

REVISED LAWS OF  
MINNESOTA 94

SUPPLEMENT 1909

CONTAINING

THE AMENDMENTS TO THE REVISED LAWS,  
AND OTHER LAWS OF A GENERAL AND  
PERMANENT NATURE, ENACTED  
BY THE LEGISLATURE IN  
1905, 1907, AND 1909

WITH HISTORICAL AND EXPLANATORY NOTES TO PRIOR STATUTES  
AND FULL AND COMPLETE NOTES OF ALL  
APPLICABLE DECISIONS

COMPILED AND ANNOTATED BY  
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dred dollars, or by imprisonment in the county jail not exceeding sixty days. ('09 c. 62 § 1)

**Historical.**—"An act to prevent deception in the sale of 'paris green' and other insecticides." Approved March 12, 1909.

By section 8 the act took effect August 1, 1909.

[1780—]4. **Same—"Insecticide" defined.**—The term insecticide as used in this act shall include "paris green" and any other substance or mixture of substances intended to be used for preventing, destroying, repelling or mitigating any and all insects which may infest vegetation. ('09 c. 62 § 2)

[1780—]5. **Same—Formulas prescribed.**—Any insecticide labeled, marked or called "paris green" shall contain at least fifty per cent of arsenious oxide in combination with copper, not more of water-soluble arsenic than the equivalent of three and one-half per cent arsenious oxide, and no substance that would injuriously affect its strength or quality. And any insecticide labeled and called lead arsenate or arsenate of lead must contain at least fifty per cent of actual lead arsenate, at least twelve and one-half per cent of arsenious oxide, no more water-soluble arsenic than the equivalent of one per cent of arsenic oxide and no added substances that would injuriously affect the quality or strength. (Laws 1909, c. 62, § 3, as amended by Laws 1909, c. 100, § 1.)

[1780—]6. **Same—Statement on label.**—The label required by this act shall clearly and distinctly state the name and residence of the manufacturer of the "paris green" or other insecticide, or the distributor thereof, or of the party for whom the same is manufactured and show the name, and with substantial accuracy, the percentage of each ingredient, both solid and liquid, contained therein; said label shall be printed in the English language in plain, legible type. ('09 c. 62 § 4)

[1780—]7. **Same—Possession prima facie evidence.**—The having in possession by any person, firm or corporation dealing in said articles, any article or substance hereinbefore described and not properly labeled, as provided in this act, shall be considered prima facie evidence that the same is kept by such person, or firm, in violation of the provisions of this act, and punishable under it. ('09 c. 62 § 5)

[1780—]8. **Same—Duty of commission.**—The dairy and food commissioner of the state is charged with the proper enforcement of all the provisions of this act. ('09 c. 62 § 6)

[1780—]9. **Same—Powers of commission.**—The said commissioner and the assistants, experts, chemists and agents shall be duly authorized for the purpose and shall have access and ingress to all the places of business, factories, stores and buildings used for the manufacture or sale of such "paris green" or other insecticide. They shall also have power and authority to open any package, can or other receptacle containing such "paris green" or other insecticide, that may be sold, manufactured or exposed for sale in violation of the provisions of this act. ('09 c. 62 § 7)

## CHAPTER 22.

### FORESTRY AND FIRE WARDENS.

1781. [Repealed in part.]

See section next following, and note thereunder.

[1781—]1. **Salary of chief fire warden.**—The chief fire warden of the State of Minnesota shall receive a salary of fifteen hundred

dollars per year, to be paid out of the amount appropriated for forest preservation. ('05 c. 310 § 1)

**Historical.**—"An act to fix the salary of the chief fire warden of the state of Minnesota." Approved April 19, 1905.

By section 2, as much of section 2 of Laws 1903, c. 363, as conflicts with this act is repealed. Section 3 repeals inconsistent acts.

Laws 1903, c. 363, was repealed by R. L. § 5546; the provisions of section 2 thereof being incorporated in section 1781. See section 5504.

**1782. Fire wardens—Powers and duties.**—The supervisors and clerks of towns, mayors of cities and presidents of village councils are hereby constituted fire wardens for their respective districts, and shall be held responsible that their districts are exempt from dangerous forest and prairie fires. Upon request of the commissioner, county auditors shall immediately furnish the names and addresses of the chairmen of town boards, the names of towns, and the numbers and ranges of the townships in their respective counties. The commissioner may appoint fire wardens for unorganized territory, and additional wardens wherever he may deem necessary; and he may direct any warden to perform duties at a point outside of his district. The wardens shall enforce the provisions of this chapter. They shall divide their town into districts and assign one of their number to each district. In case of absence from their districts in dry seasons, they shall designate someone to act in their place; also notify the warden of the adjoining district. They shall take energetic precautions to prevent forest and prairie fires, visit all parts of roads, trails, camps and frequented places, warn campers or other users of fire, and extinguish small or smoldering fires. They shall patrol their districts in dry seasons, immediately inform the commissioner when there is need of patrolling, and, with the approval of the commissioner, employ patrols to guard against carelessness in the use of fire. They shall, within ten days after receiving the same, post warning notices furnished them by the commissioner, give verbal warning, when they deem it necessary, against causing fires, and take all other suitable precautions for the prevention of fires. They shall take measures to suppress or control fire they have reason to think is being neglected in any adjoining or neighboring district or town. They shall promptly investigate each forest and prairie fire within their respective districts, follow the track of the fire to the place where it started, fix responsibility therefor, if possible, and within three days report the cause thereof, the property destroyed, its value, the lives lost, if any, the means used to combat such fire, and any additional facts required by the commissioner. They shall make such other reports as he may require, and promptly comply with his instructions. Each warden shall co-operate with the warden in any adjoining district or town, and in his absence assume control therein. Each may arrest, without a warrant, any person found violating any provision of this chapter, and take him before a magistrate, and there make complaint; and when a warden shall have information that such violation has been committed, he shall, without delay, make similar complaint and endeavor to have the case vigorously prosecuted. He shall not be required to give security for costs of prosecution, nor to pay any cost of prosecution. Wardens shall go to the place of danger to control or prevent fires, and in emergencies may employ or compel assistance. (R. L. § 1782, as amended by Laws 1909, c. 182, § 1.)

**Historical.**—"An act to amend sections 1782, 1784, 1785 and 1787 of chapter 22, Revised Laws of Minnesota 1905, as amended by Session Laws of 1905, chapter 82, also to amend section 2037 of said Revised Laws, relating to the prevention and suppression of forest and prairie fires, and for appropriating money for the prevention and suppression of such fires." Approved April 13, 1909.

Laws 1905, c. 82, was amendatory of Laws 1903, c. 363, § 8, which act was re-

pealed by R. L. § 5546, the provisions of said section 8 being incorporated in sections 1782, 1785.

**1782a. Fire districts—Rangers.**—The commissioner shall divide into districts the territory exposed to forest or prairie fires, and, in a dry and dangerous season, employ for each district a ranger who shall have the power and perform the duties of fire wardens, go quickly over his district to see that fires are prevented or extinguished, and shall inspect, assist or compel the activity of local wardens. He shall by frequent reports keep the commissioner informed of his movements. He shall inform himself of the location of timber belonging to the state and use efforts to protect it from fire and trespass. In the employment of rangers, preference shall be given to cruisers or woodsmen, game wardens and forestry students who are known for reliability and efficiency. Each shall perform service in any district to which he is assigned. Rangers shall be paid for their services by the state out of the emergency fund, on verified vouchers, approved by the commissioner, at the rate of not exceeding five dollars per day for the time actually employed and necessary and reasonable traveling expenses, and for which receipts shall be attached to their vouchers, the same to be filed in the state auditor's office. ('09 c. 182 § 1)

**1784. Emergency expenses—Standing appropriation.**—In any dry and dangerous season, the commissioner may use such means as he shall deem necessary to prevent or suppress forest and prairie fires, the cost whereof, not exceeding fourteen thousand dollars in any one year, shall, with approval of the state auditor and forestry commissioner, be paid by the state. And whenever the local officials shall neglect to prosecute violators of any law relating to forest and prairie fires, the commissioner shall prosecute the same, and the cost of such prosecution, not exceeding two thousand dollars in any year, shall be paid by the state. Sixteen thousand dollars, as an emergency fund, or so much thereof as may be necessary, are hereby appropriated annually for the purposes of this section. (R. L. § 1784, as amended by Laws 1909, c. 182, § 1.)

**1785. Compensation of fire wardens—Expenses, how paid—Annual appropriation.**—Each fire warden shall be paid for actual service at the rate of twenty-five cents per hour and actual and necessary traveling expenses, and each employé or patrol at the rate of twenty cents per hour. A fire warden or employé shall receive pay for use of team when plowing for the control of a fire or in hauling water. In an ordinary season the expense incurred for fire warden service and in suppressing fires shall be paid out of the state treasury on duly verified vouchers, approved by the proper town board and the commissioner; and one-half the amount shall be reimbursed to the state by the county in which the expense occurred. The state auditor shall notify the proper county auditor of the one-half amount that has become due from his county under the foregoing provisions, and such county auditor shall immediately draw and transmit to the state auditor a warrant on the county treasurer of his county in favor of the state for such amount. For forest preservation, including the compensation and expense of the forestry commissioner's department and one-half the pay, in an ordinary year, of fire wardens and of persons assisting in preventing and suppressing forest and prairie fires, there is hereby annually appropriated out of any money in the treasury not otherwise appropriated, the sum of five thousand dollars, or so much thereof as may be necessary. (R. L. § 1785, as amended by Laws 1909, c. 182, § 1.)

See note under section 1782.

**1787. Other penal provisions.**—Every warden or patrol, and every person lawfully commanded to assist in enforcing any of the provisions of this chapter, who shall unjustifiably refuse or neglect to perform his duty; every person who shall kindle a fire on or near forest or prairie land and leave it unquenched, or be a party thereto, or who shall set fire to brush, stumps, dry grass, field stubble or other material and fail to extinguish the same before it has endangered the property of another; every person who shall negligently or carelessly set on fire, or cause to be set on fire, any woods, prairie, or other combustible material, whether on his own land or not, by means whereof the property of another shall be endangered, or who shall negligently suffer any fire upon his own lands to extend beyond the limits thereof; every person who shall use other than incombustible wads for firearms, or carry a naked torch, firebrand, or exposed light in or near forest land, or who, in the vicinity of such land, shall throw or drop into combustible material any burning match, ashes of pipe, lighted cigar or any other burning substance, and who fails to immediately extinguish the same, and every person who shall deface, destroy or remove any abstract or notice posted under this chapter, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than fifty dollars and not exceeding one hundred dollars and costs of prosecution, or by imprisonment in the county jail not less than thirty days and not exceeding ninety days, or by both fine and imprisonment. Any person who maliciously sets on fire, or causes to be set on fire, any woods, prairie, or other combustible material, whereby the property of another is destroyed and lives sacrificed, shall be punished by a fine of not over five hundred dollars, or be imprisoned in the state prison for a term not exceeding ten years, or both such fine and imprisonment. (R. L. § 1787, as amended by Laws 1909, c. 182, § 1.)

**1787a. Camp fires, etc.**—Every person who, in a dry season, starts a camp, or other fire, in the vicinity of forest or prairie land for cooking, obtaining warmth or for any industrial purpose, shall exercise every reasonable precaution to prevent such fire from spreading, and shall, before lighting the same, clear the ground from all branches, brushwood, dry leaves or other combustible material within a radius of ten feet from the fire, and shall carefully extinguish the fire before quitting the place. ('09 c. 182 § 1)

**1787b. Fire in clearing land—Negligence—Penalty—Appeal.**—When it shall be shown in evidence from the appearance of the track of fire, or otherwise, that a fire, which spread from the land of one owner or occupant to land of another, had its origin on a tract upon which, at any time within three weeks previously to such spreading, the owner or occupant of the tract or his agent or any employé was using fire in clearing land or otherwise, the same shall be prima facie evidence that such owner, occupant, agent or employé was guilty of having by negligence caused such fire to spread, and on conviction he shall be deemed guilty of a misdemeanor. No appeal shall be allowed from a judgment in justice's court in any prosecution under this chapter unless the person appealing shall, within the legal time prescribed, enter into a recognizance with two sufficient sureties, surety company or cash bail, in twice the amount of the fine and costs, to be approved by the justice, conditioned to appear before the district court on the first day of the general term thereof next to be held in and for the same county, and abide the judgment of said court therein. The justice may examine the proposed sureties under oath, and in such case shall make and keep a record of their answers in respect to the kinds and amount of their property that is not exempt from execu-

tion, and furnish a copy of the same to the commissioner. ('09 c. 182 § 1)

**1787c. Duty of highway officers.**—Every road inspector or assistant of a road inspector, or other officer having charge of the highway, who during a dry season has reason to believe that any traveler or wayfarer has left a camp fire on any roadside in his district, shall without delay go to the place of such camp and examine whether any fire has been left burning or smoldering; and if he finds fire in any such camp, he shall extinguish the same; also take prompt measures to prosecute the person or persons who so left such fire. It shall be the duty of every such highway officer, when requested by the warden, to render every assistance possible in preventing or extinguishing fires, and his pay for actual service shall be the same as that of a warden. ('09 c. 182 § 1)

**1787d. Cutting timber—Precautions against fire—Penalties.**—Any person or corporation who cuts or fells or causes to be cut and felled timber or wood or trees of any kind for commercial purposes, shall pile and, under charge of a competent person or persons, burn the slashings (by which is meant the branches, tops and refuse); said burning shall be done as soon as practicable at a time when it can be done without danger and before the first day of May next following. It shall be the strict duty of each fire warden, under the orders of the commissioner, to see that the provisions of this section are faithfully complied with. Any person or corporation who cuts or fells trees or bushes in clearing land for roadbed or right of way for any railroad, highway or trail, shall in the same manner pile and burn the slashings and all combustible material except fuel and merchantable timber. In every above instance of piling and burning, care in proportion to the danger shall be exercised to prevent injury to remaining standing timber or woods. Any person or corporation who cuts or fells trees or bushes in clearing land for agricultural or pasturage purposes is prohibited from setting fire to the slashings, brush, roots or excavated stumps or other combustible material on such land before having piled the same. Every owner or occupant of land is prohibited from setting fire to any such slashings, brush, roots, stumps (whether excavated or otherwise), or other combustible material in a dry season, and is prohibited from using fire or allowing fire to be burning or smoldering on such land in any such season. Any person or corporation who violates any of the foregoing provisions of this and the three preceding sections shall be deemed guilty of a misdemeanor, and, on conviction thereof, be punished for each offense by fine not less than fifty dollars nor more than one hundred dollars and costs of prosecution, or imprisonment in the county jail not less than thirty days nor more than ninety days. The person other than the forestry commissioner upon whose complaint a conviction is had for violation of any of the provisions of this chapter shall be entitled to one-half the fine recovered upon sentence therefor. ('09 c. 182 § 1)

**1787e. Duty of county attorney.**—Whenever an arrest shall have been made for violation of any of the provisions of this chapter, or whenever information of such violation shall have been lodged with him, the county attorney of the county in which the criminal act was committed shall prosecute the accused with all diligence and energy. If any such county attorney shall fail to comply with the provisions of this section, he shall be guilty of a malfeasance in office, and shall be removed therefrom, and be disqualified from holding the same for and during the remainder of the term for which he was elected or appointed, and shall forfeit not less than one hundred dollars nor more than five hundred dol-

lars, which amount may be recovered in an action against him personally or on his official bond. The penalties of this section shall apply to any magistrate with proper authority who refuses or neglects to cause the arrest and prosecution of any person or persons when complaint under oath of violations of any provisions of this act has been lodged with him. ('09 c. 182 § 1)

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## CHAPTER 23.

### REGULATION OF LABOR.

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#### BUREAU OF LABOR.

**1789-1797.** [Repealed.]

See section [1797—] 1, and note thereunder.

**[1797—]1. How constituted—Terms—Employees.**—The bureau of labor industries and commerce shall consist of a commissioner of labor, an assistant commissioner, and a statistician, and shall have its office in the capitol. The commissioner shall be appointed by the governor, by and with the advice and consent of the senate, for a term ending on the first Monday of January in the odd numbered year next ensuing. The other two members shall be appointed for like terms by the commissioner, but all the members shall hold office until their respective successors qualify. The commissioner shall also appoint, and at pleasure remove, three deputy commissioners, five factory inspectors, five assistant factory inspectors, and such other employés as may be necessary, and for whose compensation provision is made by law. Two of the said factory inspectors shall act as inspectors of railroads. The factory inspectors and the assistant factory inspectors must be persons possessed of practical experience and knowledge in and of the operation of factories, and the appointment of any not so qualified shall be void. The commissioner shall be the head of the bureau, and may assign any other member or employé thereof to any duty imposed thereon by law. ('07 c. 356 § 1)

**Historical.**—“An act creating the bureau of labor industries and commerce and to repeal sections 1789, 1790, 1791, 1792, 1793, 1794, 1795, 1796 and 1797, Revised Laws 1905.” Approved April 23, 1907.

Section 10 repeals R. L. §§ 1789-1797, and all other inconsistent acts.

See sections [1797—] 2, [1797—] 11, [1797—] 12.

**[1797—]2. Female inspector—Duties.**—The commissioner of labor is hereby authorized and directed to appoint, in addition to the other employés of his department, a competent woman as a special inspector, who shall have all the rights and powers possessed by the other inspectors in the bureau of labor, whose special duty it shall be to examine into the sanitary conditions in all factories, workshops, hotels or restaurants, and all places where women are employed, and report to the bureau any violations of the law, and the existence of any conditions or practices which detract from the general well being of the women so employed at any such places. The recommendations of said special inspector as to any new laws that may be necessary for the advancement of the interests of women laborers shall be reported by the commissioner of labor to the next legislature. ('07 c. 456)

**Historical.**—“An act to create the office of special inspector in the bureau of labor.” Approved April 25, 1907.

See section [1797—] 12.

**[1797—]3. Terms defined.**—The words “factory” and “mill,” as used in this chapter, shall mean any premises where water, steam,