

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
FRANCIS B. TIFFANY

ST. PAUL
WEST PUBLISHING CO.

1910

ing the biennial period next preceding the first day of such session. ('07 c. 267 § 5)

[1834—]6. **Advertising and disposal of public lands.**—The Minnesota state board of immigration shall, in addition to the performance of the duties hereinbefore described, co-operate, as far as practicable, with the state land commissioner, in and about the advertising and disposal of public lands. ('07 c. 267 § 6)

CHAPTER 24.

SOLDIERS' HOME, RELIEF, ETC.

1835. [Superseded in part.]

See section next following, and note thereunder.

[1835—]1. **Who may be admitted.**—The object of the Soldiers' Home shall be to provide a home for all honorably discharged ex-soldiers, sailors and marines, who served in the army or navy of the United States during the War of the Rebellion, or the Mexican war, or in the war begun in the year one thousand eight hundred and ninety-eight between the kingdom of Spain and the United States, who now are or may hereafter become citizens of the State of Minnesota, who, by reason of wounds, disease, old age or infirmities are unable to earn their living, and who have no adequate means of support. No applicant shall be admitted to the Soldiers' Home who has not been a resident of the State of Minnesota for one year next preceding the time of making his application, unless he served in a Minnesota regiment, or was accredited to the State of Minnesota. All persons who are otherwise entitled under the provisions of this section to admission to said Soldiers' Home, who actually served in any campaign against the Indians, in Minnesota, in the year one thousand eight hundred and sixty-two shall be entitled to admission to such Soldiers' Home, notwithstanding such persons were not regularly enlisted, mustered into or discharged from the military service of the United States. The board of trustees are hereby authorized to admit wives with their husbands, and the widows or mothers of those who are, or if living would be, eligible to admission under this act, but no wife or widow shall be admitted unless she shall have been married to her soldier husband prior to the year 1890, and no wife, widow or mother shall be admitted unless she shall be fifty-five years of age and shall have been a resident of the State of Minnesota not less than five years next preceding the date of her application. (Laws 1887, c. 148, § 3, as amended by Laws 1899, c. 166, § 1, and Laws 1905, c. 222, § 1.)

Historical.—“An act to amend section 3 of chapter 148 of the General Laws of 1887 as amended by section 1 of chapter 166 of the General Laws of 1899, permitting the admission of wives, widows and mothers of soldiers to the Soldiers' Home.” Approved April 17, 1905.

The acts mentioned in the title were repealed by R. L. §§ 5537, 5543; the provisions of said amended section 3 being incorporated in section 1835. So far as the amended section above set forth differs from said section 1835, it is to be construed, by virtue of section 5504, as amendatory or supplementary.

1836. Trustees—Bonds, etc.—Said trustees shall be appointed by the governor, with the consent of the senate, each for the term of six years, and until his successor qualifies. Vacancies shall be filled by like appointment for the unexpired terms. They shall receive no pay for their services, but the expenses necessarily incurred by them in the performance of their duties shall be paid by the state out of the moneys provided for the support of the home. Not more than four of the trustees shall be members of the same politi-

lects to notify such superintendent, he or they shall be barred from all future rights and privileges of such employment bureaus at the discretion of the commissioner of labor, to whom the superintendent shall report such neglect. ('07 c. 180 § 3)

[1827—]4. **Annual appropriation.**—There is hereby annually appropriated out of any money in the state treasury not otherwise appropriated, the sum of ten thousand dollars, or so much thereof as may be necessary to carry out the provisions of this act. ('07 c. 180 § 4)

BOARD OF IMMIGRATION.

[1834—]1. **Board created.**—A board to be known as the Minnesota state board of immigration is hereby created. ('07 c. 267 § 1)

Historical.—"An act to create a board of immigration and for the support of such board." Approved April 20, 1907.

[1834—]2. **How constituted — Terms — Compensation.**—The said board shall be composed of five members. The governor, auditor of state, and secretary of state, shall be ex-officio members. The other two members shall be chosen by the three ex-officio members aforesaid. The term of office of said appointed members shall be two years and until their respective successors shall have been duly chosen and qualified, and they shall serve without any compensation whatsoever. Each member of the board shall be a citizen of the United States of America, and a resident of the State of Minnesota and a qualified elector. The governor shall, ex-officio, be chairman of said board. ('07 c. 267 § 2)

[1834—]3. **Commissioner of immigration—Term—Compensation—Oath—Bond—Other agents.**—The said board of immigration shall appoint a qualified elector of this state to be the general executive agent of said board, and such agent shall be officially known and styled, commissioner of immigration. The said commissioner of immigration shall hold office during the pleasure of said board, shall receive such compensation as said board shall determine, and shall perform such functions as said board may designate. Before entrance upon the duties of his office, the commissioner of immigration shall make and subscribe an oath of office in the usual form and shall execute and deliver to the governor a bond to the State of Minnesota, in the sum of ten thousand dollars, with sufficient sureties, to be approved by said board, conditioned upon the honest and faithful performance of his duties as such commissioner. The said board shall also employ such other servants and agents as in the judgment of said board shall be necessary, and shall define the duties, terms of service and compensation of the persons so employed. ('07 c. 267 § 3)

[1834—]4. **Office.**—The Minnesota state board of immigration shall be provided with an office and suitable furniture and stationery at the expense of the state. ('07 c. 267 § 4)

[1834—]5. **Duties of board—Annual report.**—The duties of said board of immigration, so far as practicable, shall be to collect and arrange statistics and other information in reference to the lands and general and special resources of the State of Minnesota, and the advantages of this state as a place of residence; to spread knowledge of the same throughout the civilized world by correspondence, by messengers and public lectures and by all forms of legitimate advertising; to facilitate the immigration of such persons of good moral character as may desire a change of domicile, and to answer all inquiries from persons residing within or without the state, upon the subjects aforesaid. At each session of the state legislature, the board shall make a report of all its transactions dur-

cal party, and in the selection of trustees, officers of the home, and employes of the board, preference shall be given to honorably discharged soldiers, sailors and marines. Each trustee shall give a bond to the state in the penal sum of five thousand dollars, conditioned for the faithful discharge of his duties and the economical expenditure of the funds provided for hereunder. The trustee who shall be selected by the board as treasurer of the home shall give an additional bond to the state in such sum as may be designated by the board of trustees, conditioned that such treasurer shall account for and pay over, according to the directions of said board, all moneys or other property which may come into his possession with the consent of the inmates from the inmates of such home as such treasurer. The surety on such treasurer's bond may be any surety company that is authorized to contract as such by the laws of this state, and the cost thereof shall be paid out of the home support fund. (R. L. § 1836, as amended by Laws 1907, c. 326, § 1.)

1837. Officers, rules, etc.—The board shall appoint a secretary, and elect from its members a president, a treasurer of the home, and an executive committee of three. The same person may hold the positions of treasurer and president. The secretary shall record its transactions, and keep books, records and accounts, showing the administration of the soldiers' home and relief funds, and all facts of public interest relating to the home. He shall receive a salary not to exceed eighteen hundred dollars per year. The state treasurer shall be ex-officio the treasurer of the board. The board shall adopt and enforce rules for the government of the home, and proper by-laws for the conduct of its business and, with the approval of the governor, it may also make rules not inconsistent with this chapter, respecting the admission, maintenance and discharge of inmates, and the disbursements of the funds under its control. (R. L. § 1837, as amended by Laws 1907, c. 326, § 2.)

MISCELLANEOUS PROVISIONS.

1849. Peddler's license free.—No license fee or other charge shall be required of any honorably discharged soldier, sailor or marine who served the United States in the Civil war, or in the Spanish-American war, for the privilege of hawking or peddling goods and merchandise, not prohibited by law or ordinance, solely on his account. Upon application therefor, accompanied by proof of such discharge, to any clerk or other officer authorized to issue such license, the same shall forthwith be granted. Every violation hereof shall be deemed a misdemeanor, the minimum punishment whereof shall be a fine of ten dollars. (R. L. § 1849, as amended by Laws 1907, c. 393.)

[1849—]1. Preference in appointments.—That in every public department and upon all public works in the State of Minnesota, and the counties, cities and towns thereof, honorably discharged soldiers, sailors and marines from the army and navy of the United States in the late Civil War, who are citizens and residents of this state, shall be entitled to preference in appointments, employment and promotion over other persons of equal qualifications, and the persons thus preferred shall not be disqualified from holding any position hereinbefore mentioned on account of his age or by reason of any physical disability, provided such age or disability does not render him incompetent to perform properly the duties of the position applied for, and when such soldier, sailor or marine shall apply for appointment or employment under this act, the officer, board or person whose duty it is or may be to appoint or employ such person

to fill such position or place, shall, before appointing or employing any one to fill such position or place, make an investigation as to the qualifications of said soldier, sailor or marine for such place or position, and if he is a man of good moral character and can perform the duties of said position applied for by him, as hereinbefore provided, said officer, board or person shall appoint said sailor, marine or soldier to such position, place or employment. A refusal to allow the preference provided for in this and the next succeeding section to any honorably discharged soldier, sailor or marine, or a reduction of his compensation intended to bring about his resignation or discharge, entitles such honorably discharged soldier, sailor or marine to a right of action therefor in any court of competent jurisdiction for damages, and also a remedy for mandamus for righting the wrong. ('07 c. 263 § 1)

Historical.—"An act regulating appointments, employment and removals in public departments and upon public works in the state of Minnesota, and the counties, cities and towns thereof, relating to state, judicial, county, township, city and town officers." Approved April 19, 1907.

[1849—]2. **Same—Mandamus—Removals.**—Any person whose rights may be in any way prejudiced contrary to any of the provisions of this section shall be entitled to a writ of mandamus to remedy the wrong. No person holding a position by appointment, or employment in the State of Minnesota, or in the several counties, cities or towns thereof, who is an honorably discharged soldier, sailor or marine having served as such in the Union army or navy during the late Civil War, shall be removed from such position, or employment except for incompetency or misconduct shown after a hearing, upon due notice, upon stated charges, and with the right of such employee or appointee to review by writ of certiorari. The burden of proving incompetency or misconduct shall rest upon the party alleging the same. Nothing in this act shall be construed to apply to the position of private secretary or deputy of any official or department or to any person holding a strictly confidential relation to the appointing officer. ('07 c. 263 § 2)

1850. **Soldiers, when buried by the state.**—Each county board shall cause to be decently buried, at a cost to the state of not more than fifty dollars, the body of any soldier, sailor or marine who served the United States as such in the Civil or Spanish-American war, and of any person not a soldier who actually served in this state in the Indian war of 1862, and who dies within the county or is brought thereto for interment, and has not left sufficient means to defray the expenses of suitable burial. Such interment shall not be made in any place used exclusively for the burial of the pauper dead, and the relatives or comrades of the deceased, if they so desire, shall be permitted to conduct the burial services. (R. L. § 1850, as amended by Laws 1907, c. 129.)

See, also, section next following.

[1852—]1. **Sockets on graves.**—That the board of county commissioners in the several counties in (of) this state shall, upon the petition of any five reputable freeholders of any township or municipality in their county, procure for and furnish to said petitioners some suitable and appropriate metal socket for the grave of each and every soldier, sailor or marine who served with honor in the forces of the United States buried within the limits of said township or municipality, to be placed on the grave of such a soldier for the purpose of permanently marking and designating said grave for memorial purposes. ('09 c. 299 § 1)

Historical.—"An act to authorize county commissioners to erect sockets on soldiers' graves." Approved April 21, 1909.

[1852—]2. **Same—Petition to commissioners.**—That in all petitions to the county commissioners the petitioners shall state in said petition the names of soldiers buried and number of such graves in their said township or municipality at the time of petitioning. ('09 c. 299 § 2)

1853. Burial for insane ex-soldiers—Standing appropriation.

See section [1853—]1.

[1853—]1. **Burial fund, how disbursed.**—That the fund so appropriated shall be disbursed by the state auditor in the manner and under the conditions following, and not otherwise, viz: That as soon as the citizens or any number of them of any town in the state in which an insane hospital or asylum is located, shall have procured a suitable lot, or plot of ground of sufficient size near such hospital or asylum, and such plot of ground shall be deeded to some responsible person or persons in said town or vicinity in trust for the burial of the persons heretofore named, and shall file a copy of the deed conveying such plot of ground with the state auditor, and such officer shall be satisfied that the ground so selected and deeded is sufficient and suitable for such purpose he shall thereupon draw an order upon the state treasurer for the payment of the sum of five hundred dollars, payable to the Grand Army post, nearest such hospital or asylum, and such order shall be paid by said treasurer to the post quartermaster when endorsed by the commander of such post and by such quartermaster, and such fund shall be employed by such post in beautifying and caring for such ground, and in the erection of a suitable monument thereon; provided that a portion of such fund, not to exceed two hundred dollars may be used for the payment of a portion of the purchase price of such lot or plot of ground. Annual accounts of the disposition and condition of which said fund shall be furnished by the quartermaster of such post and filed in the office of said state auditor. Provided further, that it shall be no objection to said deed of trust if it shall also provide for the burial in said plot of ground of the bodies of indigent soldiers and sailors, their wives and widows as aforesaid who may die in the vicinity. (Laws 1901, c. 271, § 2, as amended by Laws 1905, c. 266, § 1.)

Historical.—“An act to amend section two of chapter two hundred and seventy-one of the Laws of Minnesota for the year nineteen hundred and one; relating to a burial place for indigent and insane soldiers and sailors who may die in any of the hospitals or asylums for the insane of this state.” Approved April 18, 1905.

Laws 1901, c. 271, was repealed by R. L. § 5544; the provisions of said section 2 being incorporated in sections 1853, 1854. So far as the amended section above set forth differs from the Revised Laws, it is to be construed, by virtue of section 5504, as amendatory or supplementary.

1854. Same—Duty of superintendent, etc.

See section [1853—]1.

[1854—]1. **Certificates to veterans.**—Upon the application to him, subject to the conditions and requirements hereinafter contained, by any person who served in any military organization, mustered in from the state of Minnesota during the Civil War and who served not less than one year in the field during such war, the adjutant general shall prepare and deliver to such applicant a “certificate of military service.” Such certificate shall recite the company, regiment or organization served in, rank or ranks held by applicant, campaigns and battles engaged in, full time of service, and such other details in regard to the service of the applicant as may be by said adjutant general deemed advisable. The military certificate herein provided for shall be signed by the governor of the state of Minnesota and shall be attested by the adjutant

§ [1854—]1

SOLDIERS' HOME.

(Ch. 24

general, who shall affix the seal of his office thereto. ('09 c. 193 § 1)

Historical.—"An act providing for the preparation and issuance of certificates of military service to Minnesota veterans of the Civil War, and appropriating money therefor." Approved April 14, 1909.

Section 4 makes an appropriation to carry out the provisions of the act.

[1854—]2. **Same—How prepared.**—The certificates herein provided for shall be appropriately lithographed or engraved and the form thereof shall be prepared by the adjutant general with the advice of a committee of veterans of Minnesota regiments of the Civil War; such committee to be appointed by the adjutant general and to serve without compensation. ('09 c. 193 § 2)

[1854—]3. **Same—Application for certificate.**—Any person entitled to and desiring such certificate shall make application in writing to the adjutant general in the form of an affidavit, setting forth the company or military organization served in, rank or ranks, length of service, date of enlistment and discharge, campaigns and battles engaged in, and such application shall also conform to such rules and requirements as the adjutant general may prescribe. A near relative of any deceased veteran of such Minnesota military organization shall be entitled to receive a certificate of military service of such deceased soldier, provided such soldier, if living, would have been entitled thereto. ('09 c. 193 § 3)

[1855—]1. **Quarters for meetings of Grand Army, etc.**—That the governor of this state, or any other legal custodian, or custodians, of the public buildings within the state, shall have authority, whenever not inconsistent with the public interests, to set aside any portion of the old capitol building or of other public buildings for the use and occupation as quarters and places for holding their stated or special meetings or assemblies, to all posts of the Grand Army of the Republic, commanderies of the Loyal Legion, camps or posts of veterans of the Philippine or Spanish-American wars, and any other post, commandery, camp or association, local or state, of veterans of any war in which the United States has been engaged, which may be organized in the city, town or county in which said building or buildings may be situated. Provided, however, that upon twenty days' written notice, duly served upon the proper officer or officers of any said organizations, by the governor or any other legal custodian, or custodians, that said public buildings, rooms or quarters are required for public use, the same shall be promptly and quietly vacated. ('05 c. 37 § 1).

Historical.—"An act to provide quarters for the posts of the Grand Army of the Republic and other associations and organizations of veteran soldiers." Approved March 14, 1905.

[1855—]2. **Same—Equal rights, etc.**—That such organization shall have the equal and free use of all such quarters, under such rules and regulations and upon such conditions as may be prescribed by said governor or by such custodian or custodians; provided that all reasonable and proper facilities, so far as possible, shall at all times be furnished therein by any local post, commandery, camp or association, which may occupy the same, for any state or national gathering of war veterans. ('05 c. 37 § 2)

[1855—]3. **Same—How maintained.**—That such quarters shall be furnished and maintained at the expense of the organizations aforesaid which may occupy them under the provisions of this act. Provided, that if the buildings in which such quarters are assigned is heated and lighted at the public expense, said quarters shall be so heated and lighted without cost to said organizations. ('05 c. 37 § 3)

Ch. 25) BOARD OF CONTROL AND CHARITIES UNDER IT. § [1878—]1

[1857—]1. Pensions for soldiers disabled in Indian massacre.— Any and all persons, citizens and residents of the state of Minnesota, who rendered active service, bore arms, or otherwise rendered efficient aid and suffered any disabilities in the Indian massacre of 1862, from August 15th to September 15th, in the year 1862, according to the reports and files of the adjutant general's office in this state, or upon due proof of service as aforesaid shall be and is hereby declared to be entitled to a pension of not to exceed twelve dollars per month from the first day of January, 1905, during their natural lives, and upon their decease the said pension, if granted, and the right to make proof of such claim for pension and secure the same shall descend, and be payable to the widow of such decedent whose marital relation has existed since the year 1885. (Laws 1905, c. 315, § 1, as amended by Laws 1909, c. 459, § 1.)

Historical.—"An act to amend chapter 315 of the General Laws of the State of Minnesota for the year 1905, being an act to pension citizen soldiers of Minnesota who participated in the Indian massacre of 1862." Approved April 23, 1909.

[1857—]2. Same—Proof—Payment.—Such proof thereof as may be required by the adjutant general of the State of Minnesota shall be presented to him, and upon his approval and certificate declaring such person to be entitled to a pension under this act, the state auditor shall draw orders for the payment of such pension, which orders shall be paid by the state treasurer of this state, from and out of any moneys not otherwise appropriated. ('05 c. 315 § 2)

[1857—]3. Same—Persons not affected.—This act shall not apply to or affect persons drawing relief by pension or otherwise from the United States or the State of Minnesota. ('05 c. 315 § 3)

CHAPTER 25.

BOARD OF CONTROL AND CHARITIES UNDER ITS EXECUTIVE MANAGEMENT.

THE BOARD.

1862. [Repealed in part.]

See section [1484—]26 and note thereunder.

[1878—]1. Supervision over paroled patients—State agents.— The state board of control, so far as possible, shall exercise supervision over paroled patients of the state hospitals and asylums for the insane and of the school for feeble-minded and colony for epileptics, and, when deemed necessary for that purpose, may appoint one or more state agents and fix salary. It may also appoint suitable persons in any part of the state for the same purpose. Every such agent or person shall perform such duties as the board may prescribe in behalf or in supervision of patients paroled from any hospital or asylum for the insane in the state and from the school for feeble-minded and colony for epileptics, including assistance in obtaining employment and the return of paroled patients when necessary. Such agents and such persons shall hold office at the will of the board, and the persons so appointed shall be paid a reasonable compensation for the services actually performed by them. Each shall be paid from the current expense fund of the institutions for the benefit of which they were appointed in pro-