied that they are unfit, or that the permit holder is an improper person for the business, he may revoke the permit by filing an order to that effect with said clerk. The holder, within three days of the birth of a child on such premises, shall report to the officer who issued the permit the date of the birth, and the name, sex, and nationality of the child. ('01 c. 106 ss. 1, 4)

**2305. Offers to dispose of children**—No person, as an inducement to women to come to her place during confinement, shall in any way offer to dispose of any child, or hold herself out as being able to dispose of children in any manner. ('01 c. 106 s. 3)

**2306. Penalty**—Any person who shall practice midwifery without first complying with the provisions of this subdivision, or who shall violate any of

such provisions, shall be guilty of a misdemeanor, the minimum punishment whereof shall be a fine of ten dollars, or ten days' imprisonment in the county jail. (7904)

### OSTEOPATHISTS

**2307. State board of osteopathy**—The state board of osteopathy shall consist of five osteopathic physicians, graduates of reputable incorporated schools of osteopathy, appointed by the governor each for the term of five years and until his successor qualifies. Vacancies shall be filled by like appointment for the unexpired term. No member thereof shall be a member of the faculty of, or financially interested in, any such school. The board shall elect from among their number a president and a secretary, prescribe rules for the management of its affairs, and adopt a seal. It shall meet, to examine applicants for licenses to engage in the practice of osteopathy, on the second Tuesday in March and September in each year, and hold such other meetings as may be necessary. Each member shall receive five dollars a day for actual services, and three cents a mile for necessary travel, to be paid out of the funds of the board. The secretary shall keep a record of all proceedings, including therein the name of every applicant for examination, the extent of his study and practice, and the name of his college or school of osteopathy, if any. Such record shall be prima facie evidence of the matters therein contained. ('03 c. 369 ss. 1, 4)

**2308. General provisions**—The practice of osteopathy is hereby declared distinct from that of medicine or surgery within the meaning of the law, and nothing in this subdivision shall apply to practitioners of any other system of healing; but with respect to the control of communicable diseases, osteopathic physicians shall be subject to all local and state laws and regulations that govern other physicians, and they shall be entitled to all the privileges of such other physicians in matters pertaining to the public health. No person who is not a holder of a license from the state board of osteopathy shall engage in the practice of osteopathy in treating diseases of the human body, or by the use of titles or initials indicating degrees, or in any other way, hold himself out as so engaged. Every person who shall violate any of the provisions of this subdivision shall be guilty of a misdemeanor, the minimum punishment whereof shall be a fine of fifty dollars, or thirty days' imprisonment. All fines collected under the provisions hereof shall be paid, one half into the school fund of the county in which conviction is had, and one half to the state board of osteopathy. The board shall investigate suspected violations of this subdivision, and institute prosecutions thereunder. ('03 c. 369 ss. 5, 6, 8)

**2309. Examinations—License**—Every person desiring to engage in the practice of osteopathy shall apply in writing to the secretary of the board for a license, and appear for examination at its first meeting thereafter. He shall pay an examination fee of twenty dollars, which shall entitle him to a second examination within a year if he fail in the first. He shall produce his diploma, and prove to the board that he has attended a school of osteopathy for at least three entire sessions of eight months each, no two sessions having been held in one year. The school must be one recognized by the board, and include in its curriculum instruction in anatomy, chemistry, dietetics, diagnosis, gynecology, histology, obstetrics, pathology, physiology, minor surgery, symptomatology, toxicology, urinalysis, and the theory and practice of osteopathy. Upon the applicant's passing the board's examination in the foregoing subjects it shall grant him a license. The board may waive the examination in the case of a person producing the diploma and proof above mentioned who has, for two years immediately preceding his application here, practiced osteopathy in another state under authority of a board of osteopathy or similar board. The license shall not authorize the holder to give or prescribe drugs for internal use or perform major surgery. ('03 c. 369 ss. 3, 5)

**2310. Record of licenses**—Before engaging in practice, the holder of every license shall file the same for record with the clerk of the district court in the county where he resides. Upon removal to another county, he shall there in

like manner file his license before engaging in practice therein. Such clerk shall keep, in a book provided for the purpose, a complete list of such licenses, giving the date of record. His fee for recording shall be one dollar, and the same for a certified copy. ('03 c. 369 s. 6)

**2311. Licenses, refusal of—Revocation—**The board may refuse to grant a license to, or may revoke the license of, any person who:

1. Has been convicted of a felony, or any offence involving moral turpitude;
2. Is so addicted to the use of liquor or any drug as to unfit him for the practice;
3. Procures, or aids or abets the procuring of, a criminal abortion;
4. Obtains any fee by claiming ability to permanently cure a disease manifestly incurable; or
5. Wilfully betrays professional confidence or secrets.

No license shall be revoked except upon notice and hearing. ('03 c. 369 s. 3)

**2312. Disposition of fees and fines—**All fees and money received from fines imposed under this subdivision shall be received and held by the secretary and devoted to the uses of the board, which shall incur no expense beyond the amount so received. The secretary shall give such bond as the board may from time to time require. ('03 c. 369 s. 4)

### DENTISTS

**2313. Board of dental examiners—**The board of dental examiners shall consist of five resident practicing dentists of the state, appointed by the governor, each for the term of three years and until his successor qualifies, and no member shall serve more than two successive terms. The board shall at all times include three members who may have been appointed on the recommendation of the Minnesota state dental association, if such recommendation be made at least twenty days before the term of a member of that class expires; otherwise the governor may appoint without such recommendation. Every vacancy caused otherwise than by the expiration of a term shall be filled in the same manner and from the class to which the retiring member belonged. If the association is entitled to and fails to recommend a candidate for such unexpired term within thirty days after the vacancy occurs, the governor may appoint without such recommendation. If a member shall be absent from two consecutive regular meetings, the board shall declare a vacancy to exist. The association shall recommend not less than two candidates for each appointment. (7907, 7908)

**2314. Officers—Meetings—Compensation—Report—**The board shall elect from its members a president and a secretary, and shall have a common seal. It shall hold regular meetings on the first Tuesday in April and October in each year, and special meetings at its pleasure. All meetings shall be held at the college of medicine of the state university. Each member shall receive five dollars a day for actual services, and mileage at the rate of three cents a mile each way, to be paid out of the funds of the board. The secretary shall hold and disburse all funds, and give such bond as the board shall direct. Before December 15 in each year, the board shall report its proceedings and the items of its receipts and disbursements to the governor. (7908, 7913, 7919)

**2315. Dentistry defined—Registration—**The term "dentistry," as used herein, shall mean the treatment of diseases of, or the doing of any work upon, the human jaws or teeth. No person shall practice dentistry unless he shall have complied with the provisions of this subdivision relating to registration; but while a student is enrolled in and regularly attending any dental college, his acts, done under the direct supervision of a preceptor or a licensed dentist, shall not be subject to the provisions of this subdivision. (7906, 7912)

1889 c. 19 constitutional (42-129, 43+789).

**2316. Examination—License—**A person not already a registered dentist of the state, desiring to practice dentistry therein, shall apply to the secretary of the board for examination, and pay a fee of ten dollars, which in no case shall

be refunded. At the next regular meeting he shall present himself for examination and produce his diploma from some dental college of good standing, of which standing the board shall be the judges. The board shall give the applicant such an elementary, practical examination as to thoroughly test his fitness for the practice, and include therein the subjects of anatomy, physiology, chemistry, materia medica, therapeutics, metallurgy, histology, pathology, and operative, surgical, and mechanical dentistry; and the applicant shall be required to demonstrate his skill in operative and mechanical dentistry. If the applicant successfully pass the examination, he shall be registered by the board as a licensed dentist, and supplied with a certificate of registration signed by the president and secretary. The board, upon hearing, after twenty days' notice thereof, may revoke the license of any one who, with intent to deceive the public, shall practice dentistry under an assumed name. It shall be no defence for a person prosecuted for practicing dentistry under one name, without a license, that he shall have been licensed under a different name, unless it be shown that such practicing was without intent to defraud or deceive. (7910, 7917)

**2317. Record of certificate—Fees—**Within six months after its issuance, the certificate of registration shall be filed for record with the clerk of the district court in the county where the holder resides. If he change his residence to another county, he shall file his certificate, or a certified copy of the record thereof, in such county before practicing therein. Such clerk's fee for recording a certificate or copy shall be fifty cents, and for a certified copy one dollar. The fee of the board for a duplicate certificate shall be one dollar. (7911)

**2318. Annual fee—**Before May 1 in each year every registered dentist shall pay to the board a license fee of one dollar, and in default of such payment the board may, upon hearing and after twenty days' notice, revoke the license of the dentist in default; but the payment of such fee on or before the time of hearing, with such additional sum, not exceeding five dollars, as may be fixed by the board, shall excuse the default. The board may collect such fee by suit. (7918)

**2319. Prohibition—Penalties—Disposition of fines—**No person shall practice dentistry in the state without having complied with the provisions of this subdivision. Any person who shall falsely pretend that he holds a certificate of registration from the board, or shall falsely represent himself as a graduate of a dental college, or shall violate any of the provisions of this subdivision, shall be guilty of a misdemeanor. All fines collected under the provisions hereof shall be paid into the school fund of the county in which the conviction occurred. (7914-7916)

#### OPTOMETRISTS

**2320. Board of optometry—**The state board of optometry shall consist of five qualified optometrists appointed by the governor, each for the term of three years and until his successor qualifies. Vacancies in such board shall be filled by like appointment for unexpired terms. They shall elect from among their number a president and a secretary, and may adopt a seal. For the purpose of examining applicants for certificates, the board shall meet at least once in each year at the seat of government, and may hold other meetings at its pleasure. Each member shall receive from the funds of the board five dollars a day for actual services and three cents a mile for necessary travel. The secretary shall keep a record of all proceedings, including therein the name of every applicant for examination or registration, which records shall be open to public inspection. ('01 c. 269 ss. 3, 4, 11)

**2321. Practice defined—Registration—**The practice of optometry, within the meaning hereof, shall mean the employment of subjective and objective mechanical means to determine the accommodative and refractive states of the eye and the scope of its functions in general, and the adjustment, adaptation, and prescribing of lenses and other instrumentalities in aid of vision. It shall be unlawful for any person to engage therein without first procuring and filing

for record a certificate of registration as a licensed optometrist pursuant to this subdivision. ('01 c. 269 ss. 1, 2)

**2322. Examination—Certificate**—Every person, not already a registered optometrist, desiring to practice as such, shall apply to the board for a certificate of registration. The board shall examine the applicant, and, if he be found to possess the knowledge essential to the practice and is twenty-one years old, shall register him as a licensed optometrist and issue to him a certificate of such registration. The applicant shall pay to the board a fee of ten dollars before being examined and five dollars upon the issuance of the certificate. The board upon a hearing, of which the accused shall have ten days' written notice, may revoke the certificate of any person under conviction of crime, or shown to be grossly incompetent, afflicted with contagious or infectious disease, or guilty of habitual drunkenness, for six months immediately preceding the accusation. After ninety days, upon application and proof that the disqualification has ceased, the board may reinstate such person. ('01 c. 269 ss. 5, 13)

**2323. Record and display of certificates**—The holder of every such certificate of registration shall file the same for record with the clerk of the district court in the county where he resides, and after record shall display it conspicuously at his place of business. Upon removal to another county, he shall there in like manner file his certificate before engaging in business therein. Such clerk's fee shall be fifty cents for recording, and one dollar for a certified copy. A failure on the part of the holder to comply with any of the foregoing provisions for six months after issuance of the certificate shall forfeit the same. ('01 c. 269 ss. 8-10)

**2324. Annual fee**—Before April 1 in each year, every authorized optometrist shall pay to the board a fee of two dollars, in default of which the board, upon hearing and after twenty days' notice, may revoke the certificate of any optometrist so in default; but the payment of such fee at or before the time of hearing, with such additional sum, not exceeding five dollars, as may be fixed by the board, shall excuse the default. The board may collect such fee by suit. ('01 c. 269 s. 12)

**2325. Disposition of fees—Report**—All fees collected under this subdivision shall be received and held by the secretary and devoted to the uses of the board. The secretary shall give such bond as the board may from time to time require. Before the first Monday in January, annually, the board shall report to the governor its proceedings, and the items of its receipts and disbursements. ('01 c. 269 ss. 5, 11)

**2326. Exemptions—Penalties—Disposition of fines**—This subdivision shall not apply to authorized physicians and surgeons, nor to vendors of spectacles and eyeglasses, who do not assume to adapt them to the eye. Every person who shall violate any of the provisions of this subdivision shall be guilty of a misdemeanor, the minimum punishment whereof shall be a fine of twenty dollars, or confinement in the county jail for thirty days. All fines collected shall be paid into the school fund of the county wherein the conviction is had. ('01 c. 269 ss. 14, 16)

## PHARMACISTS

**2327. State board of pharmacy**—The state board of pharmacy shall consist of five registered pharmacists of the state, appointed by the governor, each for the term of five years and until his successor qualifies. Vacancies shall be filled by like appointment for the unexpired term. No person connected with any school or college of pharmacy shall be a member of the board, and, if a member become so connected, his membership shall cease. The Minnesota state pharmaceutical association may recommend five names for each appointment to be made, from which list the governor may select. The board shall elect annually one of its members as president, and a registered pharmacist, who may or may not be a member, as secretary. It may employ an attorney and other necessary assistants, and make rules for the conduct of its business. It shall enforce and obey the provisions of this subdivision,

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2327-2341  
100-M - 240  
103-M - 21  
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and report its proceedings to the governor annually, with such information and recommendations as it deems proper, giving the names of all pharmacists registered during the year, and the items of its receipts and disbursements. (7926, 7927, 7932, 7941; '99 c. 34 s. 9)

69-311, 72+117.

**2328. Compensation—Disposition of fees and fines—**Each member shall receive five dollars a day for his actual services as such, and the necessary expenses of attending meetings. The secretary shall receive a salary, to be fixed by the board, and all expenses necessarily incurred by him in the performance of his duties; and he shall give such bond as the board may from time to time require. All fines and penalties paid or collected under any provision of this subdivision shall be paid over to the secretary of the board forthwith, the provisions of any statute, ordinance, or charter to the contrary notwithstanding. Such payments, and the fees hereinafter provided for, shall constitute the fund from which all salaries, per diem, and expenses of the board and its members shall be paid. (7932; '99 c. 34 s. 5)

**2329. Examinations—Fee—Revocation—Jury exemptions—**The board shall meet at least once in every three months to examine applicants for registration and transact its other business, giving reasonable notice of all examinations, by mail, to known applicants therefor. The secretary shall record the names of all persons registered by the board, together with the grounds upon which the right of each to registration was claimed. The fee for examination shall be five dollars, one-half to be refunded upon failure to pass. All registered pharmacists and assistants, while employed as such, shall be exempt from service as jurors. On hearing, the board may revoke any certificate of registration obtained by false representation or other fraud, or when the holder is addicted to the liquor or drug habit so as to unfit him for the practice of pharmacy, and may refuse registration to any person so addicted. (7927, 7938, 7940; '99 c. 34 ss. 2, 7)

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103-M - 22

**2330. Qualifications—**To be entitled to examination by the board as a pharmacist, the applicant must be twenty-one years old and have had four years' practical experience in drug stores where physicians' prescriptions are usually compounded; if he be a graduate of a school of pharmacy whose course includes twelve months of laboratory work, but two years' such experience shall be required. If upon examination the board finds him qualified, he shall be entitled to registration as such pharmacist. (7923; '99 c. 34 s. 1)

**2331. Assistants—Disqualifying habits—**An applicant for a certificate as assistant shall be eighteen years old, and have had two years' practical experience in drug stores where physicians' prescriptions are usually compounded. If upon examination the board finds him qualified, he shall be registered. His certificate shall entitle him to act as an assistant to a registered pharmacist and to compound and dispense drugs and medicines during the temporary absence of the registered pharmacist. (7925; '99 c. 34 s. 7)

**2332. Pharmacists from other states—**The board, either with or without examination, upon receipt of a fee of five dollars, may grant registration to any pharmacist licensed or registered by the board of pharmacy, or a similar board, of another state. (7925)

**2333. Display of certificate—Removal—**Every holder of a certificate issued by the board shall display it conspicuously at his place of business. Upon changing his place of business he shall within ten days furnish the secretary with his new address. He shall not act as pharmacist or assistant for more than ten days after so notifying the secretary, unless he shall have received notice, which the secretary shall send him, that the change is noted on the records of the board. Every person who shall violate any provision of this section shall be liable to a penalty of ten dollars. (7939; '99 c. 34 s. 6)

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2335

**2334. Annual fee—Reinstatement—**Every person registered by the board, while continuing in business, shall annually pay to the secretary a renewal fee, to be fixed by the board, and not to exceed two dollars for a pharmacist and one dollar for an assistant. A person who has once been registered and has defaulted in the payment of fees may be reinstated within two years of such

default, without examination, upon payment of arrears. Every certificate and renewal shall expire at a time therein prescribed, not later than one year from its date. (7931, 7937)

**2335. Drugs, etc., defined—Exceptions as to sale—**Drugs, medicines, and poisons, for the purposes of this subdivision, shall include all substances commonly kept in drug stores and used in compounding medicines or sold for medicinal purposes. Nothing in the subdivision, however, shall prevent a physician from compounding prescriptions for use in his practice or furnishing to his patients such articles as he deems proper, or interfere with the making or vending of proprietary medicines, with any exclusively wholesale business, or with the sale by general retail dealers of the following articles: Alum, blue vitriol, borax, carbonate of ammonia, carbonate of soda, castor oil, copperas, epsom salts, glauber salts, glycerin, gum arabic, gum camphor, licorice, logwood, rolled sulphur, saltpetre, senna leaves, sublimed sulphur, water of ammonia, or paris green in sealed packages distinctly labeled "Paris Green, Poison." Nor shall any dealer whose shop is more than a mile from a drug store be thus prevented from selling any commonly used medicine or poison which has been put up for such sale by a registered pharmacist. (7933)

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**2336. Wrongful labeling—**A person engaged in the drug business, either on his own behalf or in the employ of another, who, in putting up drugs, medicines, or prescriptions, wilfully, negligently or ignorantly omits to label the package or receptacle, labels it untruly, substitutes an article different from the one ordered, or deviates from the terms of the order or prescription as to quantity or in any other manner, shall be guilty of a misdemeanor. (6620)

**2337. Labeling of poisons—**No person, otherwise than on a physician's written prescription, shall sell at retail aconite, belladonna, digitalis, or nux vomica, or their preparations, the oils of bitter almonds, cedar, pennyroyal, savin, or tansy, arsenic or any of its preparations, mercury or opium, or any of their poisonous preparations, carbolic acid, chloral hydrate, chloroform, cocaine, creosote, croton oil, cyanide of potassium, hydrocyanic acid, lead acetate, morphine, the mineral acids, oxalic acid, strychnine, wood alcohol, or any other commonly recognized poison, without affixing to the package or receptacle containing the same a label conspicuously bearing the word "Poison," and the name and business address of the seller, and satisfying himself that such poison is to be legitimately used. Any person who fails to comply with any requirement of this section shall be guilty of a misdemeanor. (6623, 7935; '99 c. 34 s. 4)

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40-103, 41+543.

**2338. Sale of poisons—Record—**No person, either on his own behalf or while in the employ of another, except upon the written prescription of a physician, shall sell or give away arsenic or its preparations (other than paris green), aconite, belladonna, or nux vomica, or their preparations, cocaine, cyanide of potassium, hydrocyanic acid, morphine, mercury or its poisonous preparations, opium or the tincture thereof, the oils of pennyroyal, savin, or tansy, or strychnine, without first recording, in a book kept for the purpose, the name and address of the person to whom and the amount and kind of poison delivered. Every person who shall violate any provision of this section, give a false name to be recorded as aforesaid, or, having custody of any such record book, shall refuse to produce it on demand for the inspection of any officer, shall be guilty of a misdemeanor. (6621, 6622)

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**2339. Adulteration, etc.—**Every proprietor or manager of a place where drugs are sold shall be responsible for the quality of all drugs, chemicals, and medicines sold by him, except proprietary medicines and other articles sold in the original packages of the manufacturers. Every person who, by himself or through another, shall wilfully adulterate any drug, medicinal substance, or preparation authorized or recognized by the United States Pharmacopoeia, or used or intended to be used in medical practice, or shall mix with any such article any foreign or inert substance for the purpose of weakening its medicinal power and effect or of cheapening it, or who shall sell the same knowing it to be so adulterated or mixed, shall be guilty of a misdemeanor, the

minimum punishment whereof shall be a fine of fifty dollars. (7934; '99 c. 34 s. 3)

2340  
100-M - 249

**2340. Sales by others prohibited**—No person, not a registered pharmacist or a dealer employing and keeping such a pharmacist in active charge of his place of business, shall retail, compound, or dispense drugs, medicines, or poisons, or keep or conduct a place for retailing, compounding, or dispensing drugs, medicines, or poisons, or falsely assume or pretend to the title of a registered pharmacist. No registered pharmacist or other person shall permit the compounding or dispensing of prescriptions or the vending of drugs, medicines, or poisons in his place of business, except under the supervision of a registered pharmacist or assistant. Every person violating any provision of this section shall be guilty of a misdemeanor, except in cases where the death of a human being results from such violation, when the person offending is guilty of a felony. (6624, 7922, 7933)

55-169, 56+594; 72-403, 75+742.

**2341. Penalties—Prosecutions**—Every registered pharmacist or assistant who shall fail, while continuing in business, to pay the annual fee required in this subdivision, and every person who shall make any false representation to procure his name or that of another to be registered, or violate any other provision of this subdivision, when no punishment is specifically provided, shall be liable to a penalty of fifty dollars for each and every such offence. The penalties prescribed in this subdivision may be recovered in a civil action instituted by the board in the name of the state, or by a criminal prosecution upon complaint being made. In case any county attorney shall omit or refuse to conduct such proceedings, the board may employ another attorney for the purpose. (7933; '99 c. 34 s. 5)

### BARBERS

**2342. State barbers' board**—There shall be a state barbers' board of three members appointed by the governor, each for the term of two years and until his successor qualifies; one from among persons recommended by a union of journeymen barbers which shall have existed at least two years, one who has been for at least three years an employing barber in the state, and one who has been for at least five years a journeyman barber therein. The state examiners of barbers now in office shall be the members of such board during the terms for which they were respectively appointed. Each shall give bond to the state in the sum of five thousand dollars, to be approved by and filed with the secretary of state, conditioned for the faithful performance of his official duties. The board shall elect a president, a secretary, and a treasurer, shall have its headquarters at the capitol, have a common seal, and keep a register, open to public inspection, of all persons to whom certificates are issued. Vacancies in the board shall be filled by appointment from the class to which the retiring member belonged. Each member shall receive three dollars per day for actual service, and ten cents for each mile traveled in attending meetings of the board, to be paid out of its treasury. The board shall report to the legislature at each regular session a full statement of its proceedings, receipts, and disbursements, with recommendations looking to the betterment of the practice. ('97 c. 186 ss. 2-5, 11)

1897 c. 186 constitutional (79-80, 81+748).

**2343. Occupation defined—Qualifications—Certificates**—Shaving or trimming the beard or cutting the hair of any person for hire shall constitute the occupation of a barber within the meaning hereof, and no person shall follow such occupation unless he shall first have obtained a certificate from the board. The board shall hold at least one examination yearly, in each of four different cities, of which meetings at least ten days' published notice shall be given. Any person over nineteen years of age desiring a certificate may apply therefor to the board, and pay to its treasurer a fee of five dollars. Thereupon he shall be allowed to follow the occupation of a barber until the next examination, of which he shall have previous notice. If, upon examination, he be found of good moral character and free from contagious or infectious disease.

and to have the skill and knowledge of skin diseases sufficient to avoid aggravation and spread thereof, he shall receive a certificate and card as herein provided; but as a condition thereof he must show that he has studied the trade for three years under a qualified barber, or in a properly conducted barber school, or has followed the occupation in another state for at least three years. Thereupon his name shall be registered and a certificate authorizing him to follow the occupation, and a card signed by the president and secretary stating that he is so authorized, shall be issued to him. Such card shall be kept conspicuously posted in front of his working chair. The board shall decide whether any barber school is properly conducted. ('97 c. 186 ss. 6, 8, 10, 13)

**2344. Revocation—Reinstatement**—The board may revoke any certificate upon any of the following grounds proven against the holder: Conviction of crime, habitual drunkenness for six months preceding the filing of the charge, gross incompetency, or contagious or infectious disease. He shall have written notice of the charge, and on a day specified in said notice, at least five days after the service thereof, shall have a public hearing and opportunity to produce testimony and to confront witnesses. In case of revocation, he shall not within ninety days apply to have the certificate regranted; after such time it shall be regranted upon satisfactory showing that the disqualification has ceased. ('97 c. 186 s. 12)

**2345. Schools of barbering**—Only persons holding a certificate shall be permitted to open or conduct a school for instruction in the work of a barber. If a partnership shall conduct such a school, at least one member thereof shall be the holder of a certificate; if a corporation, the person in charge of the school shall be a certificate holder. Every non-resident who shall open such a school shall file with the secretary of state an appointment of some person residing in the county where the school is situated, as his agent with power to accept service for him, and service on such agent shall bind the principal. Every person opening such a school, before commencing business, shall file with the secretary of state a bond to the state, approved by the attorney general, in the sum of one thousand dollars, conditioned that he will comply with all of the provisions of this subdivision and pay all judgments that may be obtained against the school, or the owners thereof, on account of fraud, misrepresentation, or deceit practiced by any of them or by their agents, servants, or employees. ('01 c. 214 ss. 1-3)

**2346. Inspection by board**—Every such school shall be subject to inspection by any member of the board, and the board shall see that there is provided for every ten students, or major fraction thereof, one instructor holding a certificate; that the school is equipped with facilities for sterilizing, and that all tools and instruments used therein are sterilized; that all cutting instruments used are properly sharpened and prepared; and that each student is supplied every day with one clean white apron with sleeves, or a white jacket, and a proper supply of clean towels. Every failure on the part of any proprietor of such school to equip and conduct the same in accordance with this section shall be a violation of the law, and, upon request of any member of the barbers' board, the county attorney shall prosecute the person charged with the violation thereof. ('01 c. 214 s. 4)

**2347. Scholarship contracts**—All contracts made between such schools and their prospective students shall be in writing, and shall contain at the head thereof, in conspicuous type, the qualifications of an authorized barber as set forth in this subdivision; and a copy of every contract with such student who has not resided in the state for ninety days prior to the making thereof shall be filed by the proprietor of the school with the secretary of the board within a week after it is made. ('01 c. 214 ss. 5, 6)

**2348. Inducements to students prohibited**—No person shall in any way hold out or advertise that students in any such school, by reason of their education therein or otherwise, shall be permitted to follow the occupation of a barber within any period less than three years; nor shall any person conducting said school in any manner whatsoever hold himself out as being able

to secure employment as a barber for any such student, or as having secured or assisted in securing such employment for students. ('01 c. 214 ss. 7, 8)

**2349. Misdemeanors and penalties**—Every person who shall follow the occupation of a barber without having obtained a certificate, or falsely pretend to be legally qualified to follow such occupation, every person who shall violate any provisions of this subdivision, and every employing barber who shall wilfully engage an assistant not a certificate holder hereunder, shall be guilty of a misdemeanor. But nothing herein shall prohibit any person from serving as apprentice under a barber holding such certificate, or as a student in a legally conducted school of barbering. In no barber shop, however, shall there be more than one apprentice to each two holding certificates. ('97 c. 186 ss. 9, 14; '01 c. 214 s. 9)

### VETERINARIANS

**2350. Veterinary board**—The state veterinary board shall consist of five qualified veterinarians, graduates of veterinary colleges, appointed by the governor, each for the term of two years and until his successor qualifies. The board shall elect from its number a president, a secretary, and a treasurer, and shall have a seal. It shall hold meetings for the examination of applicants for licenses to engage in veterinary work, at the capitol, on the second Wednesday in January and July in each year, and such other meetings as may be necessary; but no session shall exceed three days' duration. Each member shall receive five dollars a day for actual services, and mileage at four cents a mile for necessary travel, to be paid out of the funds of the board. The secretary shall keep a record of all proceedings, including therein the name of every applicant for registration or examination, with his age, the extent of his study or practice, and the name of his veterinary college, if any. Such record shall be prima facie evidence of the matters therein contained. (7944-7947; '97 c. 322 s. 1; '03 c. 149 ss. 1, 2)

**2351. Who entitled to examination—Fee—License**—Every graduate of a veterinary college requiring a course of not less than three sessions of six months each, every person who shall have been engaged in veterinary practice for five years in another state, and every person who shall hold a certificate of qualification or license from the veterinary board of another state, shall be entitled to examination by the board upon payment in advance of a fee of twenty-five dollars. All moneys so received shall be devoted to carrying out the provisions of this subdivision. The board shall issue a license to every such applicant who, upon examination, shall be found qualified. (7947, 7949; '97 c. 322 s. 2; '03 c. 149 ss. 2, 3)

**2352. Recording licenses—Removal**—Every person holding a license from the board shall file it for record with the clerk of the district court in the county where he resides within thirty days of its date. Upon his removal to another county he shall there, in like manner, file such license before engaging in practice therein. The clerk's fee in each case shall be one dollar. (7950)

**2353. Penalties—Disposition of fines**—No person who is not a holder of a license from the state veterinary board shall engage in veterinary practice for hire. But this shall not apply to the dehorning of cattle or castration of animals, nor shall it prevent any one from rendering necessary assistance in the treatment of any domestic animal when the attendance of an authorized veterinarian cannot be procured without great inconvenience or risk. Every person who shall violate any of the provisions of this subdivision shall be guilty of a misdemeanor, the minimum punishment whereof shall be a fine of fifty dollars. All fines collected under the provisions hereof shall be paid into the school fund of the county in which the conviction is had. The board may employ an attorney to prosecute such cases. (7948, 7951; '03 c. 149 s. 3)

79-243, 82+479.

### HORSESHOERS

**2354. Board of examiners**—The horseshoers' board of examiners shall consist of five members, residents of the state, appointed by the governor, each

for the term of five years and until his successor qualifies. Two shall be master horseshoers, two journeyman horseshoers, and one a veterinarian. Each vacancy shall be filled for the unexpired term from the class to which the retiring member belonged. The board shall elect from its members a secretary, who shall record its proceedings, and it shall carry out the provisions of this subdivision. At least once a year, in every city of the first class, the board shall examine applicants for certificates of qualification to practice horseshoeing, and issue such certificates to those found qualified. A fee of two dollars shall be paid to the secretary by every person taking such examination, and such fees shall be used to defray the expenses of the board and pay its members. The secretary shall give public notice of every examination at least thirty days prior thereto. No person shall be entitled to take such examination or receive such certificate unless he shall have had three years' experience as a horseshoer, or have served three years as a learner or apprentice under a master. ('97 c. 128 s. 5)

**2355. Filing certificates—Copies—Exemption—**All certificates shall be filed with the city clerk, and registered by him in a book kept for that purpose, upon receipt of a fee of twenty-five cents. Any person so registered shall be entitled to registration in any other city to which he may have removed, upon filing with the clerk thereof a certified copy of such certificate, the fee for which copy shall be fifty cents, and for filing the same twenty-five cents. Persons who were duly registered prior to the taking effect of the Revised Laws shall be exempt from examination. ('97 c. 128 ss. 2-4, 6, 7)

**2356. Registration—**No person shall practice horseshoeing in any such city, otherwise than as a learner or apprentice under a master horseshoer, unless he is registered in accordance with this subdivision. Any person who shall present to a city clerk any certificate which has been fraudulently obtained, or who shall violate, or neglect to comply with, any provision of this subdivision, shall be guilty of a misdemeanor. ('97 c. 128 ss. 1, 8)

### ELECTRICIANS

**2357. State board of electricity—**The state board of electricity shall consist of five members, residents of the state, appointed by the governor, each for the term of five years and until his successor qualifies, of whom two shall be master electricians, two journeyman electricians, and one a consulting electrical engineer or an electrical inspector of a city. Vacancies shall be filled in the same manner, and from the class to which the retiring member belonged. The board shall elect from its members a president, secretary, and treasurer, prescribe rules for the management of its affairs, and adopt a seal. Each member shall receive three dollars a day for actual services, ten cents a mile for travel, and his necessary expenses; and the secretary such additional compensation as the board may allow; all to be paid out of the treasury of the board. The board shall meet at least once a year at the state capitol, and may meet at other times and places upon sufficient notice to the members. It shall have jurisdiction, and this subdivision shall apply, only in cities of the first class. ('99 c. 312 ss. 1-5, 13)

**2358. Classification, examination, licenses—**There shall be master, journeymen, and special electricians, and in the last class shall be included persons employed to operate electric light or power apparatus and keep the same in repair. Every person, not already a registered or licensed electrician, who shall hereafter engage in the business of operating, installing, or repairing electrical wires or apparatus, shall apply to the board for a license to follow such occupation. The board shall examine the applicant, and, if he take the oath hereinafter mentioned, and be found, upon examination, to be possessed of skill and knowledge in the business, and reasonably versed in the laws of electricity, the board shall issue to him a license to follow such calling for two years, signed by the president and secretary, and attested by the seal. All licenses heretofore issued by the board shall expire at the end of two years after the taking effect of the Revised Laws. The employees of interstate telegraph and telephone companies shall not be required to hold licenses.

Every licensee shall report his licensing, and every renewal thereof, to the proper electrical inspector, if any there be, of the city in which he operates, and display such license conspicuously in his place of business, and exhibit it on lawful demand. For cause, and after hearing all interested parties, the board may revoke any such license, and shall notify such city inspector of the revocation. Renewals of licenses for the same term shall be granted without further examination. ('99 c. 312 ss. 6-9, 11)

**2359. Bond of master electrician**—Before receiving license as such, every master electrician shall give bond to the state in the penal sum of five thousand dollars, conditioned for the faithful performance of all work entered upon or contracted for by him, which bond shall be approved by and filed with said board. An action may be maintained on said bond by any person injured or damaged through want of skill, or the use of unsuitable or improper material, in the performance of any work contracted for or undertaken by said master electrician or his servants or employees. ('99 c. 312 s. 8)

**2360. Registered electricians**—Every certificate of registration heretofore issued by such board shall be good for two years from the adoption of the Revised Laws, and thereafter the holder shall be entitled to a license without examination. Any electrician engaged in the business prior to the adoption of Revised Laws in any city first brought by such laws under the jurisdiction of the board, within six months after the taking effect thereof, shall apply to the board for a license, which shall be issued to him, without examination, on payment of a fee of two dollars. The secretary shall keep a register of all certificates and licenses issued. ('99 c. 312 ss. 5, 6)

**2361. Qualifications and rights—Fees**—A person under the age of twenty-one years shall be licensed only as a special electrician. Every applicant shall give his home and business address. An applicant for a master electrician's license shall pay a fee of five dollars, and make oath that he has had three years' experience in the business, or, if a corporation apply, an officer or manager thereof shall make such oath. An applicant for a journeyman electrician's license shall pay a fee of three dollars, and make oath that he has had three years' experience in installing and repairing electrical wires and apparatus. An applicant for a special electrician's license shall pay a fee of two dollars, and make oath that he has had two years' experience in the special line of work for which he asks a license, and which shall be set forth in such license. No contracts for electrical work, other than for wages, shall be entered into by any one not licensed as master electrician. For the renewal of any license, the applicant shall pay the same fee as in this section prescribed. ('99 c. 312 s. 6)

**2362. Apprentices**—Nothing in this subdivision shall prevent a person from serving as an apprentice under a licensed electrician, but no master electrician shall have more than one apprentice to each two electricians in his employ. ('99 c. 312 s. 9)

**2363. Disposition of fees—Report**—All fees collected under this subdivision shall be devoted to the uses of the board, and before the first Monday in January, annually, it shall report to the governor, in writing, the items of its receipts and disbursements for the preceding year. ('99 c. 312 ss. 12, 13)

**2364. Penalties**—Any person who shall engage in the business of installing or repairing electrical wires or apparatus without having complied with the laws respecting registration and license, or who shall violate any of the provisions of this subdivision, shall be guilty of a misdemeanor, the minimum punishment whereof shall be a fine of ten dollars. ('99 c. 312 s. 10)