

GENERAL STATUTES

OF

MINNESOTA

1913

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attorney of any county in which the violation occurs, shall forthwith institute the proper legal proceedings for the enforcement of the provisions of this section and for the punishment of the violation thereof. ('13 c. 490 § 4)

CHAPTER 22

FORESTRY AND FOREST FIRES

3783. State forestry board, how constituted—There shall be a state forestry board, of nine members, composed of the director of the forestry school and the dean of the agricultural college of the University of Minnesota, and seven others appointed by the governor, for a term of four years and until their successors qualify. Two of said members shall be appointed upon the recommendation of the regents of the university () and one shall be appointed upon the recommendation of each of the following bodies: The state agricultural society, the state horticultural society, and the state game and fish commission—provided suitable persons be recommended by them to the governor not later than January 31st, of the year in which such terms expire. All vacancies shall be filled the same as the original appointments. The members now in office shall hold through the terms for which they were respectively appointed. So far as practicable, all such appointees shall be appointed with reference to their knowledge of, and interest in, the planting and cultivation of trees in prairie regions, the preservation of natural forests, the reforestation of denuded lands, and the protection of the sources of streams. ('11 c. 125 § 1, amended '13 c. 159 § 1)

This act supersedes 1907 c. 171. See § 3810.

As to salaries, see § 294.

3784. Secretary—The state forestry board shall appoint a secretary at a salary not to exceed eighteen hundred (1800) dollars per annum, whose duties shall be prescribed by the board. ('11 c. 125 § 2)

See § 294.

3785. Powers and duties of board—Annual report—The board shall have the management of the forest reserves and of all other property acquired therefor, supervise all matters of forest protection and reforestation and have charge of all moneys appropriated therefor or accruing therefrom, including the forest reserve fund and the forest service fund. It shall ascertain and observe the best methods of reforestation of cut-over and denuded lands, foresting waste and prairie lands, preventing destruction of forests and lands by fire, administering forests on forestry principles, encouraging private owners to preserve and grow timber for commercial purposes, and conserving the forests around the head waters of streams and on the watersheds of the state, and shall collect information regarding the timber lands owned by the state. On or before the first Monday in December of each year the board shall report its doings, conclusions and recommendations, and any damage caused by forest and prairie fires and any trespassing upon state lands to the governor, which report shall be printed and distributed to the members of the legislature and otherwise as the board may direct. ('11 c. 125 § 3)

See § 5379 et seq.

3786. State forester—Salary and expenses—Powers and duties—The board shall elect a president and vice-president annually. It may appoint an executive committee on which it may confer authority to act for it in minor details which cannot conveniently be acted upon by the board. The board shall appoint a state forester who shall be a trained forester, at a salary not to exceed four thousand (4,000) dollars per annum, and he shall be allowed necessary traveling and field expenses incurred in the conduct of his official duties. The office of the state forester shall be at the state capitol and the board is hereby authorized to employ such office assistants as may be necessary and to fix their compensation. The state forester, with the approval of the state forestry board, may appoint an assistant forester and such other employees, outside of the office assistants, as may be necessary in carrying out the provisions of this act and fix the amount of their compensation; and the state forester shall have the power to remove any such subordinate offi-

cers and employees so appointed by him. He shall be authorized under the direction and approval of the state forestry board to purchase all necessary equipment, instruments and field supplies. A full and accurate account of all receipts and expenditures incurred in the carrying out of the provisions of this act, with such vouchers and forms as may be recommended by the state public examiner, shall be kept in a system of books prescribed by such examiner. The state forester shall execute all rules and regulations issued by the state forestry board pertaining to forestry and forest protection within the jurisdiction of the state; shall investigate the origin of all forest fires, and prosecute all violators of this act; shall prepare and print for public distribution an abstract of the forest fire laws of Minnesota, together with such rules and regulations as may be formulated by the state forestry board. He shall prepare printed notices calling attention to the dangers from forest fires and cause them to be posted in conspicuous places, and shall furnish same to the railroad companies whose duty it shall be to post them in such places as he may direct. ('11 c. 125 § 4)

As to salaries, see § 294.

3787. Other duties of forester—Annual report—The state forester shall become familiar with the location and area of all state timber and cut-over lands and prepare maps of forest reserves and each of the timbered counties showing the state lands therein, and shall supply such maps to the district rangers, to the officials of the state and counties requiring them, and in all ways that are practical and feasible shall protect such lands from fire and the illegal cutting of timber; he shall report from time to time to the board, such information as may be of benefit to the state in the care and management of its timber. It shall be his duty to inquire into the extent, kind, value and condition of all timber lands; the amount of acres and value of timber that is cut or burned, and he shall also report the quantity and species of second-growth timber, and shall not later than the first of December of each year make a written report to the state forestry board upon all such data ascertained by him, and shall recommend therein plans for improving the state system of forest protection, management and reforestation. ('11 c. 125 § 5)

3788. To co-operate with auditor and departments—The state forester shall co-operate with the state auditor and with the several departments of the state and federal governments, or with counties, towns, corporations, and individuals, in the preparation of plans for forest protection, management, replacement of trees, wood lots, and timber tracts, using his influence as time will permit toward the establishment of scientific forestry principles in the management and protection of the forest resources of the state. ('11 c. 125 § 6)

3789. To co-operate with highway commission—The state forester shall also co-operate with the state highway commission and with the supervising officers of the various towns and villages in the construction of fire-breaks along section lines and public highways. ('11 c. 125 § 7)

3790. Education in forestry—The state forester may advance, as he deems wise, education in forestry within the state by publications and lectures, and upon the invitation of the director of the college of forestry of the University of Minnesota may co-operate with the said college so far as his time will permit, and such college shall furnish such aid to him as in the circumstances is consistent with its own proper functions. ('11 c. 125 § 8)

3791. Forester to audit bills, etc.—It shall be the duty of the state forester to audit and inspect all bills for salary and expenses incurred by the district rangers and by fire patrolmen for the suppression, checking and control of fires and recommend to the forestry board the amounts justly due and which should be paid. ('11 c. 125 § 9)

3792. To establish patrol districts—As soon as practicable after this act shall take effect, the state forester may, with the approval of the state forestry board, create and establish patrol districts, including all lands of both state and private ownership, upon which there is a probability of forest and

brush fires starting, and establish rangers over the said districts. ('11 c. 125 § 10)

3793. District rangers—Powers and duties—Under the direction of the state forester, the district rangers are charged with preventing and extinguishing forest fires in their respective districts, and the performance of such other duties as may be required by the state forester.

They may arrest without warrant any person found violating any provisions of this chapter, take him before a magistrate and there make complaint. When the district rangers shall have information that such violation has been committed, they shall, without delay, make similar complaint, and have the same prosecuted. The district rangers shall not be liable for civil action for trespass committed in the discharge of their duties. ('11 c. 125 § 11)

3794. Fire patrolmen—Duties and powers—Summoning assistance—Penalty for failure to assist—At any time district rangers, with the approval of the state forester, may employ suitable persons to be known as fire patrolmen permanently to remain upon and patrol such territory, state or private, as may be assigned to them as long as may be required to prevent and extinguish any fire. Each such patrolman so employed shall be supplied with the necessary equipment. The state forester, and the district ranger may, and, if they are absent and fires are actually burning in the forest, the fire patrolmen may, summon any male person of the age of 18 years and upwards to assist in stopping the fire, and may incur any other necessary and reasonable expense for the same purpose, but shall promptly report the same to the district ranger.

Any person summoned by any official, of the state who is physically able and refuses to assist shall be guilty of a misdemeanor and shall be punishable by a fine of not less than \$5.00 and not more than \$25.00. ('11 c. 125 § 12)

3795. Railroad companies to provide patrolmen, etc.—Violation a misdemeanor, etc.—When in the judgment of the state forester there is danger of the setting and spreading of fires from locomotive engines, he shall order any railroad company to provide patrolmen to follow each train throughout such fire patrol district or districts as he deems necessary to prevent fires. When the state forester has given a railroad company notice to provide such patrol after trains, the said railroad company shall immediately comply with such instructions throughout the territory designated; and upon its failure so to do, the state forester may employ patrolmen with the necessary equipment to patrol the rights-of-way of said railroad, and the expense of the same shall be charged to the said railroad company, and may be recovered in a civil action in the name of the state of Minnesota, and in addition thereto, the said company shall be guilty of a misdemeanor.

The state forester may prescribe such other measures which are considered by him to be essential for the immediate control of fire.

It is also made the duty of any railroad company, acting independently of such state forester, to patrol its right-of-way after the passage of each train when necessary to prevent the spread of fires and to use the highest degree of diligence to prevent the setting and spread of fire, to cause the extinguishment of fires set by locomotives or found existing upon their respective rights-of-way, and for any violation hereof such railroad company, its officers and patrolmen shall be guilty of a misdemeanor, and be punished by a fine of not less than fifty dollars (\$50.00), nor more than one hundred dollars (\$100.00) and costs, and in addition thereto such railroad company shall be liable for all expenses and damages caused or permitted by it to be recovered in civil action. ('11 c. 125 § 13, amended '13 c. 159 § 2)

3796. Locomotives to have ash pans and spark arresters—Record—Powers of locomotive inspector—Duties of railroad companies, owners, etc.—Penalties—Every company operating a railroad for any purpose shall equip and use upon each locomotive engine a practical and efficient ash pan and spark arresting device, which the master mechanic shall cause to be examined and the same shall be examined by the master mechanic or some employee each time before leaving the roundhouse, except when snow is on the

ground. A record shall be kept of such examinations in a book to be furnished by the railroad company for the purpose, showing:

1. The place and number of each engine inspected.
2. The date and hour of day of such inspection.
3. The condition of the said fire protective appliance and arrangements; and

4. A record of repairs made to any of the fire protective appliances. The said book to be open for inspection by the state forester or other authorized officer appointed by him.

The master mechanic or employee making such examination shall be held responsible for the good condition of the same, but without relieving the company from its responsibility hereunder. Any locomotive inspector appointed by the state forester is authorized to inspect any locomotive, donkey, traction or portable engine and all other engines and boilers operated in the vicinity of forest, brush or grass lands, and to enter upon any property for such purpose or where he may deem it necessary in order to see that all the provisions of this act are duly complied with.

Every such company shall keep its right-of-way clear of combustible materials, logs, poles, lumber and wood, except ties, material for shipment, and other material necessary for the maintenance and operation of the road, from March 15th to December 1st. During particularly dry and dangerous periods the state forester may prohibit any and all burning along part or all of railroad right-of-way for a definite period.

Every railroad company shall establish and maintain such firebreaks along the route of its railway as can be constructed and maintained at not excessive expense. The intention shall be to adjust the protective measures to the local conditions, and to make the expense proportionate to the fire risk and the possible damage.

Except when snow is on the ground, no donkey, traction or portable engine or other engines and boilers except locomotives shall be operated in the vicinity of forest, brush or grass lands, which do not burn oil as fuel, except they be provided with a practical and efficient ash-pan and spark arresting device.

No company shall permit any of its employees to leave a deposit of fire, live coals or ashes in the immediate vicinity of wood land or lands liable to be overrun by fire, and every engineer, conductor or trainman discovering a fire adjacent to the track shall report the same promptly to the agent at the first telegraph or telephone station reached by him, whose duty it shall be as representative of such company to at once take necessary steps to put out such fire.

Every such company shall give its employees particular instructions for the prevention and extinguishment of fires, and shall cause warning placards such as are approved by the state forester, to be conspicuously posted at every station in the vicinity of forest, brush and grass lands, and when a fire occurs on the right-of-way of its road, shall immediately concentrate such help and adopt such measures as shall be available for its extinguishment.

Every railroad company shall make such reports to the state forester as are deemed necessary by him of fires occurring on or adjacent to their respective rights-of-way.

Whenever any combustible material shall be left in the proximity of any railroad, either without proper fire protection or so as to constitute a fire menace to other property, it shall be the duty of the owner of such material, upon being notified in writing by the state forester or any forest ranger as to the nature and extent of the protection required, to forthwith comply with all the terms of such notice so as to properly protect or remove such material.

Any company or corporation violating any provision of this section shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not less than fifty dollars (\$50.00) and not exceeding one hundred dollars (\$100.00) and costs of prosecution for each offense, and any railroad employee or other individual violating the same shall be guilty of a misdemeanor, and shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) and costs of prosecution.

tion, or by imprisonment in the county jail not exceeding ninety (90) days. ('11 c. 125 § 14, amended '13 c. 159 § 3)

3797. Disposition of slashings, etc.—Penalties—Power of forester—Expenses a lien, etc.—Where and whenever in the judgment of the state forester or district ranger there is or may be danger of starting and spreading of fires from slashings and debris from the cutting of timber of any kind and for any purpose, the state forester or district ranger shall order the individual, firm or corporation, by whom the said timber has been or is being cut, () to dispose of the slashings and debris as he may direct. Where conditions do not permit the burning of the slashings and debris over the entire area so covered, the state forester may require the person, firm or corporation by whom the timber was cut, to dispose of such slashings and debris in such a way as to establish a safe fire line around the area requiring such protection, the said fire line to be of a width and of a character satisfactory to the state forester.

When any person, firm or corporation, shall have been notified by the state forester or district rangers to dispose of slashings and debris, either by entirely consuming the same or establishing a fire line sufficient for the protection of adjoining property, and fails to comply with such instructions, the said person, firm or corporation, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine of not less than fifty dollars (\$50.00) and not exceeding one hundred dollars (\$100.00) and costs of prosecution for each violation thereof or failure to comply therewith.

When any such () slashings or debris are left unattended contrary to the instructions of the state forester or district ranger, the state forester, the district ranger or patrolman may go upon the premises with such force of men as may be necessary and burn such branches, slashings and debris, and the expense thereof shall be a lien upon the land on which they are situated and also upon the logs and other timber products cut upon said land, and enforced as liens are enforced for the improvement of real estate or personal property. An itemized statement duly verified by the oath of the state forester or district ranger of the amount of the costs of burning or otherwise disposing of such branches, slashings and debris, shall be filed in the office of the register of deeds of the county in which said timber was cut, and also in the office of the surveyor general of logs and lumber of the district in which said cutting was done, and the expense of burning or otherwise disposing of such branches, slashings and debris shall be a prima facie valid claim that may be collected from the person, firm or corporation who cut the wood or timber from which the said slashings and debris were made. Any moneys collected on account of such liens shall be paid into the state treasury and credited to the forest service fund. ('11 c. 125 § 15, amended '13 c. 159 § 4)

3798. Slashings, etc., how disposed of in certain cases—Duties of contractors, etc.—Penalties—Any person or corporation who cuts or fells trees or bushes of any kind in clearing land for roadbed or right-of-way for any railroad, highway or trail shall in the manner and at the time as above prescribed burn the slashings and all combustible material except fuel and merchantable timber.

Any person or corporation who cuts or fells trees or bushes of any kind in clearing land for agricultural or pasturage purposes, or who in any way clears land, is prohibited from setting fire to the slashings, brush, roots or excavated stumps or other combustible material on such land and letting the fire run; the material must be disposed of pursuant to the regulations of the state forester.

Any contractor who enters into a contract for the construction of a public road, and which contract involves the cutting or grubbing of woods, standing timber, or brush from any part of the right-of-way of such road, shall pile all the slashings and debris cut or grubbed from the roadbed or right-of-way in the middle of such right-of-way, and shall burn and dispose of such slash and debris without damage to adjoining timber or woods, which burning shall be done in a manner and at a time satisfactory to the state forester; provided, however, that the foregoing provision shall not prevent the leaving

of such trees along roads as will be useful for ornamental and shade purposes, and which will not interfere with travel.

Every contract made by or on behalf of any town or county board, which involves the cutting of any timber on the right-of-way of a public highway, shall provide in terms for compliance with the foregoing provision, but that the failure to include such provision in the contract shall not relieve said contractor from the duty to burn and dispose of said slashings as aforesaid. No town or county officer shall execute any such contract on behalf of his town or county which does not provide in terms for compliance with the provisions of this section.

Any person who shall violate any of the provisions of this section shall be deemed guilty of a misdemeanor, and on conviction thereof, be punished by a fine of not less than twenty-five dollars (\$25.00), nor more than one hundred dollars (\$100.00), or by imprisonment in the county jail for not less than twenty (20) days nor more than ninety (90) days. ('11 c. 125 § 16, amended '13 c. 159 § 5)

3799. Pay for fighting fires—Emergency expenses—The wages and expenses of men summoned or employed to fight forest fires actually burning, shall be fixed and paid for by the state forester and the labor reckoned and paid for by the hours of labor performed, which shall not exceed the rate of 25 cents per hour employed; provided no pay shall be given for fighting fire within one mile of the residence of such person unless employed by the state forester or his assistants. The forestry board is authorized to draw out of the money appropriated by this act a reasonable sum, not to exceed five thousand (5,000) dollars at any one time, from the state treasurer and place the same in the hands of the state forester to be used by him in paying emergency expenses, and the state auditor is authorized to draw his warrant for such sum when duly approved by the president and secretary of said board. The state forester shall take proper sub-vouchers or receipts from all persons to whom such funds are paid and after the same have been approved by the state forestry board, they shall be filed with the state auditor. ('11 c. 125 § 17)

3800. Certain offenses and penalties—Every employé of the state forestry board 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, brush 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 twenty-five dollars and not exceeding one hundred dollars and costs of prosecution, or by imprisonment in the county jail not less than ten days and not exceeding ninety days. ('11 c. 125 § 18)

3801. Duties of villages and cities—Fire-breaks—Penalties—All villages and cities in the state situated in the timber area are hereby authorized, and all such municipalities where the same is possible so to do are hereby directed, to clear off all combustible material and debris and create at least two good and sufficient fire-breaks of not less than ten feet in width each, which shall completely encircle such municipalities at a distance of not less than twenty rods apart, between which back-fires may be set or a stand made to fight forest fires in cases of emergency.

It is hereby made the duty of the district rangers to report to the state forester any failure to comply with the provisions of this section or any violation of this act and any failure so to do shall be punished by a fine of not less than twenty-five dollars, nor more than one hundred dollars. ('11 c. 125 § 19)

3802. Duties of road overseers—Camp fires—Every road overseer or assistant of a road overseer or other local officer having charge of the highway, who finds that any person has left a camp fire burning in his district, shall extinguish the same, and take prompt measures to prosecute the person or persons who so left such fire. ('11 c. 125 § 20)

3803. Starting and extinguishing fires—Every person who, when the ground is not covered with snow, starts a fire for any purpose not hereinafter specified in this act, in the vicinity of forest or prairie land, 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 and other combustible material within a radius of ten feet from the fire, and shall carefully extinguish the fire before quitting the place. ('11 c. 125 § 21)

3804. Evidence of negligence—Whoever under any circumstances sets fire must exercise care and precaution in proportion to the danger.

Whenever a fire set by any person or corporation spreads to and destroys property belonging to another, it shall be prima facie evidence that the party so setting such fire is guilty of negligence in setting the same and allowing it to spread. ('11 c. 125 § 22)

3805. Appeals from justice—Duty of county attorney—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 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 execution, and furnish a copy of the same to the state forester.

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 offense was committed shall prosecute the accused with all diligence and energy. ('11 c. 125 § 23, amended '13 c. 159 § 6)

3806. Towns, villages and cities—Officers as wardens—Tax for "fire fund"—The state forester may appoint supervisors, constables and clerks of towns, mayors of cities and presidents of village councils, fire wardens for their respective districts, and it is hereby made their duty to do all things necessary to protect the property of such municipalities from fire and to extinguish the same.

All towns, villages and cities are hereby authorized and directed to take necessary precautions to prevent the starting and spreading of forest or prairie fires and to extinguish the same and are hereby further authorized to annually levy a tax of not more than five mills upon the taxable property of such municipalities, which, when collected, shall be known as the "Fire Fund" which shall be used in paying all necessary and incidental expenses incurred in enforcing the provisions of this act.

In all townships constituted within any of the forest patrol districts which may be established by the state forestry board, the respective town and village officers shall co-operate as far as possible with and act under the general supervision and direction of the state forestry officers. ('11 c. 125 § 24)

3807. Disposition of fines—All moneys received as penalties for violations of the provisions of this act, less the cost of collection and not otherwise provided for, shall be paid into the treasury of the county in which the

penalties for said violation of the provisions of this act were imposed; provided, however, that fines collected for violations of this act, where prosecutions are instituted upon the complaint of township, city or village officers, duly appointed by the state forester as fire wardens, shall be paid into the treasury of the township, city or village where the offense was committed, to be credited to the "fire fund" of such township, city or village. ('11 c. 125 § 25, amended '13 c. 159 § 7)

3808. Appropriation—Claims, how paid—There is hereby appropriated from the general revenue funds of the state out of any moneys not otherwise appropriated the sum of \$15,000 for the fiscal year ending July 31, 1911, \$75,000 for the fiscal year ending July 31, 1912, and \$75,000, for the fiscal year ending July 31, 1913, which shall be credited to the forest service to be used therefor as provided in this act. The manner of presenting claims to the state auditor and payment of the same shall, so far as practicable, be in accordance with chapter ninety-six (96) of the General Laws of Minnesota for 1905. Itemized vouchers of all expenses shall be approved as directed by the forestry board. ('11 c. 125 § 26)

For 1905 c. 96 see §§ 68-70.

3809. Meaning of "board"—Whenever the word "board" is mentioned or referred to in the forestry laws of the state of Minnesota it shall mean the state forestry board herein created. ('11 c. 125 § 27)

3810. Laws repealed—Chapter 22, Revised Laws, 1905 and sections 2505, 2506, 2507, 2508, 2510 and 2515 Revised Laws, 1905; chapters 82 and 310 of the General Laws of Minnesota for 1905; chapter 182 of the General Laws of Minnesota for 1909 and all acts and parts of acts inconsistent with this act are hereby repealed. ('11 c. 125 § 28)

3811. Legalizing payments for aid of fire sufferers—That in all cases where the officers of any city or the county board of any county in this state have heretofore, by resolution of the city or common council of any such city or the county board of any such county, in good faith authorized the payment and have paid out public moneys for the purpose of aiding the sufferers from forest fires in northern Minnesota in the year 1910, such payments are hereby in all respects validated and legalized. ('11 c. 7 § 1)

CHAPTER 23

REGULATION OF LABOR

DEPARTMENT OF LABOR AND INDUSTRIES

3812. How constituted—Terms—Employees—The department of labor and industries shall consist of a bureau of statistics, a bureau of factory inspection, a bureau of women and children and a bureau of state free employment, and its officers shall consist of a commissioner of labor, an assistant commissioner of labor, a chief statistician and a woman superintendent of the bureau of women and children, and the department shall have its office in the state capitol.

There shall also be appointed one statistician, three deputy labor commissioners, an elevator inspector, a railroad inspector, five male factory inspectors, four male assistant factory inspectors, four female inspectors for the bureau of women and children, five local managers of employment offices, four assistant managers of employment offices, three stenographers, one of whom shall be assigned to the bureau of women and children, and three clerks. The commissioner may also employ when necessary an experienced architect, and a competent physician, regularly practicing under the laws of this state, and such other help as the department may require. ('13 c. 518 § 1)

"An act creating the department of labor and industries, and providing for a board of examiners to govern appointments therein, and to repeal sections 1789, 1790, 1791, 1792, 1793, 1794, 1795, 1796 and 1797, Revised Laws of 1905, chapter 356, General Laws of 1907, chapter